

Accepted as Read

1977 Annual Town Meeting

OK

March 28

To see if the Town will vote to amend the Flood Hazard Building Permit System and Review Procedure adopted by the Town vote on March 24, 1975; to include the following changes and amendments.

(Italics indicate proposed changes:)

TOWN OF MACHIAS

~~REVISED ORDINANCE RELATING TO FLOOD HAZARD BUILDING PERMIT SYSTEM AND REVIEW PROCEDURE~~

WHEREAS, the Town of Machias elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-448 as amended):

WHEREAS, The National Flood Insurance Program established in the aforesaid Act provides that *Flood Boundary maps* shall be provided by the Federal Insurance Administration identifying those areas of the Town in the flood plain having a special flood hazard.

1. Permit. Before construction, relocation, replacement, or substantial enlargement or modification of any building, *including prefabricated and mobile homes* has commenced in the special flood hazard area designated on the maps prepared in accordance with the National Flood Insurance Act of 1968, as amended, the owner or lessee, or the architect, engineer, contractor or builder employed by such owner or lessee shall obtain from the Planning Board a permit covering such proposed work.

2. Application. The application for a permit shall be submitted in writing to the Planning Board and shall include:

- A. the name and address of applicant,
- B. an address or a map indicating the location of the construction site,
- C. a site plan showing location of existing and proposed structure(s) sewage disposal facilities, water supply, areas to be cut and filled and lot dimensions,
- D. a statement of intended use of the proposed structure(s),
- E. a statement as to the type of sewage system proposed,
- F. specifications of dimensions of the proposed structure(s) length, width and height),
- G. the elevation (in relation to ground and mean sea level) of the lowest floor, including basement, and if the lowest floor is below grade on one or more sides, the elevation of the floor immediately above, and
- H. a copy of the plans and specifications of the proposed construction. This requirement may be modified by decision of the Planning Board when in their opinion such information is or is not needed to determine the conformance of the proposed construction with this ordinance.

3. Fee. A permit fee of \$10.00 (ten dollars) shall be paid to the town clerk (for compensation of the Planning Board) with a copy of the receipt to accompany the application.

4. Review of Building Permit Application. The Planning Board shall:

- A. Review all aforesaid building permit applications to determine whether proposed building sites will be reasonably safe from flooding. Any construction, relocation, replacement or substantial enlargement or modification of any building, including prefabricated and mobile homes upon building sites, *located in Zone A of the Flood Hazard Boundary Map must*
 - 1) Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure,

- 2) use construction material and utility equipment that are resistant to flood damage,
- 3) use construction methods and practices that will minimize flood damage, and
- 4) *In case of mobile homes, be anchored to resist flotation, collapse or lateral movement by:*
 - a. *over-the-top ties anchored to the ground at the four corners of the mobile home plus two additional ties per side at intermediate points, (except that mobile home less than 50 feet long require only one additional tie per side)*
 - b. *frame ties at each corner of the home, plus five additional ties along each side at intermediate points (except that mobile home less than 50 feet long require only four additional ties per side),*
 - c. *all components of the anchoring system shall be capable of carrying a force of 4800 pounds, and*
 - d. *any additions to the mobile home be similarly anchored.*

B. *Obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, until such other data has been provided by the Federal Insurance Administration, as a criteria for requiring that all new construction and substantial improvements meet the following standards:*

- 1) *that residential structures have the lowest floor (including basement) elevated one foot above the base flood level, and*
- 2) *that non-residential structures have the lowest floor (including basement) elevated or flood proofed one foot above the base flood level.*

C. *Notify, in riverine situations, adjacent communities and the State Bureau of Civil Emergency Preparedness prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administration, to assure that flood-carrying capacity is maintained within the altered or relocated portion of the watercourse.*

5. Review of Subdivision Proposals. The Planning Board shall, when receiving subdivisions under 30 M.R.S.A. § 4956, 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, elevated, and constructed to minimize or eliminate flood damages,
- C. adequate drainage is provided so as to reduce exposure to flood hazards, and,
- D. *in the case of subdivisions or other developments greater than 50 lots or five acres (whichever is the lesser), that all proposals include base flood elevation data.*

6. Mobile Home Subdivisions or Mobile Home Parks. *In the case of mobile home subdivisions or mobile home parks, located in Zone A of the Flood Hazard Boundary Map, an evacuation plan shall be filed with the Town Civil Emergency Preparedness Office, indicating alternative vehicular access and escape routes.*

7. Plumbing; The plumbing Inspector shall require new or replacement water supply systems and sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

8. Regulations. The Planning Board may adopt any reasonable regulations, *after public hearing*, that are consistent with and in furtherance of the objectives of section 4, 5, 6, and 7 above, that they deem necessary for the proper enforcement of said sections and which are consistent with State law.

9. Variances. The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of this Ordinance under the following conditions:

- a. the strict application of the terms of this Ordinance would result in undue hardship to the applicant or would not be in the best interest of the community, and
- b. the hardship is not the result of action taken by the applicant or a prior owner in violation of this Ordinance.

10. Appeals. The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of the Ordinance. Such hearings shall be held in accordance with State laws.

11. Enforcement. It shall be the duty of the Planning Board to enforce the provisions of this Ordinance. If the Planning Board finds that any provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it.

When the above action does not result in the correction or abatement of the violation, the Municipal Officers, upon notice from the Planning Board are hereby authorized and directed to institute any and all actions, whether legal or equitable, necessary to the enforcement of this Ordinance. Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of up to \$100.00 for each violation. Each day such a violation is continued is a separate offense.

12. Validity and Severability. *If any section of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.*

13. Conflict with Other Ordinances. *This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rules, regulation, by-law, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings or structures the provisions of this Ordinance shall control.*

14. Effective Date. *The effective date of this Ordinance is the date of adoption by town vote except that Section 4(A)(4) shall not be applicable and made a requirement hereby until June 1, 1977. A certified copy of this Ordinance shall be filed with the County Register of Deeds, according to the requirements of State law.*

DATE PASSED _____

Attest True _____

Copy

Town Clerk
(Town Seal)
