

Floodplain Management Ordinance
Town of Otis, Maine

Statement of Purpose and Intent

Certain areas of the town of Otis, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in form of federal subsidized flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the town of Otis, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with all the requirements of the national Flood insurance act of 1968 (P.L. 90-488, as amended) as delineated in the attached floodplain management ordinance.

It is the intent of the town of Otis, Maine to require the recognition and evaluation of Flood hazards in all official actions relating to land use in the floodplain areas having special Flood hazards.

This body has the legal tardy to adopt land use and control measures to reduce future flood losses pursuant to MRSA title 30-A sections. 3001 -- 3007, 4352 and 4401 -- 4407.

Floodplain Management Ordinance

Article 1 Establishment

The Town of Otis, Maine the elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid act, provides that areas of the town having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood areas. This ordinance establishes a flood hazard development permit system and review procedure for the development activities in the designated flood hazard areas of the town of Otis, Maine.

The areas of special Flood hazard, identified by the Federal Emergency Management Agency in a map entitled "Flood hazard boundary map -- town of Otis, Maine, Hancock County," dated April 18, 1875, is hereby adopted by reference and declared to be part of this ordinance.

Article 2 Permit Required

Before any construction or other development (as defined in article 12), including the placement of manufactured homes, begins within any areas of special flood hazard established in article I, a flood hazard development permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other building permits, which may be required pursuant to the codes and ordinances of the town of Otis, Maine.

Article 3 Application for Permit

The application for a flood hazard development permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name and address of the applicant;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and failed, and long dimensions;
- D. A statement of the intended use of the structure;
- E. A statement as to the type of sewage system proposed;
- F. Specification of dimensions of the proposed structure;
- G. The elevation in relation to the National Geodetic Vertical Datum or to a locally established datum, of the:
 1. Base flood at the proposed site of all new or substantially improved structures, which

- in zone A in is determined to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed the building.
2. Highest and lowest grades at the site adjacent to the walls of the proposed building.
 3. Lowest floor, including basement; and whether or not such structures contained a basement.
 4. Level, in case of non-residential structures only, to which the structures will be flood proofed;
- H. A description of a base flood elevation reference point established on the site of all new or substantially improved structures.
- I. A written certification by a registered land surveyor that the elevations shown on the application are accurate.
- J. Certification by a registered professional engineer or architect that flood proofing methods for any non residential structures will meet the flood proofing criteria of Article 3 section G subsection 4; Article 6 section G; and other applicable standards in Article 6.
- K. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and,
- L. A statement of construction plans describing in detail how each applicable development standard in Article 6 will be met.

Article 4 Application Fee and Experts Fee

A nonrefundable application fee of \$_____ shall be paid to the town clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other experts. The expert's fee shall be paid in full by the applicant within ten days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of the applicant until the applicant has either consented to such hiring in writing or has been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision of the Code Enforcement Officer appeal that decision to the Board of Appeals.

Article 5 Review of Flood Hazard Development Permit Applications

The Code Enforcement Officer shall:

- A. Review all applications for the flood hazard development permit to insure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of Article 6 (development standards) have, or will be met;
- B. Utilize, and the review of all flood hazard development permit applications, the base flood data contained in the Flood Insurance Rate Map -- town of Otis, Maine, as described in Article 1. In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to Articles 3 section G subsection 1; Article 6, Article 1 and Article 8 section D, in order to administer Article 6 of this ordinance;
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article 1 of this ordinance;
- D. In the review of flood hazard development permit applications, determined that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to section 404 of the Federal Water Pollution Control Act amendments of 1972, 33

U.S.C. 1334;

- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a watercourse;
- F. Issue a two-part flood hazard development permit for elevated structures. Part 1 shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an application for part 2 of the flood hazard development permit and shall include an elevation certificate completed by a registered Maine surveyor for compliance with the elevation requirements of Article 6, paragraphs F, G and following review of the application, which review shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue part II of the flood hazard development permit. Part 2 shall authorize the applicant to complete the construction project; and,
- G. Maintain, as a permanent record, copies of all flood hazard development permits issued and data relevance thereto, including reports of the Board of Appeals on variances granted under the provisions of article 9 of this ordinance, and copies of elevation certificates and certificates of compliance required under the provisions of Article 7 of this ordinance.

Article 6 Development Standards

All developments in areas of special flood hazard shall meet the following applicable standards:

- A. New construction or substantial improvements of any structure shall:
 - 1. Be designed a modified and adequately anchored to prevent flotation, collapse all lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - 2. Use construction materials that are resistant to flood damage;
 - 3. Use construction methods and practices that will minimize flood damage; and,
 - 4. Use electrical, heating, ventilation, plumbing, and air-conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- C. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. All developments shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.
- F. New construction or substantial improvements of any residential structure located within zone A shall have the lowest floor (including basement) elevated to one foot above the

base flood elevation utilizing information obtained pursuant to Article 3, paragraph G subsection 1; Article 5, paragraph B; or Article 8, paragraph D.

G. New construction or substantial improvements of any non residential structure located within zone A shall have the lowest floor (including basement) elevated to one foot above the base flood elevation utilizing information obtained pursuant to Article 3 paragraph G subsection 1; Article 5, paragraph B; or Article 8, paragraph D, or together with attendant utility and sanitary facilities shall:

1. Be flood proofed to at least one foot above the base flood elevation utilizing information obtained pursuant to Article 3, paragraph G subsection 1. Article 5, paragraph B; or Article 8, paragraph D, so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
3. Be certified by a registered professional engineer or architects that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by Article 3, paragraph J, and shall include a record of the elevation above mean sea level of the lowest floor including basement.

H. New or substantially improved manufactured homes shall:

1. Be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation utilizing information obtained pursuant to Article 3, paragraph G subsection 1; Article 5, paragraph B; or Article 8, paragraph D; and,
2. Be securely anchored to and adequately anchored foundation system to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - a. Secure anchoring to and adequately anchored foundation system; or by,
 - b. Over the top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long and require one additional ties per side); or by,
 - c. Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than that 50 feet long required four additional ties per side).
 - d. All components of the anchoring system described in Article 6, paragraph H subsection 2. Shall be capable of carrying a force of 4800 pounds.

I. Floodways-- encroachments, including fill, new construction, substantial improvements, and other development shall not be permitted in a floodway which, in zone A riverine areas, is the channel of the river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the flood plain as measured from the normal high watermark to the upland limit of the floodplain, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing or anticipated development:

1. Will not increase the water surface elevation of the base flood more than

one foot at any point within the community; and,

2. Is consistent with the technical criteria contained in section 2 -- 7 and titled "Hydraulic Analysis" Flood Insurance Study -- The Guidelines and Specifications for Study Contractors, (FEMA 37/ September, 1985, as amended).
- J. New construction or substantial improvements of any structure in zone A that meets the development standards of Article 6, including the elevation requirements of Article 6, paragraphs F, G or H and is elevated on posts, columns, piers, piles, "stilts", or has crawlspaces less than three feet in height may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
1. Walls, with the exception of crawlspaces less than three feet in height, shall not be part of the structural support of the building; and,
 2. Enclosed areas are not "basements" as defined in Article 13; and,
 3. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwater. The signs for meeting this requirement must be either:
 - a. Be certified by a registered professional engineer or architect; or,
 - b. Meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area;
 - (2) The bottom of all openings shall be no higher than one foot above the lowest grade; and,
 - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non automatic mechanical means; and,
 4. The enclosed areas shall not be used for human habitation; and,
 5. The enclosed area may be used for building maintenance, access, parking vehicles, for storing of articles and equipment used for maintenance of the building.

Article 7 Certificate of Compliance

No land in a special flood hazard area shall be occupied or used and no structure, which is constructed or substantially improved, shall be occupied until a certificate of compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. The applicant shall submit an elevation certificate completed by:
 1. A registered Maine surveyor for compliance with Article 6, paragraphs F, G, or H; and,
 2. A registered professional engineer or architect, in the case of flood proofed non-residential structures, for compliance with Article 6, paragraph G.

- B. The application for a certificate of compliance shall be submitted by the applicant in writing along with a completed elevation certificate to the Code Enforcement Officer.
- C. The Code Enforcement Officer shall review the application within 10 working days of receipt of the application and shall issue a certificate of compliance, provided the building conforms to the provisions of this ordinance.

Article 8 Certificate of Compliance

The planning board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on five or more acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevation and, in a riverine floodplain, floodway data.
- E. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Article 6 of this ordinance and that such requirements will be included and any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plots, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

Article 9 Appeals and Variances

The Board of Appeals of the Town of Otis may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Code Enforcement Officer in the administration of the provisions of this ordinance. The Board of Appeals may grant a variance from the requirements of this ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. A showing of good insufficient cause; and,
 - 2. A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. A showing that the issuance of a variance will not conflict with other state, federal or local laws or ordinances; and,
 - 4. A determination that failure to grant the variance would result in "undue hardship" which in this subsection means:

- a. That the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. That the granting of a variance will not alter the essential character of the locality; and,
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances may be issued by a community for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
1. Other criteria of Article 9 and Article 6 section 1 are met; and,
 2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a state inventory of historic places, without regard to the procedures set forth in Article 9, paragraphs A through D.
- F. Any applicant who meets the criteria of Article 9, paragraphs A through E shall be notified by the Board of Appeals in writing that:
1. The issuance of a variance to construct a structure below the base flood levels will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. Such construction below the base flood level increases risks to life and property; and,
 3. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a flood plain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a flood plain.
- G. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a flood hazard development permit, which includes any conditions to be attached to said permit.

Article 10 Enforcement and Penalties

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance pursuant to 30A MRS section 4452.

- B. The penalties contained in 30A MRSA section 4452 apply to any violation of this ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the administrator of the federal insurance administration requesting a denial of flood insurance. The valid declaration shall consist of:

missing page 13

Base Flood -- means the flood having 1 percent chance of being equaled or exceeded in any given year, commonly called the 100-year of flood.

Basement -- means any area of the building having its floor sub grade (below ground level) on all sides.

Breakaway wall -- means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building --see **structure**.

Certificated of compliance -- a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this ordinance.

Code Enforcement Officer -- any person or Board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

Development -- means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

Elevated building -- means a non basement building:

- (I) Built, in the case of a building in zones A1-30, AE, A, A99, AO, or AH, to have the top of the elevated floor, elevated above the ground level line by means of pilings, columns, posts, piers, or "stilts"; and,
- (II) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, or AH, **Elevated building** also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters.

Elevation Certificate -- and the official form (FEMA form 81-31, 05/93, as amended) that:

- (I) Is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- (II) Is required for purchasing flood insurance.

Flood or Flooding -- means:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (b.) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by and an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

Flood Insurance Rates Map (FIRM) -- means an old visual map of a community, on which the administrator of the federal insurance administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

Floodplain or Flood Prone Area -- means any land area is susceptible to be in an inundated by water from any source (see flooding).

Floodplain Management -- means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to: emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations -- means zoning ordinances, subdivision regulations, building codes, health regulations, special-purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. This term describes crime such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing -- means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway -- see Regulatory Floodway

Floodway Encroachment Lines -- means the lines marking the limits of floodways on federal, state, and the local floodplain maps. Of

Freeboard -- means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave actions, bridge openings, and hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than that height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use -- means a use, which cannot afford its intended purpose unless it is located or carried out in close proximity to water. The term includes only talking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long term storage or related manufacturing facilities.

Historic Structure -- means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the interior as meeting the requirements for individual listing on the National Register.
- b. Certified or preliminarily determined by the Secretary of the interior of as contributing to the historical significance of a registered historic district or a district preliminarily determined by the department of the interior or to qualify as a registered historic district.

- c. Individually listed by state inventory of historic places and states with historic preservation programs which have been approved by the Secretary of the interior or:
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an improved state program as determined by the Secretary of the interior, or
 - 2) Directly by the Secretary of the interior in states without approved programs.

Locally Established Datum -- means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are reference. This elevation is generally not referenced to the National Geodetic Vertical Datum or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

Lowest Floor -- means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements described in Article 6 of this ordinance.

Manufactured Home -- means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for the use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision -- means a partial (or continuous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level -- means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rates map are referenced.

New Construction -- means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

100 –Year Flood -- see **Base Flood**

Regulatory Floodway -- means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and in riverine areas is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of ½ the width of floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine-- means relating to, formed by, or resembling a river (including tributaries), streams, brooks, ECT.

Special Flood Hazard Area -- see **Area of Special Flood Hazard**.

Start of Construction -- means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of the permit construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work

beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure -- Means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage -- Means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement -- means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of the construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project were improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions or:
- (2) Any alteration of a historic structure provided that the alteration would not preclude the structure's continued designation as a historic structure.

Variance -- means a grant of relief by a community from the terms of the floodplain management regulation.

Violation -- means the failure of a structure or development to comply with a community is floodplain management regulations.

Article 14 Abrogation

This ordinance repeals and replaces any municipal ordinance previously an active to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).