

**COUNCIL OF THE CITY OF ABERDEEN**  
**Ordinance No. 16-O-03**

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<b>Introduced By:</b>	<b>Mayor Patrick L. McGrady</b>
<b>Date Introduced:</b>	<b>February 22, 2016</b>
<b>Public Hearing:</b>	<b>March 14, 2016</b>
<b>Date Adopted:</b>	<b>March 28, 2016</b>
<b>Date Effective:</b>	<b>April 18, 2016</b>

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**AN ORDINANCE concerning**

**FLOODPLAIN MANAGEMENT**

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2  
3 **FOR** the purpose of promoting the health, safety, and general welfare and to encourage the utilization of  
4 appropriate construction practices in order to prevent or minimize flood damage in the future; minimize  
5 flooding of the City’s water supply and sanitary sewage disposal systems; maintain natural drainage;  
6 reduce financial burdens imposed on the City and its residents by discouraging unwise design and  
7 construction of development in areas subject to flooding; minimize the need for rescue and relief efforts  
8 associated with flooding and generally undertaken at the expense of the general public; minimize  
9 prolonged business interruption; minimize damage to public facilities and other utilities such as water,  
10 sewer, gas, electric, telephone, streets, and bridges; reinforce that those who build in and occupy special  
11 flood hazard areas should assume responsibility for their actions; minimize the impact of development on  
12 adjacent properties within and near flood-prone areas; provide that the flood storage and conveyance  
13 functions of floodplains are maintained; minimize the impact of development on natural and beneficial  
14 functions of floodplains; prevent floodplain uses that are either hazardous or environmentally  
15 incompatible; meet community participation requirements of the National Flood Insurance Program as set  
16 forth in the Code of Federal Regulations (CFR) at 44 CFR Section 59.22; and generally regulate the use  
17 of property in floodplains in the City of Aberdeen.  
18

19 **BY** repealing  
20 Chapter 275, FLOODPLAIN MANAGEMENT  
21 Sections 275-1 through 275-18  
22 Code of the City of Aberdeen (2010 Edition as amended)  
23

24 **BY** adding  
25 Chapter 275, FLOODPLAIN MANAGEMENT  
26 Sections 275-1 through 275-45  
27 Code of the City of Aberdeen (2010 Edition as amended)  
28  
29  
30



1 Council adopts this Chapter pursuant to this authority and such other authority that may be  
2 provided by law.

3  
4 **§ 275-4. Areas to which these regulations apply.**

5  
6 These regulations shall apply to all special flood hazard areas within the jurisdiction of the City of  
7 Aberdeen and identified in § 275-5.

8  
9 **§ 275-5. Basis for establishing special flood hazard areas and BFEs.**

10  
11 **A. For the purposes of these regulations, the minimum basis for establishing special flood**  
12 **hazard areas and base flood elevations is the Flood Insurance Study (FIS) for Harford**  
13 **County, Maryland, and Incorporated Areas dated April 19, 2016, or the most recent**  
14 **revision thereof, and the accompanying Flood Insurance Rate Map(s) (FIRMs) and all**  
15 **subsequent amendments and revisions to the FIRMs. The FIS and FIRMs are retained on**  
16 **file and available to the public at the Aberdeen Municipal Center, Department of Planning**  
17 **and Community Development, 60 North Parke Street, Aberdeen, MD.**

18  
19 **B. Where field surveyed topography or digital topography indicates that ground elevations are**  
20 **below the closest applicable base flood elevation, even in areas not delineated as a special**  
21 **flood hazard on the FIRM, the area shall be considered as special flood hazard area.**

22  
23 **C. To establish base flood elevations in special flood hazard areas that do not have such**  
24 **elevations shown on the FIRM, the Floodplain Administrator may provide the best**  
25 **available data for base flood elevations, may require the applicant to obtain available**  
26 **information from Federal, State or other sources, or may require the applicant to establish**  
27 **special flood hazard areas and base flood elevations as set forth in §275-13, §275-14, and**  
28 **§275-15 of this Chapter.**

29  
30 **§ 275-6. Abrogation and greater restrictions.**

31  
32 These regulations are not intended to repeal or abrogate any existing regulations and ordinances,  
33 including Subdivision Regulations, Development Code, building codes, or any existing easements,  
34 covenants, or deed restrictions. In the event of a conflict between these regulations and any other  
35 ordinance, the more restrictive shall govern.

36  
37 **§ 275-7. Interpretation.**

38  
39 **A. In the interpretation and application of these regulations, all provisions shall be:**

40  
41 **(1) Considered as minimum requirements;**

42  
43 **(2) Liberally construed in favor of the City; and,**

44  
45 **(3) Deemed neither to limit nor repeal any other powers granted under State statutes.**

46  
47 **B. Notes referencing publications of the Federal Emergency Management Agency refer to the**  
48 **most recent edition of those publications, are intended only as guidance, and do not bind or**  
49 **alter the authority of the Floodplain Administrator to interpret and apply these regulations.**

1  
2  
3  
4 **§ 275-8. Warning and disclaimer of liability.**  
5

6 **A. The degree of flood protection required by these regulations is considered reasonable for**  
7 **regulatory purposes and is based on scientific and engineering considerations. Larger**  
8 **floods can and will occur, and flood heights may be increased by man-made or natural**  
9 **causes. These regulations do not imply that land outside of the special flood hazard areas or**  
10 **uses that are permitted within such areas will be free from flooding or flood damage.**

11  
12 **B. These regulations shall not create liability on the part of the City of Aberdeen, any officer**  
13 **or employee thereof, the Maryland Department of the Environment (MDE) or the Federal**  
14 **Emergency Management Agency (FEMA), for any flood damage that results from reliance**  
15 **on these regulations or any administrative decision lawfully made hereunder.**  
16

17 **§ 275-9. Severability.**  
18

19 **Should any section or provision of this Chapter be declared by the courts to be unconstitutional or**  
20 **invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof**  
21 **other than the part so declared to be unconstitutional or invalid.**  
22

23 **ARTICLE II**  
24 **Definitions**  
25

26 **§275-10. Definitions.**  
27

28 **Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to**  
29 **have the meaning they have in common usage and to give these regulations the most reasonable**  
30 **application.**  
31

32 **ACCESSORY STRUCTURE – A building or structure on the same lot with, and of a nature**  
33 **customarily incidental and subordinate to, the principal structure. For the purposes of these**  
34 **regulations, an accessory structure shall be used solely for parking of vehicles and limited storage.**  
35

36 **AGREEMENT TO SUBMIT AN ELEVATION CERTIFICATE – A form on which the applicant**  
37 **for a permit to construct a building or structure, to construct certain horizontal additions, to place**  
38 **or replace a manufactured home, to substantially improve a building, structure, or manufactured**  
39 **home, agrees to have an Elevation Certificate prepared by a licensed professional engineer or**  
40 **licensed professional surveyor, as specified by the Floodplain Administrator, and to submit the**  
41 **certificate:**  
42

43 **(1) Upon placement of the lowest floor and prior to further vertical construction; and**  
44

45 **(2) Prior to the final inspection and issuance of the Certificate of Occupancy.**  
46

47 **ALTERATION OF A WATERCOURSE – For the purpose of these regulations, alteration of a**  
48 **watercourse includes, but is not limited to widening, deepening or relocating the channel, including**  
49 **excavation or filling of the channel. Alteration of a watercourse does not include construction of a**

1 road, bridge, culvert, dam, or in-stream pond unless the channel is proposed to be realigned or  
2 relocated as part of such construction.

3  
4 **AREA OF SHALLOW FLOODING** – A designated ZONE AO on the Flood Insurance Rate Map  
5 (FIRM) with a one (1)–percent annual chance or greater of flooding to an average depth of one to  
6 three feet where a clearly defined channel does not exist, where the path of flooding is  
7 unpredictable, and where velocity flow may be evident; such flooding is characterized by ponding  
8 or sheet flow.

9  
10 **BASE BUILDING** – The building to which an addition is being added. This term is used in  
11 provisions relating to additions.

12  
13 **BASE FLOOD** – The flood having a one (1)-percent chance of being equaled or exceeded in any  
14 given year; the base flood also is referred to as the one (1)-percent annual chance (100-year) flood.

15  
16 **BASE FLOOD ELEVATION** – The water surface elevation of the base flood in relation to the  
17 datum specified on the community’s Flood Insurance Rate Map. In areas of shallow flooding, the  
18 base flood elevation is the highest adjacent natural grade elevation plus the depth number specified  
19 in feet on the Flood Insurance Rate Map, or at least four (4) feet if the depth number is not  
20 specified.

21  
22 **BASEMENT** – Any area of the building having its floor subgrade (below ground level) on all sides.

23  
24 **BUILDING CODE(S)** – The effective Maryland Building Performance Standards (COMAR  
25 05.02.07), including the Building Code, Residential Code, and Existing Building Code.

26  
27 **COMMUNITY** – A political subdivision of the State of Maryland (county, city, or town) that has  
28 the authority to adopt and enforce floodplain management regulations within its jurisdictional  
29 boundaries.

30  
31 **CRITICAL AND ESSENTIAL FACILITIES** – Buildings and other structures that are intended to  
32 remain operational in the event of extreme environmental loading from flood, wind, snow, or  
33 earthquakes. Critical and essential facilities typically include hospitals, fire stations, police  
34 stations, storage of critical records, facilities that handle or store hazardous materials, and similar  
35 facilities.

36  
37 **DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT)** – A form  
38 signed by the owner to agree not to convert or modify in any manner that is inconsistent with the  
39 terms of the permit and these regulations, certain enclosures below the lowest floor of elevated  
40 buildings and certain accessory structures. The form requires the owner to record it on the  
41 property deed to inform future owners of the restrictions.

42  
43 **DEVELOPMENT** – Any manmade change to improved or unimproved real estate, including but  
44 not limited to buildings or other structures, placement of manufactured homes, mining, dredging,  
45 filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

46  
47 **ELEVATION CERTIFICATE** – FEMA form on which surveyed elevations and other data  
48 pertinent to a property and a building are identified and which shall be completed by a licensed  
49 professional land surveyor or a licensed professional engineer, as specified by the Floodplain

1 **Administrator.** When used to document the height above grade of buildings in special flood hazard  
2 areas for which base flood elevation data are not available, the Elevation Certificate shall be  
3 completed in accordance with the instructions issued by FEMA.

4  
5 **ENCLOSURE BELOW THE LOWEST FLOOR –** An unfinished or flood-resistant enclosure that  
6 is located below an elevated building, is surrounded by walls on all sides, and is usable solely for  
7 parking of vehicles, building access or storage, in an area other than a basement area, provided that  
8 such enclosure is built in accordance with the applicable design requirements specified in these  
9 regulations. Also see “Lowest Floor.”

10  
11 **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) –** The Federal agency with the  
12 overall responsibility for administering the National Flood Insurance Program

13  
14 **FLOOD OR FLOODING –** A general and temporary condition of partial or complete inundation  
15 of normally dry land areas from:

16  
17 (1) The overflow of inland or tidal waters, and/or

18  
19 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

20  
21 **FLOOD DAMAGE-RESISTANT MATERIALS –** Any construction material that is capable of  
22 withstanding direct and prolonged contact with floodwaters without sustaining any damage that  
23 requires more than cosmetic repair.

24  
25 **FLOOD INSURANCE RATE MAP (FIRM) -** An official map on which the Federal Emergency  
26 Management Agency has delineated special flood hazard areas to indicate the magnitude and  
27 nature of flood hazards, to designate applicable flood zones, and to delineate floodways, if  
28 applicable. FIRMs that have been prepared in digital format or converted to digital format are  
29 referred to as Digital FIRMs (DFIRM).

30  
31 **FLOOD INSURANCE STUDY (FIS) –** The official report in which the Federal Emergency  
32 Management Agency has provided flood profiles, floodway information, and the water surface  
33 elevations.

34  
35 **FLOOD OPENING –** A flood opening (non-engineered) is an opening that is used to meet the  
36 prescriptive requirement of one (1) square inch of net open area for every square foot of enclosed  
37 area. An engineered flood opening is an opening that is designed and certified by a licensed  
38 professional engineer or licensed architect as meeting certain performance characteristics,  
39 including providing automatic entry and exit of floodwaters; this certification requirement may be  
40 satisfied by an individual providing automatic entry and exit of floodwaters; this certification  
41 requirement may be satisfied by an individual certification for a specific structure or issuance of an  
42 Evaluation Report by the ICC Evaluation Service, Inc.

43  
44 **FLOOD PROTECTION ELEVATION –** The base flood elevation plus two (2) feet of freeboard.  
45 Freeboard is a factor of safety that compensates for uncertainty in factors that could contribute to  
46 flood heights greater than the height calculated for a selected size flood and floodway conditions,  
47 such as wave action, obstructed bridge openings, debris and ice jams, climate change, and the  
48 hydrologic effect of urbanization in a watershed.

49

1  
2  
3 **FLOOD PROTECTION SETBACK** – A distance measured perpendicular to the top of bank of a  
4 watercourse that delineates an area to be left undisturbed to minimize future flood damage and to  
5 recognize the potential for bank erosion. Along nontidal waters of the State, the flood protection  
6 setback is:

- 7 (1) **One-hundred (100) feet**, if the watercourse has special flood hazard areas shown on the  
8 **FIRM**, except where the setback extends beyond the boundary of the flood hazard area; or  
9  
10 (2) **Fifty (50) feet**, if the watercourse does not have specified flood hazard areas shown on the  
11 **FIRM**.

12  
13 **FLOOD ZONE** – A designation for areas that are shown on Flood Insurance Rate Maps:

- 14  
15 (1) **Zone A** – Special flood hazard areas subject to inundation by the one (1)-percent annual  
16 chance (100-year) flood elevations are not determined.  
17  
18 (2) **Zone AE and Zone A1-30** – Special flood hazard areas subject to inundation by the 1-  
19 percent annual chance (100-year) flood; base flood elevations are determine; floodways may  
20 or may not be determined.  
21  
22 (3) **Zone AH and Zone AO** - Areas of shallow flooding, with flood depths of one (1) to three (3)  
23 feet (usually areas of ponding or sheet flow on sloping terrain), with or without BFEs or  
24 designated flood depths.  
25  
26 (4) **Zone B and Zone X (shaded)** – Areas subject to inundation by the 0.2 percent annual  
27 chance (500-year) flood; areas subject to the one (1)-percent annual chance (100-year) flood  
28 with average depths of less than 1 foot or with contributing drainage area less than one (1)  
29 square mile; and areas protected from the base flood by levees.  
30  
31 (5) **Zone C and Zone X (unshaded)** – Areas outside of Zones designated A, AE, A1-30, AO, VE,  
32 V1-30, B, and X (shaded).  
33  
34 (6) **Zone VE and Zone V1-30** – Special flood hazard areas subject to inundation by the one (1)-  
35 percent annual chance (100-year) flood and subject to high velocity wave action.  
36

37 **FLOODPLAIN** – Any land area susceptible to being inundated by water from any source (see  
38 definition of “Flood” or “Flooding”).  
39

40 **FLOODPROOFING OR FLOODPROOFED** – Any combination of structural and nonstructural  
41 additions, changes, or adjustments to buildings or structures which reduce or eliminate flood  
42 damage to real estate or improved real property, water and sanitary facilities, structures and their  
43 contents, such that the buildings or structures are watertight with walls substantially impermeable  
44 to the passage of water and with structural components having the capability of resisting  
45 hydrostatic and hydrodynamic loads and effects of buoyance.  
46

47 **FLOODPROOFING CERTIFICATE** – FEMA form that is to be completed, signed, and sealed by  
48 a licensed professional engineer or licensed architect to certify that the design of floodproofing and

1 proposed methods of construction are in accordance with the applicable requirements of Section ---  
2 of these regulations.

3  
4 **FLOODWAY** – The channel of a river or other watercourse and the adjacent land areas that must  
5 be reserved in order to pass the base flood discharge such that the cumulative increase in the water  
6 surface elevation of the base flood discharge is no more than a designated height. When shown on a  
7 **FIRM**, the floodway is referred to as the “designated floodway.”

8  
9 **FUNCTIONALLY DEPENDENT USE** – A use which cannot perform its intended purpose unless it  
10 is located or carried out in close proximity to water; the term includes only docking facilities, port  
11 facilities that are necessary for the loading and unloading of cargo or passengers, and ship building  
12 and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

13  
14 **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface, prior to  
15 construction, next to the proposed foundation of a structure.

16  
17 **HISTORIC STRUCTURE** – Any structure that is:

- 18  
19 (1) Individually listed in the National Register of Historic Places (a listing maintained by the  
20 U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as  
21 meeting the requirements for individual listings on the National Register;  
22  
23 (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the  
24 historical significance of a registered historic district or a district preliminarily determined  
25 by the Secretary to qualify as a registered historic district; or  
26  
27 (3) Individually listed on the Maryland Register of Historic Places.

28  
29 **HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES** – Analyses performed by a  
30 licensed professional engineer, in accordance with standard engineering practices that are accepted  
31 by the Maryland Department of the Environment (Nontidal Wetlands & Waterways) and FEMA,  
32 used to determine the base flood, other frequency floods, flood elevation, floodway information and  
33 boundaries, and flood profiles.

34  
35 **LETTER OF MAP CHANGE (LOMC)** – A Letter of Map Change is an official FEMA  
36 determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood  
37 Insurance Study. Letters of Map Change include:

- 38  
39 (1) **Letter of Map Amendment (LOMA)** - An amendment based on technical data showing that  
40 a property was incorrectly included in a designated special flood hazard area. A LOMA  
41 amends the current effective Flood Insurance Rate Map and establishes that a specific  
42 property or structure is not located in a special flood hazard area.  
43  
44 (2) **Letter of Map Revision (LOMR)** – A revision based on technical data that may show  
45 changes to flood zones, flood elevations, floodplain and floodway delineations, and  
46 planimetric features. A Letter of Map Revision Based on Fill (LOMR-F) is a determination  
47 that a structure or parcel of land has been elevated by fill above the base flood elevation and  
48 is, therefore, no longer exposed to flooding associated with the base flood. In order to

1           **qualify for this determination, the fill must have been permitted and placed in accordance**  
2           **with the community’s floodplain management regulations.**

3  
4           **(3) Conditional Letter of Map Revision (CLOMR) – A formal review and comment as to**  
5           **whether a proposed flood protection project or other project complies with the minimum**  
6           **NFIP requirements for such projects with respect to delineation of special flood hazard**  
7           **areas. A Conditional Letter of Map Revision Based on Fill (CLOMR-F) is a determination**  
8           **that a parcel of land or proposed structure that will be elevated by fill would not be**  
9           **inundated by the base flood if fill is placed on the parcel as proposed or the structure is**  
10           **built as proposed. A CLOMR does not revise the effective Flood Insurance Rate Map or**  
11           **Flood Insurance Study; upon submission and approval of certified as-built documentation,**  
12           **a Letter of Map Revision may be issued by FEMA, to revise the effective FIRM.**

13  
14           **LICENSED – As used in these regulations, licensed refers to professionals who are authorized to**  
15           **practice in the State of Maryland by issuance of licenses by the Maryland Board of Architects,**  
16           **Maryland Board of Professional Engineers, Maryland Board of Professional Land Surveyors, and**  
17           **the Maryland Real Estate Appraisers and Home Inspectors Commission.**

18  
19           **LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement) of a building**  
20           **or structure; the floor of an enclosure below the lowest floor is not the lowest floor provided the**  
21           **enclosure is constructed in accordance with these regulations. The lowest floor of a manufactured**  
22           **home is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).**

23  
24           **MANUFACTURED HOME – A structure, transportable in one or more sections, which is built on**  
25           **a permanent chassis and is designed for use with or without a permanent foundation when**  
26           **connected to the required utilities. The term manufactured home does not include a recreational**  
27           **vehicle.**

28  
29           **MARKET VALUE – The price at which a property will change hands between a willing buyer and**  
30           **a willing seller, neither party being under compulsion to buy or sell and both having reasonable**  
31           **knowledge of relevant facts. For the purposes of these regulations, the market value of a building is**  
32           **determined by a licensed real estate appraiser or the most recent, full phased-in assessment value of**  
33           **the building (improvement) determined by the Maryland Department of Assessments and**  
34           **Taxation.**

35  
36           **MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) – A principal department of the**  
37           **State of Maryland that is charged with, among other responsibilities, the coordination of the**  
38           **National Flood Insurance Program in Maryland (NFIP State Coordinator) and the administration**  
39           **of regulatory programs for development and construction that occur within the waters of the State,**  
40           **including nontidal wetlands, nontidal waters and floodplains, and State and private tidal wetlands**  
41           **(Tidal Wetlands). Unless otherwise specified, “MDE” refers to the Department’s Wetlands and**  
42           **Waterways Program.**

43  
44           **MIXED-USE STRUCTURE – Any structure that is used or intended for use for a mixture of**  
45           **nonresidential and residential uses in the same structure.**

46  
47           **NATIONAL FLOOD INSURANCE PROGRAM (NFIP) – The program authorized by the U.S.**  
48           **Congress in 42 U. S.C. §§4001-4129. The NFIP makes flood insurance coverage available in**

1 communities that agree to adopt and enforce minimum regulatory requirements for development in  
2 areas prone to flooding (see definition of “Special Flood Hazard Area”).

3  
4 **NEW CONSTRUCTION** – Structures, including additions and improvements, and the placement  
5 of manufactured homes, for which the start of construction commenced on or after July 16, 1981,  
6 the initial effective date of the City of Aberdeen’s Flood Insurance Rate Map, including any  
7 subsequent improvements, alterations, modifications, and additions to such structures.

8  
9 **NFIP State Coordinator** – See Maryland Department of the Environment (MDE).

10  
11 **NONTIDAL WATERS OF THE STATE** – See “Waters of the State.” As used in these regulations,  
12 “nontidal waters of the State” refers to any stream or body of water within the State that is subject  
13 to State regulation, including the “100-year frequency floodplain of free-flowing water.” The  
14 boundary between the tidal and nontidal waters of the State is the tidal wetlands boundary.

15  
16 **PERSON** – An individual or group of individuals, corporation, partnership, association, or any  
17 other entity, including State and local government and agencies.

18  
19 **RECREATIONAL VEHICLE** – A vehicle that is built on a single chassis, 400 square feet or less  
20 when measured at the largest horizontal projection, designed to be self -propelled or permanently  
21 towable by a light duty truck, and designed primarily not for uses as a permanent dwelling, but as  
22 temporary living quarters for recreational, camping, travel, or seasonal use.

23  
24 **REGULATIONS or THESE REGULATIONS** refer to this Chapter 275 of the Aberdeen City Code  
25 unless the context requires otherwise.

26  
27 **SPECIAL FLOOD HAZARD AREA (SFHA)** – The land in the floodplain subject to a one-percent  
28 or greater chance of flooding in any given year. Special flood hazard areas are designated by the  
29 Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance Rate  
30 Maps as Zones A, AE, AH, AO, A1-30, and A99, and Zones VE and V1-30. The term includes  
31 areas shown on other flood maps that are identified in § 275-5.

32  
33 **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start  
34 of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement  
35 was within 180 days of the permit date. The actual start means either the first placement of  
36 permanent construction of a structure on a site, such as the pouring of slab or footings, the  
37 installation of piles, the construction of columns, or any work beyond the stage of excavation; or the  
38 placement of a manufactured home on a foundation. Permanent construction does not include land  
39 preparation, such as clearing, grading and filling; nor does it include the installation of streets  
40 and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or  
41 the erection of temporary forms; nor does it include the installation on the property of accessory  
42 structures, such as garages or sheds not occupied as dwelling units or not part of the main  
43 structure. For substantial improvements, the actual start of construction means the first alteration  
44 of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration  
45 affects the external dimensions of the building.

46  
47 **STRUCTURE** – That which is built or construction; specifically, a walled and roofed building,  
48 including a gas or liquid storage tank that is principally above ground, as well as a manufactured  
49 home.

1 **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a building or structure whereby  
2 the cost of restoring the building or structure to its before damaged condition would equal or  
3 exceed 50% of the market value of the building or structure before the damage occurred. Also  
4 used as “substantially damaged” structures.  
5

6 **SUBSTANTIAL IMPROVEMENT** – Any reconstruction, rehabilitation, addition, or other  
7 improvement of a building or structure, the cost of which equals or exceeds 50% of the market  
8 value of the building or structure before the start of construction of the improvement. The term  
9 includes structures which have incurred substantial damage, regardless of the actual repair work  
10 performed. The term does not, however, include either:  
11

- 12 (1) Ant project for improvement of a building or structure to correct existing violations of State  
13 or local health, sanitary, or safety code specifications which have been identified by the local  
14 code enforcement official prior to submission of an application for a permit and which are  
15 the minimum necessary to assure safe living conditions; or  
16
- 17 (2) Any alteration of a historic structure provided that the alteration will not preclude the  
18 structure’s continued designation as a historic structure.  
19

20 **TEMPORARY STRUCTURE** – A structure installed, used, or erected for a period of less than 180  
21 days.  
22

23 **VARIANCE** – A grant of relief from the strict application of one or more requirements of these  
24 regulations.  
25

26 **VIOLATION** – Any construction or development in a special flood hazard area that is being  
27 performed without an issued permit. The failure of a building, structure, or other development for  
28 which a permit is issued to be fully compliant with these regulations and the conditions of the issued  
29 permit. A building, structure, or other development within the required design certifications, the  
30 Elevation Certificate, or other evidence of compliance required is presumed to be a violation until  
31 such time as the required documentation is provided.  
32

33 **WATERCOURSE** – The channel, including channel banks and bed, of nontidal waters of the State.  
34

35 **WATERS OF THE STATE** – Waters of the State include:  
36

- 37 (1) Both surface and underground waters within the boundaries of the State subject to its  
38 jurisdiction;  
39
- 40 (2) That portion of the Atlantic Ocean within the boundaries of the State;  
41
- 42 (3) The Chesapeake Bay and its tributaries;  
43
- 44 (4) All ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems  
45 within the State, other than those designed and used to collect, convey, or dispose of  
46 sanitary sewage; and  
47
- 48 (5) The floodplain of free-flowing waters determined by MDE on the basis of the 100-year flood  
49 frequency.  
50

**ARTICLE III  
Administration**

**§ 275-11. Designation of Floodplain Administrator.**

**A. The Director of Planning and Community Development is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:**

- (1) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.**
- (2) Enter into a written agreement or written contract with another Maryland community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR Section 59.22.**

**§ 275-12. Duties and responsibilities of the Floodplain Administrator.**

**A. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:**

- (1) Review applications for permits to determine whether proposed activities will be located in flood hazard areas.**
- (2) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.**
- (3) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.**
- (4) Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from MDE for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing nontidal waters of the State.**
- (5) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities and MDE (NFIP State Coordinator), and have submitted copies of such notifications to FEMA.**
- (6) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.**

- 1  
2       **(7) Inspect or cause to be inspected, buildings, structures, and other development for which**  
3       **permits have been issued to determine compliance with these regulations or to**  
4       **determine if non-compliance has occurred or violations have been committed.**  
5
- 6       **(8) Review Elevation Certificates and require incomplete or deficient certificates to be**  
7       **corrected.**  
8
- 9       **(9) Submit to FEMA, or require applicants to submit to FEMA, data and information**  
10       **necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses**  
11       **prepared by or for the City of Aberdeen, within six months after such data and**  
12       **information becomes available if the analyses indicate changes in base flood elevations**  
13       **or boundaries.**  
14
- 15       **(10) Maintain and permanently keep records that are necessary for the administration of**  
16       **these regulations, including:**
  - 17               **(a) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and**  
18               **maps and current effective studies and maps) and Letters of Map Change; and**  
19
  - 20               **(b) Documentation supporting issuance and denial of permits, Elevation Certificates,**  
21               **documentation of the elevation (in relation to the datum on the FIRM) to which**  
22               **structures have been flood proofed, other required design certifications, variances,**  
23               **and records of enforcement actions taken to correct violations of these regulations.**  
24
- 25
- 26       **(11) Enforce the provisions of these regulations, investigate violations, issue notices of**  
27       **violations or stop work orders, and require permit holders to take corrective action.**  
28
- 29       **(12) Advise the Board of Appeals regarding the intent of these regulations and, for each**  
30       **application for a variance, prepare a staff report and recommendation.**  
31
- 32       **(13) Administer the requirements related to proposed work on existing buildings:**
  - 33               **(a) Make determinations as to whether buildings and structures that are located in**  
34               **flood hazard areas and that are damaged by any cause have been substantially**  
35               **damaged.**  
36
  - 37               **(b) Make reasonable efforts to notify owners of substantially damaged structures of the**  
38               **need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-**  
39               **compliant repair of substantially damaged buildings except for temporary**  
40               **emergency protective measures necessary to secure a property or stabilize a**  
41               **building or structure to prevent additional damage.**  
42
- 43
- 44       **(14) Undertake, as determined appropriate by the Floodplain Administrator due to the**  
45       **circumstances, other actions which may include but are not limited to: issuing press**  
46       **releases, public service announcements, and other public information materials**  
47       **related to permit requests and repair of damaged structures; coordinating with**  
48       **other Federal, State, and local agencies to assist with substantial damage**  
49       **determinations; providing owners of damaged structures information related to the**

1 proper repair of damaged structures in special flood hazard areas; and assisting  
2 property owners with documentation necessary to file claims for Increased Cost of  
3 Compliance (ICC) coverage under NFIP flood insurance policies.  
4

5 (15) Notify the Federal Emergency Management Agency when the corporate boundaries  
6 of the City of Aberdeen have been modified and:  
7

8 (a) Provide a map that clearly delineates the new corporate boundaries or the new area  
9 for which the authority to regulate pursuant to these regulations has either been  
10 assumed or relinquished through annexation; and  
11

12 (b) If the FIRM for any annexed area includes special flood hazard areas that have  
13 flood zones that have regulatory requirements that are not set forth in these  
14 regulations, prepare amendments to these regulations to adopt the FIRM and  
15 appropriate requirements, and submit the amendments to the governing body for  
16 adoption; such adoption shall take place within six months of the date of annexation  
17 and a copy of the amended regulations shall be provided to MDE (NFIP State  
18 Coordinator) and FEMA.  
19

20 (16) Upon the request of FEMA, complete and submit a report concerning participation  
21 in the NFIP which may request information regarding the number of buildings in  
22 the SFHA, number of permits issued for development in the SFHA, and number of  
23 variances issued for development in the SFHA.  
24

25 § 275-13. Use and interpretation of FIRMs.  
26

27 The Floodplain Administrator shall make interpretations, where needed, as to the exact location of  
28 special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall  
29 apply to the use and interpretation of FIRMS and data:  
30

31 A. Where field surveyed topography indicates that ground elevation:  
32

33 (1) Are below the base flood elevation, even in large areas not delineated as a special flood  
34 hazard area on a FIRM, the area shall be considered as special flood hazard area and  
35 subject to the requirements of these regulations;  
36

37 (2) Are above the base flood elevation, the area shall be regulated as special flood hazard  
38 area unless the applicant obtains a Letter of Map Change that removes the area from  
39 the special flood hazard area.  
40

41 B. In FEMA-identified special flood hazard areas where base flood elevation and floodway  
42 data have not been identified and in areas where FEMA has not identified special flood  
43 hazard areas, any other flood hazard data available from a Federal, State, or other source  
44 shall be reviewed and reasonably used.  
45

46 C. Base flood elevations and designated floodway boundaries on FIRMS and in FISs shall take  
47 precedence over base flood elevations and floodway boundaries by any other sources if such  
48 sources show reduced floodway widths and/or lower base flood elevations.  
49

1       **D. Other sources of data shall be reasonably used if such sources show increased base flood**  
2       **elevations and/or larger floodway areas than are shown on FIRMs and in FISs.**

3  
4       **E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study**  
5       **has been provided by FEMA:**

6  
7       **(1) Upon the issuance of a Letter of Final Determination by FEMA, if the preliminary flood**  
8       **hazard data is more restrictive than the effective data, it shall be used and shall replace**  
9       **the flood hazard data previously provided from FEMA for the purposes of administering**  
10       **these regulations.**

11  
12       **(2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary**  
13       **flood hazard data shall be deemed the best available data pursuant to § 275-5(C) and**  
14       **used where no base flood elevations and/or floodway areas are provided on the effective**  
15       **FIRM.**

16  
17       **(3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary**  
18       **flood hazard data is permitted where the preliminary base flood elevations, floodplain or**  
19       **floodway boundaries exceed the base flood elevations and/or designated floodway widths**  
20       **in existing flood hazard data provided by FEMA. Such preliminary data may be subject**  
21       **to change and/or appeal to FEMA.**

22  
23       **§ 275-14. Permits required and expiration.**

24  
25       **A. It shall be unlawful for any person to begin any development or construction which is**  
26       **wholly within, partially within, or in contact with any flood hazard area established in §**  
27       **275-5, including but not limited to: filling; grading; construction of new structures; the**  
28       **substantial improvement of buildings or structures, including repair of substantial damage;**  
29       **placement or replacement of manufactured homes, including substantial improvement or**  
30       **repair of substantial damage of manufactured homes; erecting or installing a temporary**  
31       **structure, or alteration of a watercourse, until a permit is obtained from the City of**  
32       **Aberdeen. No such permit shall be issued until the requirements of these regulations have**  
33       **been met.**

34  
35       **B. In addition to the permits required in Paragraph (A), applicants for permits in nontidal**  
36       **waters of the State are advised to contact MDE. Unless waived by MDE, MDE regulates the**  
37       **“100 year frequency floodplain of free-flowing waters,” also referred to as nontidal waters**  
38       **of the State. To determine the 100-year frequency floodplain, hydrologic calculations are**  
39       **based on the ultimate development of the watershed, assuming existing zoning. The**  
40       **resulting flood hazard areas delineated using the results of such calculations may be**  
41       **different than the special flood hazard areas established in § 275-5 of these regulations. A**  
42       **permit from the City of Aberdeen is still required in addition to any State requirements.**

43  
44       **C. A permit is valid provided the actual start of work is within 180 days of the date of permit**  
45       **issuance. Requests for extensions shall be submitted in writing and justifiable cause**  
46       **demonstrated. The Floodplain Administrator may grant, in writing, one or more extensions**  
47       **of time, for additional periods not exceeded 90 days each and provided there has been no**  
48       **amendment or revision to the basis for establishing special flood hazard areas and BFEs set**  
49       **forth in § 275-5.**

1  
2 **§ 275-15. Application required.**  
3

4 **Application for a permit shall be made by the owner of the property or the owner's authorized**  
5 **agent (herein referred to as the applicant) prior to the start of any work. The application shall be**  
6 **on a form furnished for that purpose.**  
7

8 **A. Application contents. At a minimum, applications shall include:**  
9

- 10 (1) **Site plans drawn to scale showing the nature, location, dimensions, and existing and**  
11 **proposed topography of the area in question, and the location of existing and proposed**  
12 **structures, excavation, filling, storage of materials, drainage facilities, and other**  
13 **proposed activities.**  
14  
15 (2) **Elevation of the existing natural ground where buildings or structures are proposed**  
16 **referenced to the datum on the FIRM.**  
17  
18 (3) **Delineation of flood hazard areas, designated floodway boundaries, flood zones, base**  
19 **flood elevations, and flood protection setbacks. Base flood elevations shall be used to**  
20 **delineate the boundary of flood hazard areas and such delineations shall prevail over**  
21 **the boundary of SFHAs shown on FIRMs.**  
22  
23 (4) **Where floodways are not delineated or base flood elevations are not shown on the**  
24 **FIRMs, the Floodplain Administrator has the authority to require the applicant to use**  
25 **information provided by the Floodplain Administrator, information that is available**  
26 **from Federal, State, or other sources, or to determine such information using accepted**  
27 **engineering practices or methods approved by the Floodplain Administrator.**  
28  
29 (5) **Determination of the base flood elevations, for development proposals and subdivision**  
30 **proposals, each with at least five (5) lots or at least five (5) acres, whichever is the lesser,**  
31 **in special flood hazard areas where base flood elevations are not shown on the FIRM; if**  
32 **hydrologic and hydraulic engineering analyses are submitted, such analyses shall be**  
33 **performed in accordance with the requirements and specifications of MDE and FEMA.**  
34  
35 (6) **Hydrologic and hydraulic engineering analyses for proposals in special flood hazard**  
36 **areas where FEMA has provided base flood elevations but has not delineated a**  
37 **floodway; such analyses shall demonstrate that the cumulative effect of proposed**  
38 **development, when combined with all other existing and anticipated development will**  
39 **not increase the water surface elevation of the base flood by more than one foot, or a**  
40 **lower increase if required by MDE.**  
41  
42 (7) **For encroachments in floodways, an elevation of alternatives to such encroachments,**  
43 **including different uses of the site or portion of the site within the floodway, and**  
44 **minimization of such encroachment.**  
45  
46 (8) **If fill is proposed to be placed for a purpose other than to elevate structures, the**  
47 **applicant shall indicate the intended purpose for the fill.**  
48

- 1           **(9) For proposed buildings and structures, including substantial improvement and repair**  
2           **of substantial damage, and placement and replacement of manufactured homes,**  
3           **including substantial improvement and repair of substantial damage:**  
4  
5           **(a) The proposed elevation of the lowest floor, including basement, referenced to the**  
6           **datum on the FIRM and a signed Agreement to Submit an Elevation Certificate.**  
7  
8           **(b) The signed Declaration of Land Restriction (Nonconversion Agreement) that shall**  
9           **be recorded on the property deed prior to issuance of the Certificate of Occupancy,**  
10           **if the application includes an enclosure below the lowest floor or a crawl/underfloor**  
11           **space that is more than four (4) feet in height.**  
12  
13           **(c) A written elevation of alternative methods considered to elevate structures and**  
14           **manufactured homes, if the location is in nontidal waters of the State and fill is**  
15           **proposed to achieve the elevation required in § 275-34A or § 275-35A.**  
16  
17           **(10) For accessory structures that are 300 square feet or larger in area (footprint) and that**  
18           **are below the base flood elevation, a variance is required as set forth in § 275-40. If a**  
19           **variance is granted, a signed Declaration of Land Restriction (Nonconversion**  
20           **Agreement) shall be recorded on the property deed prior to issuances of the**  
21           **Certificate of Occupancy.**  
22  
23           **(11) For temporary use structures and temporary storage, specification of the duration of**  
24           **the temporary use.**  
25  
26           **(12) For proposed work or existing buildings, structure, and manufactured homes,**  
27           **including any improvement, addition, repairs, alterations, rehabilitation, or**  
28           **reconstruction, sufficient information to determine if the work constitutes substantial**  
29           **improvement or repair of substantial damage, including but not limited to:**  
30  
31           **(a) If the existing building or structure was constructed after July 16, 1981, evidence**  
32           **that the work will not alter any aspect of the building or structure that was required**  
33           **for compliance with the floodplain management requirements in effect at the time**  
34           **the building or structure was permitted.**  
35  
36           **(b) If the proposed work is a horizontal addition, a description of the addition and**  
37           **whether it will be independently supported or structurally connected to the base**  
38           **building and the nature of all other modifications to the base building, if any.**  
39  
40           **(c) Documentation of the market value of the building or structure before the**  
41           **improvement or, if the work is repair of damage, before the damage occurred.**  
42  
43           **(d) Documentation of the actual cash value of all proposed work, including the actual**  
44           **cash value of all work necessary to repair and restore damage to the before-**  
45           **damaged condition, regardless of the amount of work that will be performed. The**  
46           **value of work performed by the owner or volunteers shall be valued at market labor**  
47           **rates; the value of donated or discounted materials shall be valued at market rates.**  
48

- 1           **(13) Certifications and/or technical analyses prepared or conducted by a licensed**  
2           **professional engineer or licensed architect, as appropriate, including:**  
3  
4           **(a) The determination of the base flood elevations or hydrologic and hydraulic**  
5           **engineering analyses prepared by a licensed professional engineer that are required**  
6           **by the Floodplain Administrator or are required by these regulations in: § 275-20**  
7           **for certain subdivisions and development; §275-33(a) for development in designated**  
8           **floodways; § 275-33(c) for development in flood hazard areas with base flood**  
9           **elevations but no designated floodways; and § 275-33(e) for deliberate alteration or**  
10           **relocation of watercourses.**  
11  
12           **(b) The flood proofing certificate for nonresidential structures that are flood proofed as**  
13           **required in § 275-35(b).**  
14  
15           **(c) Certification that engineered flood openings are designed to meet the minimum**  
16           **requirements of § 275-34(c)(3).**  
17  
18           **(14) For nonresidential structures that are proposed with flood proofing, an operations**  
19           **and maintenance plan as specified in § 275-35(b)(3).**  
20  
21           **(15) Such other material and information as may be requested by the Floodplain**  
22           **Administrator and necessary to determine conformance with these regulations.**  
23

24           **B. New technical data.**  
25

- 26           **(1) The applicant may seek a Letter of Map Change by submitting new technical data to**  
27           **FEMA, such as base maps, topography, and engineering analyses to support revision of**  
28           **floodplain and floodway boundaries and/or base flood elevations. Such submissions**  
29           **shall be prepared in a format acceptable to FEMA and any fees shall be the sole**  
30           **responsibility of the applicant. A copy of the submittal shall be attached to the**  
31           **application for a permit.**  
32  
33           **(2) If the applicant submits new technical data to support any change in floodplain and**  
34           **designated floodway boundaries and/or base flood elevations but has not sought a Letter**  
35           **of Map Change from FEMA, the applicant shall submit such data to FEMA as soon as**  
36           **practicable, but not later than six months after the date such information becomes**  
37           **available. Such submissions shall be prepared in a format acceptable to FEMA and any**  
38           **fees shall be the sole responsibility of the applicant.**  
39

40           **§ 275-16. Review of application.**  
41

42           **The Floodplain Administrator shall:**  
43

- 44           **A. Review applications for development in special flood hazard areas to determine the**  
45           **completeness of information submitted. The applicant shall be notified of incompleteness or**  
46           **additional information that is required to support the application.**  
47  
48           **B. Notify applicants that permits from MDE and the U.S. Army Corps of Engineers, and other**  
49           **State and Federal authorities may be required.**

1  
2 **C. Review all permit applications to assure that all necessary permits have been received from**  
3 **the Federal, State, or local governmental agencies from which prior approval is required.**  
4 **The applicant shall be responsible for obtaining such permits, including permits issued by:**  
5

6 **(1) The U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and**  
7 **Section 404 of the Clean Water Act.**  
8

9 **(2) MDE pursuant to COMAR 26.23 (Nontidal Wetlands) and Section 401 of the Clean**  
10 **Water Act;**  
11

12 **(3) MDE for construction on nontidal waters of the State pursuant to COMAR 26.17.04.**  
13

14 **D. Review applications for compliance with these regulations after all information required in**  
15 **§ 275-15 of these regulations or identified and required by the Floodplain Administrator**  
16 **has been received.**  
17

18 **§ 275-17. Inspections.**  
19

20 **The Floodplain Administrator shall make periodic inspections of development permitted in special**  
21 **flood hazard areas at appropriate times throughout the period of construction in order to monitor**  
22 **compliance. Such inspections may include:**  
23

24 **A. Stake-out inspection, to determine location on the site relative to the flood hazard area and**  
25 **designated floodway.**  
26

27 **B. Foundation inspection, upon placement of the lowest floor and prior to further vertical**  
28 **construction, to collect information or certification of the elevation of the lowest floor.**  
29

30 **C. Inspection of enclosures below the lowest floor, including crawl/underfloor spaces, to**  
31 **determine compliance with applicable provisions.**  
32

33 **D. Utility inspection, upon installation of specified equipment and appliances, to determine**  
34 **appropriate location with respect to the base flood elevation.**  
35

36 **E. Final inspection prior to issuance of the Certificate of Occupancy.**  
37

38 **§ 275-18. Submissions required prior to Final Inspection.**  
39

40 **Pursuant to the Agreement to Submit an Elevation Certificate submitted with the application as**  
41 **required in § 275-15.A(9), the permittee shall have an Elevation Certificate prepared and submitted**  
42 **prior to final inspection and issuance of a Certificate of Occupancy for elevated structures and**  
43 **manufactured homes, including new structures and manufactured homes, substantially-improved**  
44 **structures and manufactured homes, and additions to structures and manufactured homes.**  
45  
46  
47  
48  
49

**ARTICLE IV**  
**Requirements in all Flood Hazard Areas**

**§ 275-19. Application of requirements.**

**The general requirements of this section apply to all development proposed within all special flood hazard areas identified in § 275-5.**

**§ 275-20. Subdivision proposals and development proposals.**

**A. In all flood zones:**

- (1) Subdivision proposals and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.**
- (2) Subdivision proposals and development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.**
- (3) Subdivision proposals and development proposals shall have adequate drainage paths provided to reduce exposure to flood hazards and to guide floodwaters around and away from proposed structures.**
- (4) Subdivision proposals and development proposals containing at least five (5) lots or at least five (5) acres, whichever is the lesser, that are wholly or partially in flood hazard areas where base flood elevation data are not provided by the Floodplain Administrator or available from other sources, shall be supported by determinations of base flood elevations as required in § 275-15 of these regulations.**
- (5) Subdivision access roads shall have the driving surface at or above the base flood elevation.**

**B. In special flood hazard areas of nontidal waters of the State:**

- (1) Subdivision proposals shall be laid out such that proposed building pads are located outside of the special flood hazard area and any portion of platted lots that include land areas that are below the base flood elevation shall be used for other purposes, or be deed restricted, or otherwise protected to preserve it as open space.**
- (2) Subdivision access roads shall have the driving surface at or above the base flood elevation.**

**§ 275-21. Protection of Water Supply and Sanitary Sewage Systems.**

- (A) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.**

1           **(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate**  
2           **infiltration of floodwaters into systems and discharge from systems into flood waters.**

3  
4           **(C) On-site waste disposal systems shall be located to avoid impairment to or contamination**  
5           **from them during conditions of flooding.**

6  
7   **§ 275-22. Buildings and Structures.**

8  
9   **New buildings and structures (including the placement and replacement of manufactured homes)**  
10 **and substantial improvement of existing structures (including manufactured homes) that are**  
11 **located, in whole or in part, in any special flood hazard area shall:**

12  
13           **A. Be designed (or modified) and constructed to safely support flood loads. The construction**  
14 **shall provide a complete load path capable of transferring all loads from their point of**  
15 **origin through the load-resisting elements to the foundation. Structures shall be designed,**  
16 **connected, and anchored to resist flotation, collapse, or permanent lateral movement due to**  
17 **structural loads and stresses, including hydrodynamic and hydrostatic loads and the effects**  
18 **of buoyancy, from flooding equal to the flood protection elevation or the elevation required**  
19 **by these regulations or the building code, whichever is higher.**

20  
21           **B. Be constructed by methods and practices that minimize flood damage.**

22  
23           **C. Use flood damage-resistant materials below the elevation of the lowest flood required in §**  
24 **275-34.A. or § 275-35.A.**

25  
26           **D. Have electrical systems, equipment and components, and mechanical, heating, ventilating,**  
27 **air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other**  
28 **service equipment located at or above the elevation of the lowest flood required in § 275-**  
29 **34.A. or § 275-35.A. Electrical wiring systems are permitted to be located below elevation**  
30 **of the lowest floor provided they conform to the provisions of the electrical part of the**  
31 **building code for wet locations. If replaced as part of a substantial improvement, electrical**  
32 **systems, equipment and components, and heating, ventilation, air conditioning, and**  
33 **plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall**  
34 **meet the requirements of this section.**

35  
36           **E. As an alternative to Subsection D, electrical systems, equipment and components, and**  
37 **heating, ventilating, air-conditioning, and plumbing appliances, plumbing fixtures, duct**  
38 **systems, and other service equipment are permitted to be located below the elevation of the**  
39 **lowest floor provided they are designed and installed to prevent water from entering or**  
40 **accumulating within the components and to resist hydrostatic and hydrodynamic loads and**  
41 **stresses, including the effects of buoyancy, during the occurrence of flooding to that**  
42 **elevation.**

43  
44           **F. Have the electrical panelboard elevated at least three (3) feet above the BFE.**

45  
46           **G. Comply with the specific requirements of Article V.**

47  
48           **H. Comply with the requirements of the most restrictive designation if located on a site that**  
49 **has more than one flood zone designation (A Zone, designated floodway).**

1 § 275-23. Placement of fill.  
2

3 A. Disposal of fill, including but not limited to earthen soils, rock, rubble, construction debris,  
4 woody debris, and trash, shall not be permitted in special flood hazard areas.  
5

6 B. Fill proposed to be placed to elevate structures in flood hazard areas shall comply with the  
7 floodways requirements in § 275-33.A., B., and C. and the limitations of § 275-34.B.  
8

9 § 275-24. Historic structures.  
10

11 Repair, alteration, addition, rehabilitation, or other improvement of historic structures shall be  
12 subject to the requirements of these regulations if the proposed work is determined to be a  
13 substantial improvement, unless a determination is made that the proposed work will not preclude  
14 the structure's continued designation as a historic structure. The Floodplain Administrator may  
15 require documentation of a structure's continued eligibility and designation as a historic structure.  
16

17 § 275-25. Manufactured homes.  
18

19 (A) New manufactured homes shall not be placed or installed in floodways.  
20

21 (B) For the purpose of these regulations, the lowest floor of a manufactured home is the bottom  
22 of the lowest horizontal supporting member (longitudinal chassis frame beam).  
23

24 (C) New manufactured homes located outside of floodways, replacement manufactured homes  
25 in any flood hazard areas, and substantial improvement (including repair or substantial  
26 damage) of existing manufactured homes in all flood hazard areas, shall:  
27

28 (1) Be elevated on a permanent, reinforced foundation in accordance with Article V of this  
29 Chapter.  
30

31 (2) Be installed in accordance with the anchor and tie-down requirements of the building  
32 code or the manufacturer's written installation instructions and specifications; and  
33

34 (3) Have enclosures below the lowest floor of the elevated manufactured home, if any,  
35 including enclosures that are surrounded by rigid skirting or other material that is  
36 attached to the frame or foundation, that comply with the requirements of Article V of  
37 this Chapter.  
38

39 § 275-26. Recreational vehicles.  
40

41 Recreational vehicles shall:  
42

43 A. Meet the requirements for manufactured homes in § 275-25;  
44

45 B. Be fully licensed and ready for highway use; or  
46

47 C. Be on a site for less than 180 consecutive days.  
48  
49

1  
2  
3 **§ 275-27. Critical and essential facilities.**

4  
5 **Critical and essential facilities shall:**

- 6  
7 **A. Not be located in floodways; or**  
8  
9 **B. If located in flood hazard areas other than floodways, be elevated to the higher of elevation**  
10 **required by these regulations plus one (1) foot, the elevation required by the building code,**  
11 **or the elevation of the 0.2 percent chance (500-year) flood.**

12  
13 **§ 275-28. Temporary structures and temporary storage.**

14  
15 **In addition to the application requirements of § 275-15, applications for the placement or erection**  
16 **of temporary structures and the temporary storage of any goods, materials, and equipment shall**  
17 **specify the duration of the temporary use. Temporary structures and temporary storage in**  
18 **floodways shall meet the limitations of § 275-33.A. of these regulations. In addition:**

19  
20 **A. Temporary structures shall:**

- 21  
22 **(1) Be designed and constructed to prevent flotation, collapse, or lateral movement**  
23 **resulting from hydrodynamic loads and hydrostatic loads during conditions of the base**  
24 **flood;**  
25  
26 **(2) Have electric service installed in compliance with the electric code; and**  
27  
28 **(3) Comply with all other requirements of the applicable State and local permit authorities.**

29  
30 **B. Temporary storage shall not include hazardous materials.**

31  
32 **§ 275-29. Gas or liquid storage tanks.**

- 33  
34 **A. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or**  
35 **lateral movement resulting from hydrostatic loads, including the effects of buoyancy,**  
36 **during conditions of the base flood.**  
37  
38 **B. Above-ground tanks in flood hazard areas shall be anchored to a supporting structure and**  
39 **elevated to or above the base flood elevation, or shall be anchored or otherwise designed**  
40 **and constructed to prevent flotation, collapse, or lateral movement resulting from**  
41 **hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of**  
42 **the base flood.**  
43  
44 **C. In flood hazard areas, tank inlets, fill openings, outlets and vents shall be:**  
45  
46 **(1) At or above the base flood elevation or fitted with covers designed to prevent the inflow**  
47 **of floodwater or outflow of the contents of the tanks during conditions of the base flood;**  
48 **and**  
49



- 1           **(1) The applicant has been issued a permit by MDE; and**
- 2
- 3           **(2) The applicant has developed hydrologic and hydraulic engineering analyses and**
- 4           **technical data prepared by a licensed professional engineer reflecting such changes, and**
- 5           **the analyses, which shall be submitted to the Floodplain Administrator, demonstrate**
- 6           **that the proposed activity will not result in any increase in the base flood elevation; or**
- 7
- 8           **(3) If the analyses demonstrate that the proposed activities will result in an increase in the**
- 9           **base flood elevation, the applicant has obtained a Conditional Letter of Map Revision**
- 10           **and a Letter of Map Revision from FEMA upon completion of the project. Submittal**
- 11           **requirements and fees shall be the responsibility of the applicant.**
- 12

13           **B. Development that includes the placement of fill in nontidal waters of the State. For**  
14           **proposed development that includes the placement of fill in nontidal waters of the State,**  
15           **other than development that is subject to Subsection D., a hydraulically equivalent volume**  
16           **of excavation is required. Such excavations shall be designed to drain freely.**

17

18           **C. Development that includes the placement of fill in nontidal waters of the State. For**  
19           **development in special flood hazard areas of nontidal waters of the State with base flood**  
20           **elevations but no designated floodways:**

- 21
- 22           **(1) The applicant shall develop hydrologic and hydraulic engineering analyses and**
- 23           **technical data reflecting the proposed activity and shall submit such technical data to**
- 24           **the Floodplain Administrator as required in § 275-15.A.(6). The analyses shall be**
- 25           **prepared by a licensed professional engineer in a format required by FEMA for a**
- 26           **Conditional Letter of Map Revision and a Letter of Map Revision upon completion of**
- 27           **the project. Submittal requirements and fees shall be the responsibility of the applicant.**
- 28
- 29           **(2) The proposed development may be permitted if the applicant has received a permit by**
- 30           **MDE and if the analyses demonstrate that the cumulative effect of the proposed**
- 31           **development, when combined with all other existing and potential flood hazard area**
- 32           **encroachments will not increase the base flood elevation more than 1.0 foot at any point.**
- 33

34           **D. Construction of roads, bridges, culverts, dams, and in-stream ponds. Construction of**  
35           **roads, bridges, culverts, dams, and in-stream ponds in nontidal waters of the State shall not**  
36           **be approved unless they comply with this section and the applicant has received a permit**  
37           **from MDE.**

38

39           **E. Alteration of a watercourse. For any proposed development that involves alteration of a**  
40           **watercourse not subject to Subsection C., unless waived by MDE, the applicant shall**  
41           **develop hydrologic and hydraulic engineering analyses and technical data reflecting such**  
42           **changes, including the floodway analysis required in § 275-15.A., and submit such technical**  
43           **data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by**  
44           **licensed professional engineer in a format required by MDE and by FEMA for a**  
45           **Conditional Letter of Map Revision and a Letter of Map Revision upon completion of the**  
46           **project. Submittal requirements and fees shall be the responsibility of the applicant.**  
47           **Alteration of a watercourse may be permitted only upon submission, by the applicant, of**  
48           **the following:**

49

- 1 (1) A description of the extent to which the watercourse will be altered or relocated;
- 2
- 3 (2) A certification by a licensed professional engineer that the flood-carrying capacity of the
- 4 watercourse will not be diminished;
- 5
- 6 (3) Evidence that adjacent communities, the U.S. Army Corps of Engineers, and MDE have
- 7 been notified of the proposal, and evidence that such notifications have been submitted
- 8 to FEMA; and
- 9
- 10 (4) Evidence that the applicant shall be responsible for providing the necessary
- 11 maintenance for the altered or relocated portion of the watercourse so that the flood
- 12 carrying capacity will not be diminished. The Floodplain Administrator may require
- 13 the applicant to enter into an agreement with the City of Aberdeen specifying the
- 14 maintenance responsibilities; if an agreement is required, the permit shall be
- 15 conditioned to require that the agreement be recorded on the deed of the property
- 16 which shall be binding on future owners.
- 17

18 **§ 275-34. Residential structures and residential portions of mixed-use structures.**

19  
20 New residential structures and residential portions of mixed use structures, and substantial  
21 improvement (including repair of substantial damage) of existing residential structures and  
22 residential portions of mixed use structures shall comply with the applicable requirements of  
23 Article IV and this section.

24  
25 **A. Elevation requirements.**

- 26
- 27 (1) Lowest floors shall be elevated to or above the flood protection elevation.
- 28
- 29 (2) In areas of shall flooding (Zone AO), the lowest floor (including basement) shall be
- 30 elevated at least as high above the highest adjacent grade as the depth number specified
- 31 in feet on the FIRM plus two (2) feet, or at least four (4) feet if a depth number is not
- 32 specified.
- 33
- 34 (3) Enclosures below the lowest floor shall meet the requirements of Subsection (C).
- 35

36 **B. Limitations on use of fill to elevate structures.**

37  
38 Unless otherwise restricted by these regulations, especially by the limitations in § 275-33.A.,  
39 B., and C., fill placed for the purpose of raising the ground level to support a building or  
40 structure shall:

- 41
- 42 (1) Consist of earthen soil or rock materials only.
- 43
- 44 (2) Extend laterally from the building footprint to provide for adequate access as a function
- 45 of use; the Floodplain Administrator may seek advice from the State Fire Marshal's
- 46 Office and/or the local fire services agency;
- 47

- 1           **(3) Comply with the requirements of the building code and be placed and compacted to**  
2           **provide for stability under conditions of rising and falling floodwaters and resistance to**  
3           **erosion, scour, and settling;**
- 4
- 5           **(4) Be sloped no steeper than one (1) vertical to two (2) horizontal, unless approved by the**  
6           **Floodplain Administrator;**
- 7
- 8           **(5) Be protected from erosion associated with expected velocities during the occurrence of**  
9           **the base flood; unless approved by the Floodplain Administrator, fill slopes shall be**  
10           **protected by vegetation if the expected velocity is less than five (5) feet per second, and**  
11           **by other means if the expected velocity is five (5) feet per second or more; and**  
12
- 13           **(6) Be designed with provisions for adequate drainage and no adverse effect on adjacent**  
14           **properties.**

15  
16   **C. Enclosures below the lowest floor.**

- 17
- 18           **(1) Enclosures below the lowest floor shall be used solely for parking of vehicles, building**  
19           **access, crawl/underfloor spaces, or limited storage.**
- 20
- 21           **(2) Enclosures below the lowest floor shall be constructed using flood damage-resistant**  
22           **materials.**
- 23
- 24           **(3) Enclosures below the lowest floor shall be provided with flood openings which shall**  
25           **meet the following criteria:**
- 26
- 27                   **(a) There shall be a minimum of two (2) flood openings on different sides of each**  
28                   **enclosed area; if a building has more than one (1) enclosure below the lowest floor,**  
29                   **each such enclosure shall have flood openings on exterior walls.**
- 30
- 31                   **(b) The total net area of all flood openings shall be at least one (1) square inch for each**  
32                   **square foot of enclosed area (non-engineered flood openings), or the flood openings**  
33                   **shall be engineered flood openings that are designed and certified by a licensed**  
34                   **professional engineer to automatically allow entry and exit of floodwaters; the**  
35                   **certification requirement may be satisfied by an individual certification or an**  
36                   **Evaluation Report issued by the ICC Evaluation Service, Inc.**
- 37
- 38                   **(c) The bottom of each flood opening shall be one (1) foot or less above the higher of the**  
39                   **interior floor or grade, or the exterior grade, immediately below the opening.**
- 40
- 41                   **(d) Any louvers, screens or other covers for the flood openings shall allow the automatic**  
42                   **flow of floodwaters into and out of the enclosed area.**
- 43
- 44                   **(e) If installed in doors, flood openings that meet requirements of Subsection C.(3)(a)**  
45                   **through (d) are acceptable; however, doors without installed flood openings do not**  
46                   **meet the requirements of this section.**
- 47

48   **§ 275-35. Nonresidential structures and nonresidential portions of mixed-use structures.**  
49

1 **New nonresidential structures and nonresidential portions of mixed use structures, and substantial**  
2 **improvement (including repair of substantial damage) of existing nonresidential structures and**  
3 **nonresidential portions of mixed use structures shall comply with the applicable requirements of**  
4 **Article IV and the requirements of this section.**  
5

6 **A. Elevation requirements. Elevated structures shall:**  
7

- 8 (1) **Have the lowest floor (including basement) elevated to or above the flood protection**  
9 **elevation; or**  
10  
11 (2) **In areas of shallow flooding (Zone AO), have the lowest floor (including basement)**  
12 **elevated at least as high above the highest adjacent grade as the depth number specified**  
13 **in feet on the FIRM plus two (2) feet, or at least four (4) feet if a depth number is not**  
14 **specified; and**  
15  
16 (3) **Have enclosures below the lowest floor, if any, that comply with the requirements of §**  
17 **275-34.C.; or**  
18  
19 (4) **If proposed to be elevated on fill, meet the limitations on fill in § 275-34.B.**  
20

21 **B. Floodproofing requirements.**  
22

- 23 (1) **Floodproofing of new nonresidential buildings is not allowed in nontidal waters of the**  
24 **State.**  
25  
26 (2) **Floodproofing for substantial improvement of nonresidential buildings is allowed in**  
27 **nontidal waters of the State.**  
28  
29 (3) **If floodproofing is proposed, structures shall:**  
30  
31 (a) **Be designed to be dry floodproofed such that the building or structure is watertight**  
32 **with walls and floors substantially impermeable to the passage of water to the level**  
33 **of the flood protection elevation plus 1.0 foot, or**  
34  
35 (b) **If located in an area of shallow flooding (Zone AO), be dry floodproofed at least as**  
36 **high above the highest adjacent grade as the depth number specified on the FIRM**  
37 **plus three (3) feet, or at least five (5) feet if a depth number is not specified; and**  
38  
39 (c) **Have structural components capable of resisting hydrostatic and hydrodynamic**  
40 **loads and effects of buoyancy;**  
41  
42 (d) **Have floodproofing measures that are designed taking into consideration the nature**  
43 **of flood-related hazards; frequency, depth and duration of flooding; rate of rise and**  
44 **fall of floodwater, soil characteristics; flood-borne debris; at least twelve (12) hours**  
45 **of flood warning time from a credible source; and time necessary to implement any**  
46 **measures that require human intervention;**  
47  
48 (e) **Have at least one door above the applicable flood elevation that allows human**  
49 **ingress and egress during conditions of flooding;**

- 1  
2           **(f) Have an operations and maintenance plan that is filed with local emergency**  
3           **management officials and that specifies the owner/occupant’s responsibilities to**  
4           **monitor flood potential; the location of any shields, doors, closures, tools, or other**  
5           **goods that are required for implementation; maintenance of such goods; methods of**  
6           **installation; and periodic inspection; and**  
7  
8           **(g) Be certified by a licensed professional engineer or licensed architect, through**  
9           **execution of a Floodproofing Certificate that states that the design and methods of**  
10           **construction meet the requirements of this section. The Floodproofing Certificate**  
11           **shall be submitted with the construction drawings as required in § 275-15.A.(13).**  
12

13 **§ 275-36. Horizontal additions.**  
14

- 15           **A. A horizontal addition proposed for a building or structure that was constructed after the**  
16           **date specified in § 275-1 shall comply with the applicable requirements of Article IV and**  
17           **this section.**  
18  
19           **B. In nontidal waters of the State that are subject to the regulatory authority of MDE, all**  
20           **horizontal additions shall comply with the applicable requirements of Article IV and this**  
21           **section and:**  
22  
23           **(1) If the addition is structurally connected to the base building, the requirements of**  
24           **Subsection C. apply.**  
25  
26           **(2) If the addition has an independent foundation and is not structurally connected to the**  
27           **base building and the common wall with the base building is modified by no more than a**  
28           **doorway, the base building is not required to be brought into compliance.**  
29  
30           **C. For horizontal additions that are structurally connected to the base building:**  
31  
32           **(1) If the addition combined with other proposed repairs, alterations, or modifications of**  
33           **the base building constitutes substantial improvement, the base building and the**  
34           **addition shall comply with the applicable requirements of Article IV and this section.**  
35  
36           **(2) If the addition constitutes substantial improvement, the base building and the addition**  
37           **shall comply with all of the applicable requirements of Article IV and this section.**  
38  
39           **D. For horizontal additions with independent foundations that are not structurally connected**  
40           **to the base building and the common wall with the base building is modified by no more**  
41           **than a doorway, the base building is not required to be brought into compliance.**  
42  
43           **E. A horizontal addition to a building or structure that is not substantial improvement, and is**  
44           **not located in nontidal waters of the State, is not required to comply with this section.**  
45

46 **§ 275-37. Accessory structures.**  
47

- 48           **(A) Accessory structures shall be limited to not more than 300 square feet in total floor area.**  
49



1 showing the location of flood hazard areas, designated floodway boundaries, flood zones,  
2 base flood elevations, and flood protection setbacks; description of the variance south; and  
3 reason for the variance request. Variance applications shall specifically address each of the  
4 considerations in § 275-40.  
5

- 6 C. If the application is for a variance to allow the lowest floor of a building or structure below  
7 the applicable minimum elevation required by these regulations, the application shall  
8 include a statement signed by the owner that, if granted, the conditions of the variance shall  
9 be recorded on the deed of the property.

10  
11 **§ 275-40. Considerations for variances.**  
12

13 **The Floodplain Administrator shall request comments on variance applications from MDE (NFIP**  
14 **State Coordinator) and shall provide such comments to the Board of Appeals. In considering**  
15 **applications for variances, the Board of Appeals shall make findings of fact on all evaluations, all**  
16 **relevant factors, requirements specified in other sections of these regulations, and the following**  
17 **factors:**  
18

- 19 A. The danger that materials may be swept onto other lands to the injury of others.  
20  
21 B. The danger to life and property due to flooding or erosion damage.  
22  
23 C. The susceptibility of the propose development and its contents (if applicable) to flood  
24 damage and the effect of such damage on the individual owner.  
25  
26 D. The importance of the services to the community provided by the proposed development.  
27  
28 E. The availability of alternative locations for the proposed use which are not subject to, or are  
29 subject to less, flooding or erosion damage.  
30  
31 F. The necessity to the facility of a waterfront location, where applicable, or if the facility is a  
32 functionally dependent use.  
33  
34 G. The compatibility of the proposed use with existing and anticipated development.  
35  
36 H. The relationship of the proposed use to the comprehensive plan and hazard mitigation plan  
37 for that area.  
38  
39 I. The safety of access to the property in times of flood for passenger vehicles and emergency  
40 vehicles.  
41  
42 J. The expected heights, velocity, duration, rate of rise, and sediment transport of the  
43 floodwaters and the effects of wave action, if applicable, expected at the site.  
44  
45 K. The costs of providing government services during and after flood conditions, including  
46 maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and  
47 water systems, and streets and bridges.  
48  
49 L. The comments provided by MDE (NFIP State Coordinator).

1  
2 **§ 275-41. Limitations for granting variances.**  
3

4 **The Board of Appeals shall make an affirmative decision on a variance request only upon:**  
5

- 6 **A. A showing of good and sufficient cause. Good and sufficient cause deals solely with the**  
7 **physical characteristics of the property and cannot be based on the character of the**  
8 **improvement, the personal characteristics of the owner/inhabitants, or local provision that**  
9 **regulate standards other than health and public safety.**  
10  
11 **B. A determination that failure to grant the variance would result in exceptional hardship due**  
12 **to the physical characteristics of the property. Increased cost or inconvenience of meeting**  
13 **the requirements of these regulations does not constitute an exceptional hardship to the**  
14 **applicant.**  
15  
16 **C. A determination that the granting of a variance for development within any designated**  
17 **floodway, or flood hazard area with base flood elevations but no designated floodway, will**  
18 **not result in increased flood heights beyond that which is allowed in these regulations.**  
19  
20 **D. A determination that the granting of a variance will not result in additional threats to**  
21 **public safety; extraordinary public expense, nuisances, fraud or victimization of the public,**  
22 **or conflict with existing local laws.**  
23  
24 **E. A determination that the building, structure, or other development is protected by methods**  
25 **to minimize flood damages.**  
26  
27 **F. A determination that the variance is the minimum necessary to afford relief, considering the**  
28 **flood hazard.**  
29

30 **ARTICLE VIII**  
31 **Enforcement**  
32

33 **§ 275-42. Compliance required.**  
34

- 35 **A. No building, structure, or development shall hereafter be located, erected, constructed,**  
36 **reconstructed, improved, repaired, extended, converted, enlarged, or altered without full**  
37 **compliance with these regulations and all other applicable regulations.**  
38  
39 **B. Failure to obtain a permit shall be a violation of these regulations and shall be subject to**  
40 **penalties in accordance with § 275-44.**  
41  
42 **C. Permits issued on the basis of plans and applications approved by the Floodplain**  
43 **Administrator authorize only the specific activities set forth in such approved plans and**  
44 **applications or amendments thereto. Use, arrangement, or construction of such specific**  
45 **activities that are contrary to that authorization shall be deemed a violation of these**  
46 **regulations.**  
47

48 **§ 275-43. Notice of violation and stop work order.**  
49

1 **If the Floodplain Administrator determines that there has been a violation of any provision of these**  
2 **regulations, the Floodplain Administrator shall give notice of such violation to the owner, the**  
3 **owner’s authorized agent, and the person responsible for such violation, and may issue a stop work**  
4 **order. The notice of violation or stop work order shall be in writing and shall:**  
5

- 6 **A. Include a list of violations, referring to the section or sections of these regulations that have**  
7 **been violated;**
- 8
- 9 **B. Order remedial action which, if taken, will effect compliance with the provisions of these**  
10 **regulations;**
- 11
- 12 **C. Specify a reasonable period of time to correct the violation;**
- 13
- 14 **D. Advise the recipients of the right to appeal; and**
- 15
- 16 **E. Be served in person; or**
- 17
- 18 **F. Be posted in a conspicuous place in or on the property and sent by registered or certified**  
19 **mail to the last unknown mailing address, residence, or place of business of the recipients.**

20  
21 **§ 275-44. Violations and penalties.**  
22

- 23 **A. Any person who fails to comply with any or all of the requirements or provisions of this**  
24 **chapter or direction of the Floodplain Administrator or any other authorized employee of**  
25 **the City shall be in violation of this chapter. Any person responsible for a violation shall**  
26 **comply with the notice of violation of stop work. A violation of this chapter is deemed to be**  
27 **a municipal infraction. Any person who violates any provision of this chapter shall be**  
28 **subject to a civil penalty of \$500 for each offense. The total civil penalty for all offenses**  
29 **arising from a related series of violations may not exceed \$10,000.**
- 30
- 31 **B. Each twenty-four (24) period during which any violation of this chapter continues shall**  
32 **constitute a separate offense.**
- 33
- 34 **C. The imposition of a fine or penalty for any violation of or noncompliance with this chapter**  
35 **shall not excuse the violation or noncompliance or permit it to continue, and all such**  
36 **persons shall be required to correct such violations and noncompliance within a reasonable**  
37 **time to be established by the Floodplain Administrator.**
- 38
- 39 **D. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance**  
40 **with this chapter shall be declared by the Floodplain Administrator to be a public nuisance**  
41 **and abatable as such.**
- 42
- 43 **E. The MDE (NFIP State Coordinator) shall be notified in writing of any structure or**  
44 **property in violation of this chapter.**

45  
46 **ARTICLE VIII**  
47 **Subsequent Amendments**  
48

49 **§ 275-45. Subsequent amendments.**

1  
2 **All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are**  
3 **hereby repealed to the extent of such inconsistency. This ordinance shall be amended as required**  
4 **by the Federal Emergency Management Agency, Title 44, Code of Federal Regulations. All**  
5 **subsequent amendments to this ordinance are subject to the approval of the Federal Emergency**  
6 **Management Agency and the Maryland Department of the Environment.**  
7

8 **SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY**  
9 **OF ABERDEEN,** that this Ordinance shall become effective at the expiration of twenty (20)  
10 calendar days following adoption.  
11

**COUNCIL OF THE CITY OF ABERDEEN**

\_\_\_\_\_  
**Patrick L. McGrady, Mayor**

\_\_\_\_\_  
**Sandra J. Landbeck, Councilwoman**

\_\_\_\_\_  
**Timothy W. Lindecamp, Councilman**

\_\_\_\_\_  
**Melvin T. Taylor, Councilman**

\_\_\_\_\_  
**Vacant**

**ATTEST:**

**SEAL:**

\_\_\_\_\_  
**Monica A. Correll, City Clerk**

**Date** \_\_\_\_\_