



City of Elkins

Rules and Ordinances Committee Meeting

December 9, 2024

3:30 PM

Phil Gainer Community Center
142 Robert E Lee Ave. Ext.

Charter Authority of the Rules & Ordinances Committee: Consider and propose to Council new and amended ordinances, rules, and policies.

AGENDA

1. **Call to order and roll call**
2. **Public comment**
3. **Minutes**
 - a. Proposed minutes for the meeting of November 4, 2024
4. **New business**
 - a. Floodplain Ordinance Changes
 - b. Review of city laws concerning skateboards and similar vehicles
5. **Announcements**
6. **Adjournment**



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	December 9, 2024
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of November 4, 2024
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	1. Rules and Ordinances Committee - 2024_11_04 - minutes_proposed

**RULES AND ORDINANCES COMMITTEE
REGULAR MEETING
MINUTES**

*Phil Gainer Community Center
142 Robert E. Lee Ave. Ext.
November 4, 2024
3:30 p.m.*

Present were members C. Lowther (Chair), A. Carroll, and L. Severino.

Also present were: Jerry Marco (mayor), Mike Kesecker (operations manager), Gerry Roberts (city attorney), Tracy Judy (treasurer), Steve Himes (fire chief), Travis Bennett (police chief), J. Deighan (communications), and Sutton Stokes (city clerk).

MINUTES

Severino **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 14, 2024.** The motion carried.

NEW BUSINESS

Carroll **MOVED RECOMMENDING COUNCIL APPROVAL OF A 24-HOUR LIMIT AND A REQUIREMENT THAT ALL VEHICLES BE IN COMPLIANCE WITH ALL APPLICABLE LAWS, RULES, AND REGULATIONS WHEN PARKING IN THE CITY HALL PARKING LOT.** The Police Chief will work with the Admin Team to prepare a list of rules to present to Council. The motion carried.

The committee discussed options for a parking permit program for downtown residents. No action was taken.

The meeting adjourned at 4:27 p.m.

Name & Title

Signature



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	December 9, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Floodplain Ordinance Changes
Recommended By:	Floodplain Manager & City Attorney
Summary:	FEMA has recommended certain changes to the city's Floodplain Ordinance and related rules and procedures. Please see attached memo from Jessie Wagler (Floodplain Manager) for more information.
Fiscal Impact:	n/a
Recommendation:	Consider for recommendation to council
Attachments:	<ol style="list-style-type: none"> 1. Memo sdsi procedures 2. SDSI Procedures 3. SI Determination Letter 4. Non-substantial Damage Letter 5. SD Determination Letter

Memo

To: Rules & Ordinances Committee

From: Jessie Wagler, Floodplain Administrator

Date: November 1, 2024

Re: Proposed Adoption of Administrative Procedure for Review of Substantial Improvement and Substantial Damage

The City of Elkins had a Community Assistance Visit (CAV) from FEMA on May 27, 2024. As a result of this CAV FEMA suggested that the City of Elkins develop a written procedure for the review of Substantial Improvement and Substantial Damage in order for costs/damages to be credibly and consistently identified. Having this procedure in place will ensure that we are meeting expectations of the National Flood Insurance Program that we participate in as a community.

Included you will find:

- the CAV results stating the suggestion that the City of Elkins should adopt these procedures.
- Substantial Damage & Substantial Improvement Procedures
- A template for a Substantial Damage Determination Letter
- A template for a Non-Substantial Damage Determination Letter
- A template for a Substantial Improvement Determination Letter

The Mayor, Mike Kesecker, Gerry Roberts, and Josh Lippert (FEMA Floodplain Management Section Supervisor: Compliance| Mitigation | Region 3) Have all reviewed and approved of the documents included.

Proposed Committee Action: Recommend that Council adopt the documents as a formal procedure via a resolution.



CITY OF ELKINS

Floodplain Administrator

Jessie Wagler

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 (304) 636-1414 Ext.1432
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SUBSTANTIAL IMPROVEMENT/SUBSTANTIAL DAMAGE ADMINISTRATIVE PROCEDURES FOR DEVELOPMENT IN THE SPECIAL FLOOD HAZARD AREA

I. Purpose and Use

The purpose of this document is to establish and administer a systematic process for the City of Elkins to make Substantial Improvement/Substantial Damage (SI/SD) determinations. Communities that participate in the National Flood Insurance Program (NFIP) are required to adopt and enforce floodplain management regulations that include those requirements for SI/SD structures, as defined in 44 CFR 59.1.

Improvements to structures in the regulated floodplain that equal or exceed 50% of the market value, including improvements undertaken after being substantially damaged during a disaster, must be brought into compliance with current local floodplain management regulations and cannot be rebuilt to pre-damage conditions. City officials must ensure that all permits issued for reconstruction must be in compliance with local, state, and federal regulations.

This document provides a set of standard operating procedures in one accessible location so the community will be more fully informed and prepared when a disaster strikes. This systematic process includes plans, procedures, and processes for actions taken pre-disaster as well as immediately following a disaster event, and post-disaster closure.

This document serves as a blueprint to be used in both day-to-day SI/SD operations as well as all disaster events, to include all types of hazards (flooding, wind, fire, etc.), small and large events, and presidential-declared or non-declared events. This plan is based on a model provided and required by FEMA.

II. Regulations

SI/SD structures in the City of Elkins are defined and regulated according to the following regulations and legislation. These should be referenced to determine the definition of SI/SD and any legal requirements pertaining to post-disaster permitting.

Title of Regulation(s)	Document	Department Contact	Effective Date
2018 IBC: 104.2.1 2018 IRC: R105.3.1	City of Elkins Building Code	Building Inspector (304)636-1414 ext. 1432	State 8/01/2022 City 8/01/2022
City of Elkins Chapter 151: Flood Damage Prevention	City of Elkins Flood Damage Prevention	Floodplain Administrator (304)636-1414 ext. 1432	City 3/04/2021

III. Appeals/Variances

The City of Elkins Code of Ordinances outlines the appeals process in Chapter 151. The City Council serves as the sitting Floodplain Appeals Board. The appeals process can be found specifically in [151.080](#).

IV. Permit Process-for development in the floodplain (including SI)

The City of Elkins has a process for all development within city limits, including remodels, additions, and any other building improvements. The following is the process for application review.

1. All development in the City of Elkins requires a [building permit application](#) to be reviewed by the Building Inspection department.
2. Every building permit application is reviewed to determine whether the proposed work lies within a Special Flood Hazard Area. If the work is within a SFHA a [floodplain permit application](#) is then filled in with information pulled from the building permit application and the [West Virginia Flood Tool](#).
3. The City of Elkins Floodplain Administrator will review both permit applications to determine if the proposed work approaches the threshold for Substantial Improvement.
 - A Substantial Improvement Worksheet will be done for any proposed work that approaches the 50% threshold.
 - If it is determined that the improvement on the structure exceeds the value of the structure by 50% it will be deemed substantially improved and must meet all current floodplain regulations set forth in the City of Elkins Flood Damage Prevention Ordinances.
 - Floodplain Administrator will issue notice to applicants.
 - Applicants will need to resubmit construction plans that meet the current floodplain regulations for a substantial improvement found in the City of Elkins Flood Damage Prevention Ordinances.
 - If the applicant needs additional information or would like to contest the market value (tax value) or improvement value (cost per square foot) they can schedule a meeting with the Floodplain Administrator and/or submit the information following the policy above.
 - If it is determined that the improvement of the structure does NOT exceed the value of the structure by 50% it will be deemed non-substantially improved. The proposed work can proceed as proposed, and a permit will be issued. But if the scope, materials, or budget changes then a new or revised permit application must be submitted.

V. Method for Determining Market Value of Structures

The City of Elkins has a methodology for determining the market value of substantially improved structures. The primary method used for making this determination is as follows:

1. The Floodplain Administrator will use the [Randolph County Assessor's Office GIS mapping application](#) in order to get an appraisal value for the structure.
 - For more than one structure on a parcel of land, the Floodplain Administrator will contact the Randolph County Assessor's Office to obtain the value of the specific structure.
2. If the applicant would like to contest the tax assessment value, they may provide an appraisal from a certified real estate appraiser. The following guidelines must be followed in order for the Floodplain Administrator accepts the appraisal:
 - Must be within the last 12 months.
 - Must reflect the value of the property before any renovations or alterations.
 - Market Approach must be utilized.

VI. Method for Determining Cost of Improvement

The City of Elkins has a methodology for determining the cost of improvement of structures. The primary method used for making this determination is as follows:

1. Itemized cost estimates from a licensed contractor or design professional may be supplied by the applicant and must include:
 - An itemized list of the items found in 4.4.1 of the [Substantial Improvement/Substantial Damage Desk Reference](#) published by FEMA
 - Labor must be included. While labor can be volunteered, discounted, or donated, the value placed on labor should be estimated based on applicable minimum-hour wage scales for the skill and type of construction work that is done.
 - Where materials or servicing equipment are donated or discounted below normal market values, the value should be adjusted to an amount that would be equivalent to that estimated through normal market transactions.
2. If the Floodplain Administrator doesn't agree with estimates provided, at their discretion, they may use the most recently [published International Code Council-Building Valuation Data](#) to determine a value of work based on building types and square footage impacted by proposed work.
3. Phased work and/or multiple permits.
 - Multiple Permits: The City of Elkins issues separate mechanical, electrical, plumbing, and building permits. Therefore, the applicant must provide the combined value of all the proposed work to make a substantial improvement/damage determination, regardless of the number of permits issued.
 - Phased Improvements: The term "phased improvement" refers to a single improvement that is broken into parts. For a number of reasons, an applicant may wish to schedule anticipated improvements over a period of time, and they may request separate permits for each phase. The floodplain administrator, at its discretion, will ensure that phased improvements do not circumvent the substantial improvement requirements. The floodplain administrator will consider permits issued in the previous 10 years to determine Substantial Improvements.

VII. Method for Determining Cost of Damage/Repair

The City of Elkins has a methodology for determining the cost of damage/repair of structures. The method used is as follows:

1. The city will first use the Preliminary Damage Assessment "destroyed" category – waterline at the roofline or higher or complete failure of two or more major structural (e.g., collapse of basement walls, foundation, walls, or roof) to determine structures are substantially damaged.
2. For properties not deemed "destroyed", the city will use the [Substantial Damage Estimator Tool](#) supplied by FEMA to determine the estimated cost of damage to a structure.
3. If an owner would like to appeal the damage/repair valuation, they can provide an itemized cost estimate from a licensed contractor or design professional. *The estimate must comply Part VI Item 1 listed in this document.*

VIII. Substantial Damage Procedures

When a flood disaster strikes there are many damage assessments that occur by a variety of federal, State, local, and other organizations to determine response and recovery needs. However, Substantial Damage Inspections are required by locally adopted regulations, usually found in the building codes, which require the Community's Building Official to make determination of whether a structure is damaged more than 50% of its market value. These SD inspections are required to occur on all structures in the Special Flood Hazard Area (SFHA) and occur when any damage happens. This could be damage attributed to flood, wind, tornado, earthquake, tree, vehicle, fire, etc. Below are the procedures to follow to implement Substantial Damage Determinations.

1. Roles and Responsibilities

The City of Elkins has a variety of internal staff; however, County, State and Federal organizations may be involved in the determination of substantial damage and emergency response. The chart below Identifies the roles and responsibilities of city staff members.

RESPONSIBILITY	TITLE OF STAFF	OFFICE OR DEPARTMENT	TIME IN RESPECT TO EVENT
Substantial Damage Manager	Floodplain Administrator	Building Inspection	Before, During, and After
Maintaining SD Admin Procedures	Floodplain Administrator	Building Inspection	Before
Identifying Impacted Areas	Floodplain Administrator	Building Inspection	During and Immediately After
	Street Department	Operations	
	Emergency Services	Police/Fire	
Coordinating with local, county, state, and federal agencies	Floodplain Administrator	Building Inspection	During and Immediately After
	Emergency Services	Police/Fire	
	Mayor	Mayor's Department	
	Operations Manager	Operations Department	
Communicating with the Public-rebuild/repair permits, SD, and reporting damage	Communications Specialist	Clerk's Department	Before, During and After
	Operations Manager	Operations	
Conducting Preliminary Damage Assessments	All Staff	All Departments	After (< 3 days)
Conducting SD Inspections	Floodplain Administrator	Building Inspection	After (< 7 days)
Making SD Determinations	Floodplain Administrator	Building Inspection	After (< 7 days)
Issuing SD Determination Notices	Floodplain Administrator	Building Inspection	After (< 7 days)
Managing Appeals and Variances	Floodplain Appeals Board	City Council	After (10-60 days)
	City Clerk	Clerk's Department	
RESPONSIBILITY	TITLE OF STAFF	OFFICE OR DEPARTMENT	TIME IN RESPECT TO EVENT
Permitting for repairs and rebuilding	Building Inspector	Building Inspection	After

	Floodplain Administrator		
Maintaining SD Data	Floodplain Administrator	Building Inspection	After
Recording Costs and SD Activity	Building Inspector Floodplain Administrator	Building Inspection	After (< 180 days)

2. Impact Areas

Currently there are 221 parcels in the City of Elkins that have been developed within the current Special Flood Hazard Area (Effective 9/29/2010). A process for determining the impact areas post-disaster is as follows:

- For flood damage:
 - The City of Elkins Floodplain Administrator, along with other departments in the city, will locate where flood damage has occurred throughout the city's identified Special Flood Hazard Area. There are a variety of distinct post-disaster assessments/inspections other than SD, and other teams should be coordinated as needed. For example, the Randolph County Office of Emergency Management will likely conduct Preliminary Disaster Assessments (PDA's) for the purposes of a disaster declaration. These assessments are not substantial damage determinations but can be used by the city to identify damaged areas.
- Other Sources:
 - The Operations Department staff will report damage to the Operations Department Manager, who will then forward those reports to the Floodplain Administrator.
 - Local and News reports and the National Weather Services
 - Cooperation with Emergency Services
 - FEMA and West Virginia Emergency Management Division
- For Fire Damage:
 - The Elkins Fire Department responds, and applicants seek permits to rebuild/repair.
- For other damage, the Building Inspector will be notified through permit applications to rebuild/repair.

3. Training/Resources

Providing pre/post-disaster training ensures that staff know what to do after an event. The community, State, or FEMA can deliver applicable training, and include, but are not limited to:

- Independent Study (IS)-284: Using the SDE Tool
- IS-285: SDE for Floodplain Administrators
- E/L/G273: Managing Floodplain Development Through NFIP
- E/L/G 284: Advanced Floodplain Management Concepts SI/SD Module
- E/L/G 194: Advanced Floodplain Management Concepts
- E/L/G 285: Providing Post-Disaster SD Technical Assistance to Communities
- P-758 SI/SD Desk Reference
- The City of Elkins Substantial Improvement/Substantial Damage Administrative Procedures
- The City of Elkins Code of Ordinances for Flood Damage Prevention

Information on classroom and field courses offered by FEMA can be found here: [FEMA - Emergency Management Institute \(EMI\)](#).

4. Public Outreach

The City of Elkins has several means of communication for immediate post-disaster public communications. Having these resources available and becoming familiar with them prior to an event will avoid confusion and stress during and after the event.

- [The City of Elkins Website](#)
- [WENS](#) Important and Emergency Notification System utilized by the City of Elkins for email and text alerts.
- Local Television News and Radio Stations
- The Inter-Mountain Newspaper
- City Council and Committee Meetings
- Social Media
 - [Facebook](#)
 - [X](#) (formerly known as Twitter)

5. Inspections

The City of Elkins inspections will be supervised by the Building Department-when safe- to collect substantial damage data. If needed, other county and municipal Floodplain Administrators, along with state and federal agencies, will be brought in to assist in this process. Inspections will be documented using the FEMA Substantial Damage Estimator Tool.

For the purposes of Substantial Damage determinations during a wide-scale event the city will categorize structures by into the following categories:

- Affected – property damage due to floods (no flood waters in structure)
- Minor - less than 18” of water on lowest living floor (below receptacles)
- Major - more than 18” of water on lowest living floor (above receptacles)
- Destroyed – structures completely flooded up to ceiling, moved off foundation,
- not on site anymore

The building department will prioritize those structured deemed Minor and Major, but follow-up with Affected properties as time allows. Destroyed properties will be automatically deemed substantially damaged.

How many days would it take to assess all parcels during a wide-scale event?

It takes roughly half an hour to assess one structure. Assuming each parcel only has one structure, an inspector could assess 16 in an eight-hour day.

221 parcels / 16 per day = 13.81 days

For the city to complete substantial damage assessments in 7 days we will deploy 2 inspectors, currently there is one on staff.

6. Substantial Damage Determinations

After staff have conducted inspection and collected data, the Building Official will make SI/SD determinations, and document data in the Substantial Damage Estimator Tool. The methods above (Method to Determine Market Value and Method to Determine Value of Damage/Repair) will be used to determine the market value and value of damage/repair. The building official will calculate the % damaged and maintain a record in the property file.

7. Issuing Determinations

SI/SD determinations are a necessary step to issuing permits for compliant rebuilding and are a requirement for administering a floodplain management program in the City of Elkins.

In flood events SD Determinations are needed by property owners who maintain flood insurance through the NFIP and would like to access [Increased Cost of Compliance \(ICC\)](#) coverage. The Building Official/Floodplain Administrator is responsible for issuing these determinations.

The City of Elkins procedure for communicating the results of the SI/SD determinations to structure owners will use one of the following methods within 2-3 weeks following the disaster:

- Letter to the structure owner/resident
- Letter handed directly to the structure owner/resident.
- If the Floodplain Administrator is unable to contact the structure owner/resident, a determination will be posted at a physical place on the structure or property.

8. Appeals/Variances

The City of Elkins has a process and other supporting materials for receiving, reviewing, and making decisions on appeals or requesting variances. The process and materials can be found here:

- If a property owner receives a notice of Substantial Damage or Non-Substantial Damage and disagrees with the market value and/or damage/repair value, you can contact the floodplain administrator to discuss the submission of the following documentation:
 - See above for the appeal method for market value and value of damage/repair.
 - See above for appeal/variance.

9. Permitting for Repairs and Rebuilding

Issuing permits is a regular part of the Building Departments but is especially important following a disaster. Repairing and rebuilding substantially damaged structures in compliance with local, state, and federal regulations is critical to maintaining good standing in the NFIP and protecting structure owners from future disasters. Below are the city's permitting procedures during blue skies, applicable to substantial improvement projects, and post-disaster/emergency permitting procedures:

- See above "Permit Process- for Determining Substantial Improvement" for how to repair and/or rebuild post disaster.

The City of Elkins will conduct periodic inspections of damaged properties after a disaster to ensure permits are being obtained for repair and/or rebuilding. In the case of properties deemed substantially damaged the City will coordinate with utility companies to assure utilities are not restored until City permits are obtained.

10. Substantial Damage Data

The City of Elkins process for documenting and storing SD determination data can be found below:

- The Building Department will maintain all pertinent data in its property inspection records and will be maintained by the Building Official.
- Anyone wishing to see this data may make an appointment with the Building Official.

11. Monitoring

Once the City returns to normal operations after an event, it is important to reflect upon what went well and what could be improved. Tracking best practices and evaluating things like

response times, staff needs, contact lists, and more can highlight opportunities to respond faster and stronger next time.

This process is reviewed and updated annually and/or immediately following an event.

12. Record Costs and Track SD Activities (only applies to federally declared disasters)

Recording costs and tracking SD activities may be necessary to obtain resources or reimbursement for disaster response, such as through FEMA Public Assistance reimbursement for activities made eligible by DRRRA Section 1206 or other grants and funding sources.

- DRRRA Section 1206 funding defines a period of eligibility to be no longer than 180 days after the date of a major disaster declaration. FEMA does not have the authority to extend this deadline. See Section A, Applicability, of the [Building Code and Floodplain Management Administration and Enforcement Policy](#) for more information.
 - To receive reimbursement, communities must submit all supporting documentation necessary to demonstrate the work completed and the location of the work; all documentation associated with work completed through Emergency Mutual Assistance Compact (EMAC) resource request or intrastate/interlocal mutual aid request; and, if work was performed by contract labor, all documentation demonstrating federal procurement rules in 2 Code of Federal Regulations Part 200 were followed



CITY OF ELKINS

Code Enforcement

Jessie Wagler

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SUBSTANTIAL IMPROVEMENT WORKSHEET FOR FLOODPLAIN CONSTRUCTION

For additions, rehabilitations, improvements, or damage repairs

Property Owner: _____
Address: _____
Permit No. _____ District _____ Tax Map _____ Parcel ID _____
Description of Improvement: _____

Present Market Value of structure ONLY (final phased in full assessed valuation or market appraisal) BEFORE improvement, or if damaged, before the damage occurred: \$ _____

For Cost of Improvement, take the greater of:

1. Actual cost of the construction: _____
2. Estimated building cost based on _____ square feet of construction from a building cost information service at \$ _____ /sq ft (Source: _____) \$ _____

Ratio = Cost of Improvement (\$ _____) X 100 = \$ _____
Present Market Value (\$ _____) _____ %*

(Determined by Randolph County Assessor's Office)

*If 50% or greater (Substantial Improvement), entire structure (existing included) must be brought into compliance; if less than 50%, it may be exempted unless an addition. For additions: (1) if substantial but the existing structure is unaltered except for a doorway into the addition, the existing structure need not be brought into compliance, only the addition should be built to compliance.

Note:

1. Any costs directly associated with correcting health, sanitary, and safety code violations may be deducted from the cost of improvement. The violations must have been officially cited prior to submission of the permit application.
2. Alterations to historic structures, provided the alterations will not preclude continued designation as a "historic structure", may be exempted by variance.
3. Phased improvements refer to a single improvement that is broken into parts over several permits. At the floodplain administrator's discretion, s/he will ensure that phased improvements do not circumvent the substantial improvement requirements.

Summary:

- _____ Substantial Improvement – Compliance of entire structure.
- _____ Exempt – Not Substantial Improvement.
- _____ Addition – Only additions must be compliant.
- _____ Other (attach explanation)

Determined by: _____ Date: _____



CITY OF ELKINS

Floodplain Administrator

Jessie Wagler

401 Davis Ave.
Elkins, WV 26241
(304) 636-1414 Ext.1432
jwagler@cityofelkinswv.com

[Date]

NOTICE OF SUBSTANTIAL IMPROVEMENT DETERMINATION

Dear Property Owner:

We have reviewed your recent permit application for to [describe proposed improvement/addition]. Your existing home, [insert address] is in a mapped Special Flood Hazard Area. As required by our floodplain management regulations and/or building code, we have determined that the proposed work constitutes a substantial improvement of the structure as defined in Elkins City Code 151.015. This determination is based on a comparison of the cost estimate of the proposed work to the market value of the building (excluding land value). When the costs equal or exceed 50 percent of the market value of the building, the work is considered substantial improvement.

As a result of this determination, you are required to bring the building into compliance with the flood damage-resistant provisions of Chapter 151 Flood Damage Prevention and the 2018 International Residential Code and 2018 International Building Code.

We would be pleased to meet with you and your designated representative (architect/builder) to discuss how to bring your home into compliance. There are several aspects that must be addressed to achieve compliance. The most significant requirement is that the lowest floor, as defined in the regulations/code, must be elevated to or above the base flood elevation (BFE). You may wish to contact your insurance agent to understand how raising the lowest floor higher than the minimum required elevation can reduce NFIP flood insurance premiums.

Please resubmit your permit application along with plans and specifications that incorporate compliance measures. Construction activities that are undertaken without a proper permit are violations and may result in citations, fines, or other legal action.

You have the right to appeal this Notice within thirty (30) days from the date of receipt of this Notice to the City Clerk pursuant to the provisions of Section 150.033 of the City of Elkins Code of Ordinances. Appeals will be heard by the Elkins City Council sitting as the Floodplain Appeals Board.

Please feel free to contact me with any questions you may have, my contact information is above.

Very truly yours,

Jessie Wagler
Floodplain Administrator

Attachment: Substantial Improvement Worksheet



CITY OF ELKINS

Code Enforcement

Jessie Wagler

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(304) 636-1414 Ext.1432
jwagler@cityofelkinswv.com

SUBSTANTIAL IMPROVEMENT WORKSHEET FOR FLOODPLAIN CONSTRUCTION

For additions, rehabilitations, improvements, or damage repairs

Property Owner: _____
Address: _____
Permit No. _____ District _____ Tax Map _____ Parcel ID _____
Description of Improvement: _____

Present Market Value of structure ONLY (final phased in full assessed valuation or market appraisal) BEFORE improvement, or if damaged, before the damage occurred: \$ _____

For Cost of Improvement, take the greater of:

1. Actual cost of the construction: _____
2. Estimated building cost based on _____ square feet of construction from a building cost information service at \$ _____ /sq ft (Source: _____) _____

Ratio = Cost of Improvement (\$ _____) X 100 = _____
Present Market Value (\$ _____) _____ %*

(Determined by Randolph County Assessor's Office)

*If 50% or greater (Substantial Improvement), entire structure (existing included) must be brought into compliance; if less than 50%, it may be exempted unless an addition. For additions: (1) if substantial but the existing structure is unaltered except for a doorway into the addition, the existing structure need not be brought into compliance, only the addition should be built to compliance.

Note:

1. Any costs directly associated with correcting health, sanitary, and safety code violations may be deducted from the cost of improvement. The violations must have been officially cited prior to submission of the permit application.
2. Alterations to historic structures, provided the alterations will not preclude continued designation as a "historic structure", may be exempted by variance.
3. Phased improvements refer to a single improvement that is broken into parts over several permits. At the floodplain administrator's discretion, s/he will ensure that phased improvements do not circumvent the substantial improvement requirements.

Summary:

_____ Substantial Improvement – Compliance of entire structure.
_____ Exempt – Not Substantial Improvement.
_____ Addition – Only additions must be compliant.
_____ Other (attach explanation)

Determined by: _____ Date: _____



CITY OF ELKINS

Floodplain Administrator

Jessie Wagler

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(304) 636-1414 Ext.1432
jwagler@cityofelkinswv.com

[Date]

NOTICE OF NON-SUBSTANTIAL DAMAGE DETERMINATION (RESIDENTIAL)

Dear Property Owner:

We have reviewed your recent permit application to repair your existing building, [insert address], that was damaged by [insert cause of damage]. The building is in a mapped Special Flood Hazard Area. As required by our floodplain management regulations and/or building code, we have determined that the work proposed to repair the damage does not constitute repair of substantial damage as defined in Elkins City Code 151.015. This determination is based on a comparison of the cost estimate of the work required to restore the building to its pre-damage condition to the market value of the building. Please see the attached Substantial Damage Worksheet.

Please be advised that we will make another determination if you elect to perform work other than what is necessary to repair the damage, such as additional renovations or upgrades or building an addition. Construction activities that are undertaken without a proper permit are violations and may result in citations, fines, or other legal action.

You have the right to appeal this Notice within thirty (30) days from the date of receipt of this Notice to the City Clerk pursuant to the provisions of Section 150.033 of the City of Elkins Code of Ordinances. Appeals will be heard by the Elkins City Council sitting as the Floodplain Appeals Board.

Please feel free to contact me with any questions you may have, my contact information is above.

Very truly yours,

Jessie Wagler
Floodplain Administrator

Attachment: Substantial Damage Worksheet



CITY OF ELKINS

Floodplain Administrator

Jessie Wagler

401 Davis Ave.
Elkins, WV 26241
(304) 636-1414 Ext.1432
jwagler@cityofelkinswv.com

Substantial Damage Worksheet

Property Owner:

Address:

Permit Number:

Location (if different from address):

Description of Damage:

How high is the water mark?

Part 1: Field Inspection

1. Are photos of the exterior or interior included with this inspection? Yes / No
2. What is the square footage of the damaged area? _____
 - a. Square footage of specific area to be repaired? _____
3. What is the Principal Structure? _____
4. Is there any additional damage to Structures on the property? _____

Part 2: Calculation

Building Value (County Assessed Value): _____

ICC Data

Building Valuation Data-ICC

1. ICC Table Date: _____
2. Building Group: _____
3. Building Type: IA, IB, IIA, IIB, IIIA, IIIB, VA, VB
4. Price per square foot: _____

Square Footage of Damage:		
Building Type:		
	Cost of Damage (CD):	
	Market Value (MV):	
	Substantial Calculation $(CI/MV)*100=$	

Calculations should be based on the cost of work determined by the International Code Council (ICC) Table attached.



CITY OF ELKINS

Floodplain Administrator

Jessie Wagler

401 Davis Ave.
Elkins, WV 26241
(304) 636-1414 Ext.1432
jwagler@cityofelkinswv.com

[Date]

NOTICE OF SUBSTANTIAL DAMAGE DETERMINATION (RESIDENTIAL)

Dear Property Owner:

We have reviewed your recent permit application to repair your existing home, [insert address], that was damaged by [insert cause of damage]. The building is in a mapped Special Flood Hazard Area. As required by our floodplain management regulations and/or building code, we have determined that the building has been substantially damaged as defined in Elkins City Code 151.015. This determination is based on a comparison of the cost estimate of the work required to restore the building to its pre damage condition to the market value of the building (excluding land value). When the cost to repair equals or exceeds 50 percent of the market value of the building, the work is repair of substantial damage. Please see the attached Substantial Damage Worksheet.

As a result of this determination, you are required to bring the building into compliance with the flood damage-resistant provisions of the regulations of Chapter 151 Flood Damage Prevention and 2018 International Building Code and International Residential Code regulations.

We would be pleased to meet with you and your designated representative (architect/builder) to discuss how to bring your home into compliance. There are several aspects that must be addressed to achieve compliance. The most significant requirement is that the lowest floor, as defined in the regulations/code, must be elevated to or above the regulatory flood elevation (RFE), which is Base Flood Elevation (BFE) plus two feet. You may wish to contact your insurance agent to understand how raising the lowest floor higher than the minimum required elevation can reduce NFIP flood insurance premiums.

If the damage was caused by flooding and if you have a flood insurance policy from the National Flood Insurance Program, you should contact your adjuster to discuss the Increased Cost of Compliance (ICC) coverage. This coverage may provide a claim payment to help pay for work required to bring your home into compliance. Your adjuster can explain that the ICC claim may also be used to pay certain costs associated with demolishing and rebuilding your home or moving your home to a site outside of the floodplain.

Please resubmit your permit application along with plans and specifications that incorporate compliance measures. Construction activities that are undertaken without a proper permit are violations and may result in citations, fines, or other legal action.

You have the right to appeal this Notice within thirty (30) days from the date of receipt of this Notice to the City Clerk pursuant to the provisions of Section 150.033 of the City of Elkins Code of Ordinances. Appeals will be heard by the Elkins City Council sitting as the Floodplain Appeals Board.

Please feel free to contact me with any questions you may have, my contact information is above.

Very truly yours,

Jessie Wagler
Floodplain Administrator

Attachment: Substantial Damage Worksheet



CITY OF ELKINS
Floodplain Administrator

Jessie Wagler
401 Davis Ave.
Elkins, WV 26241

Substantial Damage Worksheet

Property Owner:

Address:

Permit Number:

Location (if different from address):

Description of Damage:

How high is the water mark?

Part 1: Field Inspection

1. Are photos of the exterior or interior included with this inspection? Yes / No
2. What is the square footage of the damaged area? _____
 - a. Square footage of specific area to be repaired? _____
3. What is the Principal Structure? _____
4. Is there any additional damage to Structures on the property? _____

Part 2: Calculation

Building Value (County Assessed Value): _____

ICC Data

Building Valuation Data-ICC

1. ICC Table Date: _____
2. Building Group: _____
3. Building Type: IA, IB, IIA, IIB, IIIA, IIIB, VA, VB
4. Price per square foot: _____

Square Footage of Damage:	
Building Type:	

	Cost of Damage (CD):	
	Market Value (MV):	
	Substantial Calculation (CD/MV)*100=	

Calculations should be based on the cost of work determined by the International Code Council (ICC) Table attached.



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	December 9, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Review of city laws concerning skateboards and similar vehicles
Recommended By:	City Clerk
Summary:	<p>In light of public discussion of issues related to skateboarding, members of the public have inquired about outdated city laws restricting riding skateboards, including limiting where they may be ridden and forbidding them on sidewalks. The attached memo proposes changes to these restrictions and also suggests new language regarding operation of bicycles on sidewalks (still prohibited, but clarified).</p> <p>For further discussion: Should there be any exception in the law for children operating bicycles on sidewalks, whether age-based or based on the size of the bicycle?</p>
Fiscal Impact:	n/a
Recommendation:	Consider for recommendation to council
Attachments:	1. COE Memo - code regarding skateboards - 2024_12_05

Rules & Ordinances Committee

Proposed Amendments to Code Provisions Regarding Skateboards

Presented December 9, 2024

Below are proposed amendments to § 71.46. These amendments eliminate geographic restrictions concerning where skateboards, rollerblades, and similar devices may be used. They also eliminate reference to “motorized scooters,” which is undefined.

§ 71.46 SKATEBOARDS, ROLLER SKATES, ROLLERBLADES AND SIMILAR DEVICES.

~~—(A) No person shall ride or propel skateboards, in-line skates, roller skates or motorized scooters in those districts of the city which are designated as commercial or industrial zones on the city’s official zoning map.~~

(B) No person shall ride or propel skateboards, in-line skates or roller skates except in a prudent and careful manner, ~~Operation of such devices in a prudent and careful manner is operation which will result in efficient control of such devices so that they be utilized with reasonable regard to~~ **for** the safety of the operator, other ~~and the safety of the persons, and the~~ ~~or~~ property of other persons.

(C) (1) When any person is arrested or charged with a violation of this section, the skateboard, in-line skates, **or** roller skates ~~or motorized scooter~~ of that person shall be seized by the arresting or charging officer.

(2) Upon conviction for a first or second offense and payment of the applicable fine, or upon any acquittal, such skateboard, in-line skates, **or** roller skates ~~or motorized scooter~~ shall be returned to the offender.

(3) Upon conviction for a third or subsequent offense, such skateboard, in-line skates **or** roller skates ~~or motorized scooter~~ shall be forfeited to the city.

~~—(D) Notwithstanding any other provision of this section, it shall not be an offense for any person to ride or propel skateboards, in-line skates, or roller skates, upon any private property or sidewalk located outside the said commercial and industrial zones of the city; provided, however, that such activity may take place only with the permission of the resident or owner of such private property or, in the case of a sidewalk, the residents or owners of private property abutting such sidewalk. This provision shall also apply to motorized scooters with the exception that motorized scooters shall be prohibited from being ridden upon any sidewalk within the city.~~

~~—(E) It shall also be deemed a violation of this section for any person to ride a motorized scooter upon any street or roadway within the city.~~

~~—(F) The provisions of this section shall not apply to any person who is physically challenged and must use a motorized scooter to aid in ambulation, and not for recreational purposes.~~

Below are proposed amendments to § 93.004 and § 93.005. The amendments eliminate any prohibition against using skateboards on sidewalks. Allowing use of skateboards on sidewalks is common throughout the United States.

Regarding the prohibition against riding bicycles on the sidewalk (see paragraph beginning with green highlighting), would it be advisable to add any exception for children, based on age (e.g., younger than 13) and/or size of bike (e.g., seat height or wheel diameter)?

§ 93.004 ANIMALS OR BICYCLES ON SIDEWALKS.

(A) No person shall lead, ride or drive any horse or other animal, except dogs, along or upon any of the sidewalks or footwalks.

(B) ~~No person shall drive, ride, roll or wheel any bicycle upon or along any sidewalk or footwalk; except, that persons may roll but not ride bicycles along the sidewalks and footwalks, if careful not to interfere with pedestrians.~~

No person shall ride any bicycle upon any sidewalk within the City; provided, that riders of bicycles, when dismounted, may walk their bicycles along the sidewalks in single file.

~~§ 93.005 PLAYING, COASTING OR SKATING ON SIDEWALKS.~~

~~—(A) No one shall engage in or play any game upon any sidewalk or footwalk nor coast thereon with sleds or skateboards.~~

~~—(B) Nor shall anyone, without the consent of the owner or occupant of the premises adjacent thereto, skate upon any such sidewalk or footwalk.~~