

2005 Amendments to All Maine Floodplain Management Model Ordinances

Additions are underlined and deletions are strikethrough

ARTICLE I - PURPOSE AND ESTABLISHMENT

(4th paragraph)

The (Town/City) of _____ has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, ~~and 4401-4407~~, and Title 38 MRSA, Section 440.

ARTICLE III – APPLICATION FOR PERMIT

K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, ~~08/99~~ 01/03, as amended), to verify...

ARTICLE IV – APPLICATION FEE AND EXPERT’S FEE

(optional language change)

A non-refundable application fee of \$ _____ for all minor development and \$ _____ for all new construction or substantial improvements shall be paid to the (Town/City) Clerk or Code Enforcement Officer and a copy of a receipt for the same shall accompany the application.

ARTICLE V – REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

B. Utilize, in the review of all Flood Hazard Development Permit applications:

1. the base flood and floodway data contained in the "Flood Insurance Study - (Town/City) of _____, Maine," as described in Article I.;
2. in special flood hazard areas where base flood elevation and floodway data are not provided, the _____ shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article IX.D., in order to administer Article VI of this Ordinance; and,...

ARTICLE VI – DEVELOPMENT STANDARDS

(coastal ordinances with V Zones only)

P. **Coastal Floodplains -**

5. The ~~enclosed~~ areas below the lowest floor shall ~~may~~ be used solely for parking vehicles, building access, and storage.

ARTICLE XIII or XIV - DEFINITIONS

(The article number depends on which version of the model ordinance is in effect for your community)

Code Enforcement Officer - ~~any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.~~ A person certified under Title 30-A MRSA, Section 4451 (including exceptions in Section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Development - ~~means any man made 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.~~

(The new wording of this definition is directly from the FEMA regulations at 44 CFR 59.1)

Elevation Certificate - An official form (FEMA Form 81-31, ~~07/00~~ 01/03, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.