

**TOWN OF TUNBRIDGE
FLOOD HAZARD AREA ORDINANCE
March 18, 1998 – UPDATE June 17, 2014**

1.0 STATUTORY AUTHORIZATION

1.1 To effect the purposes of 10 V.S.A., Chapter 32, and in accord with the Vermont Planning and Development Act, 24 V.S.A., Chapter 117, Sections 4410 and 4412, there are hereby established an ordinance for areas of special flood hazard in the Town of Tunbridge, Vermont.

2.0 STATEMENT OF PURPOSE

2.1 It is the purpose of this ordinance to promote the public health, safety, and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by:

- a. restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause excessive increase in flood heights or velocities;
- b. requiring that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction; and
- c. protecting individuals from buying lands that are unsuited for their intended purposes because of flood hazard.

3.0 LANDS TO WHICH THIS ORDINANCE APPLIES

3.1 This ordinance shall apply to all lands in the Town of Tunbridge, Vermont.

a. regulated flood hazard areas

These regulations shall apply to the Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations. The location of the boundary shall be determined by the Administrative Officer (AO). If the applicant disagrees with the determination made by the AO, a Letter of Map Amendment from FEMA shall constitute proof.

b. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway

limits *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

4.0 OFFICIAL FLOOD HAZARD AREA MAP

4.1 The official flood hazard area map shall be considered the most current maps published by the National Flood Insurance Program and the Flood Plain Management Study for Tunbridge, 1991 by the USDA Soil Conservation Service. These maps are hereby adopted by reference and declared to be a part of this ordinance.

5.0 INTERPRETATION OF DISTRICT BOUNDARIES

5.1 The Administrative Officer shall determine the boundaries of any designated area of special flood hazard by scaling distances of the Official Flood Hazard Area Map. Appeals with respect to a boundary interpretation shall be made by filing a notice with the secretary of the Board of Adjustment within fifteen days of the decision or act. This appeal may need to include the LOMA process.

6.0 PERMIT REQUIREMENTS AND APPLICATION PROCEDURES

6.1 A permit is required from the Administrative Officer for all development in all areas defined in Section 4.0. Development that requires conditional use approval, non-conforming use approval, or a variance from the Board of Adjustment (BOA) under the flood hazard regulations, must have such approvals prior to the issuance of a permit by the AO. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section 1.0 and 7.0. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

6.2 All permit applications shall be submitted to the Administrative Officer, on forms furnished by the Administrative Officer, who shall determine, on application, whether or not the proposed development is located within the area of special flood hazard by the procedures established in Section 5.0 of this ordinance.

6.3 If the proposed use will be located in the areas of special flood hazard, the Administrative Officer shall refer all applicants to the Board of Adjustment.

6.4 A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the AO and attached to the permit before work can begin.

7.0 RECORDS

7.1 The Administrative Officer shall maintain a record of:

- a. the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures, within the designated special flood hazard areas, and whether or not such structures contain a basement; and
- b. the elevation, in relation to mean sea level, to which such structures have been floodproofed.
- c. all floodproofing certifications required under this ordinance.
- d. all variance actions, including justification for their issuance.

8.0 BOARD OF ADJUSTMENT

8.1 Upon receiving an application for a permit under this Ordinance, the Board of Adjustment shall, prior to holding a hearing and rendering a decision thereon, obtain from the applicant:

- a. base flood elevation data for all subdivisions and other proposed new developments;
- b. the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures;
- c. where floodproofing is used in lieu of elevation, the elevation, in relation to mean sea level, to which any non-residential structure or substantial improvement has been floodproofed;
- d. certification from a registered professional engineer or architect that the floodproofed structure meets the floodproofing criteria of subsection 9.1 (B) 11 of this ordinance; and;
- e. a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

8.2 In Zones AE, AH, and A1-A30 *where base flood elevations and/or floodway limits have not been determined*, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

8.3 In areas where base flood elevations and floodway limits have not been provided, the Board of Adjustment shall obtain, review and reasonably utilize any data provided by FEMA, or State or Federal agencies, as criteria for approval of all development.

8.4 The Board of Adjustment shall notify adjacent communities and the Vermont Department of Environmental Conservation prior to the hearing and approval of any alteration or relocation of a watercourse and shall submit copies of such notifications to the FEMA Administrator.

9.0 DEVELOPMENT STANDARDS

9.1 As a condition of approval, the Board of Adjustment shall specifically require the following:

a. Floodway Areas

1. Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:

- a. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood
- b. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding

2. Public utilities may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

b. Fringe Areas

1. All structures shall be designed (i) to minimize flood damage to the proposed development and public facilities and utilities, and (ii) to provide adequate drainage to reduce exposure to flood hazards.

2. Structures be: (i) designed (or modified) and anchored to resist flotation, collapse, or lateral movement; (ii) be constructed with materials resistant to

flood damage; (iii) be constructed by methods and practices that minimize flood damage; (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

4. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

5. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

6. New and replacement manufactured homes shall be elevated on piers (preferred method – allowing better flood flow and withstanding erosion) or properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is one foot above the base flood elevation.

7. All subdivision proposals be reasonably safe from flooding and that:

a. all public utilities and facilities serving subdivisions, such as sewer, gas, electrical, and water systems, be located and , constructed to minimize or eliminate flood damage; and

b. adequate drainage be provided within subdivisions to reduce exposure to flood hazards.

8. The lowest floor, including basement, of all new buildings shall be one foot or more above base flood elevation.

9. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of subsection 8.

10. Existing buildings to be substantially improved for non-residential purposes shall either (1) meet the requirements of subsection 9, or (2) be designed to be watertight below one foot above base flood elevation (NOTE: significant reductions in flood insurance may be possible for 2 feet or more of elevations.) with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

11. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area sUbject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.

Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding shall

- a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits
- b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot

above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

12. Recreational vehicles placed within fringe areas shall be on the site for fewer than 180 consecutive days or meet the standards of the Program and the elevation and anchoring requirements for manufactured homes.

9.2 The Board of Adjustment shall attach such additional conditions to the granting of a permit as are necessary to meet the purposes and flood hazard area management requirements of this ordinance.

10.0 VARIANCES TO THE DEVELOPMENT STANDARDS

10.1 Variances may be granted in writing by the BOA only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.0, after a public hearing noticed as described in Section 11.0.

Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

11.0 TIME FOR ACTING ON APPLICATION

11.1 The Board of Adjustment shall hold a properly warned hearing within 30 days of receiving an application, and shall act on such application within 30 days of the final hearing.

11.2 A copy of the public notice shall be mailed to the applicant at least 15 days prior to the hearing date.

12.0 ISSUANCE AND TRANSMISSION OF PERMITS

12.1 Upon granting a permit, the Board of Adjustment shall send to the applicant, by certified mail, a copy of the decision. Copies of the decision also shall be mailed to every person appearing and having been heard at the hearing, with the Administrative Officer, who shall forthwith issue a permit, and with the Town Clerk as a part of the public records.

13.0 EFFECTIVE DATE

13.1 Permit shall take effect 15 days from the date of issuance.

14.0 APPEALS

14.1 An interested person, as defined in 24 V.S.A., Section 4464(b), may appeal a decision of the Board of Adjustment to the Vermont Environmental Board in accordance with the provisions of 24 V.S.A., Section 4471.

15.0 NON-COMPLYING STRUCTURES

15.1 The Board of Adjustment may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a non-complying structure within a regulated flood hazard area, subject to compliance with the applicable considerations and requirements of Section 9.0 of this ordinance and provided that the following criteria are met:

a. the Board finds that the repair, relocation, or enlargement of such noncomplying structure is required for the continued economically feasible operation of a non-residential enterprise;

b. the Board finds that the repair, relocation, or enlargement of a noncomplying residential or non-residential structure will not increase flood levels in the regulatory floodway, threaten the health, safety, and welfare of the public or other property owners;

c. the permit so granted shall state that the repaired, relocated, or enlarged non-complying structure is located in a regulated flood hazard area does not comply to the ordinance pertaining thereto, may not be eligible for any flood insurance pertaining to regulated flood hazard areas, and will be maintained at the risk of the owner;

d. An existing non-complying structure destroyed by fire, flood, or similar causes shall, if to be replaced or rebuilt, comply with the National Flood Insurance requirements and this ordinance; and

e. a copy of such permit shall be affixed to the copy of the deed of the concerned property on file in the Town Clerk's office.

16.0 ENFORCEMENT AND PENALTIES

16.1 It shall be the duty of the Administrative Officer to enforce the provisions of this bylaw. Upon determination that a violation exists, the Administrative Officer shall notify the alleged offender of the violation by certified mail.

A. The notice of enforcement shall state that:

1. A violation exists;
2. That the alleged offender has an opportunity to cure the violation within seven days of receipt;
3. That failure to cure the violation may result in fines and/or loss of flood insurance;
4. That the alleged offender will not be entitled to an additional warning notice for a violation occurring after seven days within the next succeeding 12 months; and,
5. That the notice of violation may be appealed as specified under VI.G;

B. Copies of the notice of violation will be:

1. Mailed to the Vermont NFIP Coordinator and, within 30 days be
2. Filed in the land use permit files; and,
3. Delivered to the municipal clerk for recording in the land records.

C. After seven days, if the violation has not been remedied, in accordance with 10 VSA § 1974a § 4451, and § 4452, any person who is found to have violated this bylaw shall be fined by the court not more than \$100.00 for each offense. No action may be brought under this section unless such notice as required in has been given as described above in this part. In default of

payment of the fine, the violator shall pay double the amount of the fine. Each day that a violation is continued shall constitute a separate offense.

- D. If any appeals have been resolved, but the violation remains, the AO shall submit a declaration to the Administrator of the National Flood Insurance Program requesting denial of flood insurance to the violator. The declaration shall consist of:
- a. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location,
 - b. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance,
 - c. A clear statement that the Administrative Officer making the declaration has authority to do so and a citation to that authority,
 - d. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and
 - e. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
- E. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

17.0 PROHIBITED USES

17.1 Junkyards, as defined in 24 V.S.A., Section 2068, and storage facilities for chemicals, explosives, flammable liquids or other toxic materials shall be prohibited in the floodway.

18.0 FEES

18.1 The Board of Selectmen shall establish such fees as may be necessary for the filing of notices and the processing of hearings and action thereon. All such fees shall be paid to the secretary of the Board of Adjustment upon application for a conditional use permit under this ordinance.

19.0 WARNING OF DISCLAIMER OF LIABILITY

19.1 This ordinance do not imply that land outside the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Tunbridge or any town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

20.0 SEVERABILITY

20.1 If any portion of this ordinance is held unconstitutional or invalid by a competent court, the remainder of this ordinance shall not be affected thereby.

21.0 PRECEDENCE OF ORDINANCE

21.1 The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.

22.0 ANNUAL REPORT TO FEDERAL EMERGENCY MANAGEMENT AGENCY

22.1 The Administrative Officer shall submit to the Administrator an Annual Report with respect to the administration and enforcement of this ordinance.

22.2 A copy of the Annual Report shall be submitted to the Vermont Department of Environmental Conservation.

23.0 DEFINITIONS

Accessory Structure: means a structure which is:

1. detached from and clearly incidental and subordinate to the principal use of or structure on a lot,
2. located on the same lot as the principal structure or use, and
3. clearly and customarily related to the principal structure or use.

For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

Administrator: The Federal Emergency Management Agency Flood Insurance Administrator.

Administrative Officer: The Town Flood Hazard Area person appointed by the Selectboard of the Town of Tunbridge.

Alluvial Fan Flooding: means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and, unpredictable flow paths.

Apex: means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of Shallow Flooding: means a designated AO or AH zone on a Town's Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the floodplain within a Town subject to a one percent or greater chance of flooding in a given year.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

Basement: means any area of the building having its floor subgraded (below ground level) on all sides.

Board of Adjustment: The Planning Commission, with a minimum of 5 people present.

Building: means a walled and roofed building including a gas or liquid storage tank that is stored above ground.

Common plan of development: Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

Development: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation of landfill, and any change in the use of any building or other structure, or land or extension or use of land.

FEMA: Federal Emergency Management Agency.

FHAM (Flood Hazard Area Map): The Flood Hazard Area Map is an official map of the Town, issued by the FEMA, where the boundaries of the flood, mudslide (ie., mudflow) related to erosion areas having special hazards have been designated as zones A, M and/or E.

Fill: Any placed material that changes that natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

FIRM: The Flood Insurance Rate Map, an official map of a community, on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood:

- a. a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusually and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse of subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such

as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Study: means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain or flood-prone area: Any land susceptible to being inundated by water from any source (see definition of flood).

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent use: means a use which cannot perform its intended purpose unless it is located or carried out in the close proximity to water.

Historic Structure: means any structure that is: a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program, as determined by the Secretary of Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Amendment (LOMA): A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

Lowest Floor: means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44CFR Section 60.3.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Manufactured Home Park or Manufactured Home Subdivision: A parcel of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a Town's Flood Insurance Rate Map are referenced.

New Construction: means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management ordinance adopted by a community and includes any subsequent improvements to such structures.

Non-Residential: This includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

Recreational vehicle: A vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projections;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use

Special Flood Hazard Area: The flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. For purpose of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area". This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

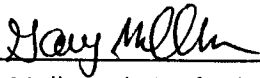
Structure: An assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm.

Start of Construction: See FEMA definition in Section 1909.1 of the current National Flood Insurance Program rules and ordinance.

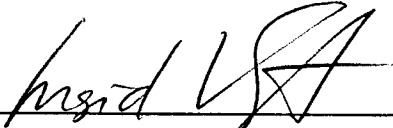
Substantial Damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

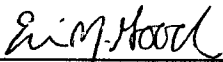
Violation: The failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.



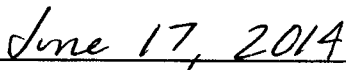
Gary Mullen, Chair of Selectboard



Ingrid Van Steamburg, Vice-Chair of Selectboard



Erin Gooch, Clerk of Selectboard



Date