

1 **findings; power and authority; enforcement;**
 2 **provisions cumulative.**

3 (a) The Legislature ~~hereby~~ finds and declares that it is
 4 imperative that municipalities and counties in this state be fully
 5 authorized and empowered to take all action necessary to comply
 6 with the requirements of the National Flood Insurance Act of 1968
 7 (Public Law 91-152), as amended by the Congress of the United
 8 States through February 15, 1975; that municipalities presently are
 9 vested with all statutory power and authority necessary in this
 10 regard; and that the purpose of this section is to authorize and
 11 empower the several counties of this state to comply with ~~such~~ the
 12 requirements.

13 (b) As used in this section and section three-pp of this
 14 article:

15 (1) "Act" means the National Flood Insurance Act of 1968
 16 (Public Law 91-152), as amended by the Congress of the United
 17 States through February 15, 1975; and

18 (2) "Coordinator" means the West Virginia State Coordinator of
 19 the National Flood Insurance Program;

20 ~~(2)~~ (3) "Specified area or areas" means the area or areas
 21 specified under ~~such~~ the act as a flood plain or mudslide area or
 22 areas within which control over construction and improvements must
 23 be exercised in order to comply with ~~such~~ the act.

24 (c) To the extent and only to the extent necessary to comply

1 with the eligibility requirements of and otherwise fully and in all
2 respects to comply with the requirements of ~~such~~ the act, and
3 subject to the provisions of section three-pp of this article, the
4 county commission of each county ~~is hereby authorized and empowered~~
5 ~~to~~ may (i) adopt, administer and enforce building codes for a
6 specified area or areas within ~~such~~ the county, which building
7 codes may establish different requirements for different specified
8 areas; (ii) require and issue building permits for all proposed
9 construction or other improvements in ~~such~~ the county: *Provided,*
10 That nothing contained in this subdivision (ii) ~~shall authorize~~
11 authorizes a county commission to refuse to issue a building permit
12 for any proposed construction or other improvement outside of a
13 specified area or areas within ~~such~~ the county; (iii) conduct
14 inspections of construction and other improvements in a specified
15 area or areas within ~~such~~ the county and (iv) otherwise take ~~such~~
16 action and impose ~~such~~ requirements regarding land use and control
17 measures in a specified area or areas within ~~such~~ the county as
18 ~~shall be~~ necessary under ~~such~~ the act: *Provided,* That ~~no such a~~
19 building code adopted by a county commission ~~shall~~ may not apply
20 within nor may any authority hereinabove granted be exercised by a
21 county commission within the corporate limits of any municipality
22 which has taken appropriate action to comply with ~~such~~ the act,
23 unless and until ~~such~~ the municipality so provides by ordinance.
24 ~~Any such~~ A building code adopted by a county commission and any

1 other requirements imposed by a county commission under the
2 provisions of this subsection ~~(c)~~ may be enforced by injunctive
3 action in the circuit court of the county.

4 (d) The power and authority conferred upon county commissions
5 in this section is supplemental to and not in derogation of any
6 power and authority heretofore or hereafter conferred by law upon
7 county commissions.

8 **§7-1-3pp. Floodplain and mudslide area management; ordinance of**
9 **county commission subject to approval by State**
10 **Coordinator, National Flood Insurance Program;**
11 **establishment of permit fees.**

12 (a) After any required notice and public comment period, but
13 prior to final adoption of any building code or an amendment to any
14 existing building code, by a county commission, as authorized
15 pursuant to section three-v of this article, which establishes,
16 amends or alters criteria for permitting projects within a
17 specified area or areas, the county commission of the county shall
18 submit the proposed building code, or proposed amendment to an
19 existing building code, to the coordinator for review.

20 (b) The coordinator shall review any proposed building code,
21 or proposed amendment to an existing building code, that is
22 submitted by a county commission under this section, and shall
23 within thirty days from receipt, make a determination as to whether

1 the proposed building code or proposed amendment to an existing
2 building code is in compliance with the act. The coordinator shall,
3 in writing, notify the county commission who has submitted the
4 proposed new or amended building code of his or her determination
5 which shall include the basis for the determination. The
6 coordinator may consider factors as he or she considers appropriate
7 in making a determination under this section, including, but not
8 limited to, whether the proposed building code or proposed
9 amendment to an existing building code is technically accurate,
10 whether it provides that review of proposed projects within a
11 specified area or areas, is conducted by a licensed West Virginia
12 surveyor or engineer with technical experience which qualifies the
13 person to review the information submitted as part of an
14 application for a project and all other pertinent matters which the
15 coordinator considers appropriate in his or her determination.

16 (c) On or before July 1, 2013, the coordinator shall establish
17 a system of uniform permit fees to accompany a permit application
18 for projects within any specified area or areas of a county or
19 municipality which has enacted a building code pursuant to this
20 section or section three-v of this article, or for any building
21 codes proposed after the effective date of this section.

NOTE: The purpose of this bill is to require the State Coordinator of the National Flood Insurance Program to review proposed building codes, or amendments to an existing building code

and establish a system of permit fees for applications for projects within any specified area or areas of a county or municipality which has enacted a building code.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§7-1-3pp is new; therefore, it has been completely underscored.