

INSTRUCTIONS FOR COMPLETING AND ADOPTING THE MODEL FLOODPLAIN MANAGEMENT ORDINANCE

The enclosed model Floodplain Management Ordinance has been customized, as much as possible, for your community. The Ordinance provided usually designates either the Code Enforcement Officer or the Planning Board as the permitting authority. We customized it according to the ordinance currently in effect for your community. **Please review this document carefully.** If the community would like to change the permitting authority or make any other changes to the ordinance, please contact the Floodplain Management Program as we can easily make most changes for you. **If any changes are made locally to the model ordinance, please submit the ordinance to Floodplain Management Staff prior to any public hearing. It is critical that we review the proposed changes to be certain they are consistent with the minimum Federal requirements for participation in the National Flood Insurance Program (NFIP) and state standards.**

In Article IV, the amount of the application fee is strictly a local option but should be sufficient to cover the costs for administering and enforcing this ordinance. It is recommended that the Flood Hazard Development Permit fee be \$50.00 for new construction and substantial improvement and \$25.00 for minor development. It is also acceptable to insert language allowing the Board of Selectmen or the municipal Council to establish the fees annually.

When using a model floodplain management ordinance, make sure all blanks are filled in prior to enacting the ordinance, and that the ordinance references the most current Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) dates, or Flood Hazard Boundary Map date.

The floodplain management ordinance must be adopted in accordance with MRSA Title 30-A § 4352. To enact the floodplain management ordinance, a public hearing to allow for citizen input and comments on the proposed ordinance is required prior to enactment.

In accordance with the above MRSA title, Maine law requires that the municipal reviewing authority must post and publish notice of the required public hearing to meet the following two provisions: **“A) The notice must be posted in the municipal office at least 13 days before the public hearing; B) The notice must be published at least 2 times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.”**

Following the public hearing, the proposed ordinance shall be attested and posted in the manner provided for town meetings. One copy of the proposed ordinance shall be certified by the municipal officers to the municipal clerk at least seven days prior to the day of meeting to be preserved as a public record. Copies shall be available at that time for distribution to the voters by the municipal clerk as well as at the time of the town meeting.

The subject matter of the proposed ordinance shall be reduced to the question: **“Shall an ordinance entitled ‘Floodplain Management Ordinance’ be enacted?”**, and shall be submitted to the town meeting for action either as an article in the warrant or a question on a secret ballot. It is always recommend that the ordinance in effect be repealed and replaced with the new ordinance.

Adoption of New FEMA Maps

Some communities have expressed concern about adopting maps that do not become effective until several months after they are adopted. Please note that is acceptable for the community to set the effective date of the ordinance to coincide with the day the new maps become effective.

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Upon adoption of a floodplain management ordinance, two complete copies certified as “A True Copy” by the municipal clerk, must be sent to the Maine Floodplain Management Program, Dept. of Agriculture, Conservation & Forestry, 93 SHS, 17 Elkins Lane, Augusta, ME 04333-0093. (If possible include an electronic copy of the ordinance.)

Joining the NFIP

When a community is first applying to join the NFIP, a resolution to join the Program must be adopted. We will provide the Resolution. The Resolution must be entered as a separate question on the warrant/ballot item and can be worded as follows: “Shall a resolution entitled ‘Resolution for Applying for Flood Insurance’ be adopted?” An application form must also be completed, however, that is not a town meeting action item.

If you have any questions in regard to the above or need additional assistance, please call the Maine Floodplain Management Program:

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Janet Parker, Planner II	287-9981