**Chapter 101. FLOODPLAIN MANAGEMENT**

**[HISTORY: Adopted by the Commissioners of the Town of Dewey Beach 9-7-1984 as Ch. 16 of the 1984 Code; amended in its entirety 12-11-1993 by Ord. No. 281. Subsequent amendments noted where applicable.]**

**Article I. General Provisions**

**§ 101-1. Intent.**

The intent of this chapter is to:

A. Promote the general health, welfare, and safety of the community.

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize the flood damage in the future.

C. Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal, and natural drainage.

D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing the unwise design and construction of development in areas subject to flooding.

E. To obtain substantially reduced flood insurance premiums for the Town's property owners.

F. To be in force in conjunction with any and all Town, county, state and/or federal laws, regulations and ordinances that are in effect as of this date, or could be in the future.

**§ 101-2. Applicability.**

These provisions shall apply to all lands within the jurisdiction of the Town of Dewey Beach and shown as being located within the boundaries of the designated coastal floodplain areas, as delineated in the most recent Flood Insurance Study for the Town of Dewey Beach.

**§ 101-3. Abrogation and greater restrictions.**

This chapter supersedes any ordinances currently in affect in the coastal floodplain area. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

**Article II. Definitions**

**§ 101-4. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**AREA OF SHALLOW FLOODING**

A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual 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 may be characterized by ponding or sheet flow.

**BASE FLOOD**

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

**BASEMENT**

Any area of the building having its floor subgrade (below grade level) on all sides.

**COASTAL FLOODPLAIN AREA**

The floodplain area specifically identified in this chapter as being inundated by the one-hundred-year flood. Included would be areas identified as coastal high hazard and general plain areas.

**COMPLETELY DRY SPACE**

A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**CONSTRUCTION**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

**ESSENTIALLY DRY SPACE**

A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**EXISTING MOBILE HOME PARK OR SUBDIVISION**

A mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.

**EXPANSION TO AN EXISTING MOBILE HOME PARK OR SUBDIVISION**

The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD**

A temporary inundation of normally dry land areas.

**FLOODPROOFING**

Means 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.

**HISTORIC STRUCTURES**

Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the 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 the Interior; or

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 the Interior; or

(2) Directly by the Secretary of the Interior in states without approved programs.

**LAND DEVELOPMENT**

A. The improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving (1) a group of two or more buildings, or (2) the division or allocation of land or space between or among the two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

B. A subdivision of land;

C. Storage of equipment and materials.

**LOWEST FLOOR**

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 nonelevation design requirements of this chapter.

**MINOR REPAIR**

The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but not including any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment.

**MOBILE 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.

**ONE-HUNDRED-YEAR FLOOD**

A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year). For purposes of this chapter, the base flood.

**NEW CONSTRUCTION**

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 regulation adopted by a community and includes any subsequent improvements to such structures.

**PERSON**

Any individual or group of individuals, corporation, partnership, association or other entity, including state and local governments and agencies.

**PRINCIPALLY ABOVE GROUND**

At least 51% of the actual cash value of this structure, less land value, is above ground.

**RECREATIONAL VEHICLE**

A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

**START OF CONSTRUCTION**

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on the site, such as pouring the slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE**

A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

**SUBDIVISION**

The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer or ownership, or building or lot development; provided however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement or access, shall be exempted.

**SUBSTANTIAL DAMAGE**

Damage of any origin sustained by a structure within a ten-year period whereby the cumulative cost of restoring the structure to its before-damaged condition over the ten-year period would equal or exceed 30% of the market value of the structure before the damage occurred.

**[Amended 11-13-1999 by Ord. No. 416]**

**SUBSTANTIAL IMPROVEMENT**

**[Amended 11-13-1999 by Ord. No. 416]**

A. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which, within a ten-year period, equals or exceeds a cumulative total of 50% 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 and 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 an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

B. The cumulative total cost does not include nonstructural interior finishings or roof coverings except when determining whether the structure has been substantially improved as a result of a single improvement or repair.

C. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

**Article III. Identification of Coastal Floodplain Area**

**§ 101-5. Identification.**

*Editor’s Note: See also Ch. 185, Zoning, § 185-4, for references to flood-prone areas.* The coastal floodplain area of the Town of Dewey Beach shall include all areas subject to inundation by the floodwaters of the one-hundred-year flood. The source of this delineation shall be the most recent Flood Insurance Study for the Town of Dewey Beach prepared by the Federal Emergency Management Agency.

**§ 101-6. Coastal floodplain area.**

*Editor’s Note: See also Ch. 185, Zoning, § 185-4, for references to flood-prone areas.* The coastal floodplain area shall be further subdivided into the following three subareas:

A. Coastal high hazard area: That area of the one-hundred-year floodplain subject to high velocity water, including but not limited to hurricane wave wash. Such area is delineated by the above-referenced Flood Insurance Study.

B. General floodplain area: That area of the one-hundred-year floodplain not included in the coastal high hazard area or areas subject to sheet-flow.

C. Areas of shallow flooding: Areas with flood depths of one to three feet (usually sheet flow or sloping terrain) where average depths have been determined.

**§ 101-7. Flood-prone area boundary changes.**

*Editor’s Note: See also Ch. 185, Zoning, § 185-4, for references to flood-prone areas.*

A. The delineation of the coastal floodplain area may be revised, amended and modified by the Town Commissioners in compliance with the National Flood Insurance Program when:

(1) There are changes through natural or other causes;

(2) Changes are indicated by future detailed hydrologic and hydrostatic studies.

B. All such changes shall be subject to the review and approval of the Federal Insurance Administrator.

**§ 101-8. Boundary disputes.**

Should a dispute concerning any district boundary arise, an initial determination shall be made by the permit officer and any party aggrieved by this decision may appeal to the Board of Adjustments. The burden of proof shall be on the appellant.

**Article IV. Utilization of the Coastal Floodplain Area**

**§ 101-9. Compliance with provisions required; additional requirements.**

A. Within any designated coastal floodplain area new construction and other development, uses, and activities shall be allowed, provided they are undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.

B. Within the coastal high hazard area of the coastal floodplain, the following additional requirements apply:

(1) All new construction shall be located landward of the reach of mean high tide.

(2) Mobile homes are prohibited except into existing mobile home parks or mobile home subdivisions.

(3) Man-made alterations of sand dunes are prohibited if such alterations would increase potential flood damage.

(4) Fill for structural support is prohibited.

(5) All buildings shall be westward of the building line as shown on the DNREC Coastal Zone Map No. 15479-19554-B, Dated August 1, 1979, or its successor, or as amended.

**§ 101-10. General design and construction standards.**

The following minimum standards shall apply for all new construction and development to be undertaken within any identified coastal floodplain area:

A. Drainage facilities. Adequate storm drainage shall be provided for development within coastal floodplain area. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff into adjacent properties.

B. Sanitary sewer facilities. All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

C. Water facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system, and be located and constructed to minimize or eliminate flood damages.

D. Utilities. All utilities such as gas lines, electrical and telephone systems, and sewer lines being placed in the coastal floodplain area shall be located and constructed to minimize the chance of impairment during the base flood.

**[Amended 11-13-1999 by Ord. No. 416]**

E. Anchoring. Within any coastal floodplain area, all new construction or substantial improvements shall:

(1) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) Be constructed with materials resistant to flood damage.

(3) 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 accumulating within the components during conditions of flooding.

F. Materials. All materials and utility equipment used shall be resistant to flood damage.

G. Enclosed areas below base flood elevation. For all new construction and substantial improvements, 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 must 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, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

H. For all new or substantially improved buildings, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during base flood conditions.

**[Amended 11-13-1999 by Ord. No. 416]**

**§ 101-11. Elevation, floodproofing and construction standards applicable within general floodplain area.**

In addition to the standards of § 101-10 of this chapter, the following additional standards shall apply for all construction and development to be undertaken within the designated general floodplain area:

A. Residential structures. Within the general floodplain area the lowest floor, including the basement, of all new or substantially improved residential structures shall be elevated to at least one foot above the one-hundred-year flood elevation.

B. Nonresidential structures. Within the general floodplain area the lowest floor, including the basement, of all new or substantially improved nonresidential structures shall be constructed at least one foot above the one-hundred-year flood elevation, or such structure shall be designed and constructed so that the space enclosed shall remain completely dry during any flood up to that height.

C. Fully enclosed areas below the lowest floor. For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which 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:

(1) A minimum of two openings having a total net area of not less than one square inch for every foot of enclosed area subject to flooding shall be provided.

**[Amended 11-13-1999 by Ord. No. 416]**

(2) The bottom of all openings shall be no higher than one foot above grade.

**[Amended 11-13-1999 by Ord. No. 416]**

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

**§ 101-12. Elevation, floodproofing and construction standards applicable within the coastal high hazard area.**

**[Amended 11-13-1999 by Ord. No. 416]**

In addition to the standards of § 101-10 of this chapter, the following additional standards shall apply to all new construction and substantial improvements, as defined by the floodplain management ordinance in effect.

A. Piling foundation requirements. All new or substantially improved buildings, wholly or partially within the coastal high hazard area, shall be constructed on a piling foundation, designed (by a professional engineer or architect) and constructed to prevent flotation, collapse or lateral displacement of the building during design flood conditions. Foundation design shall consider the effects of all flood, wave, wind and other loads anticipated during design flood conditions, and shall also consider the effects of storm-induced erosion and long-term erosion.

(1) Foundation pilings for structures wholly or partially within the coastal high hazard area shall be at or below -10.0 feet NGVD, as dictated by design calculations. In no instance will the bottoms of foundation pilings be permitted above -10.0 NGVD.

(2) The bottom of the lowest horizontal structural member of the lowest floor shall be elevated to a height that is at least one foot above the base flood elevation.

B. Fully enclosed areas below the lowest floor. For all new construction, substantial improvements, and enclosures which have been damaged by floodwaters, rising from either Rehoboth Bay or the Atlantic Ocean, as determined and authorized by the Dewey Beach Building Official, the space below the lowest floor shall be either free of obstructions or constructed with nonsupporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of 10 to 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meet the following conditions:

(1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those required by applicable state or local building standards. Such enclosed space shall be usable solely for parking of vehicles, building access or storage and not as habitable space.

(3) The floor of an area enclosed with breakaway walls shall be either composed of soil, crushed shell, gravel, driveway stone, concrete paver blocks or other materials as approved by the Town. Wooden floors, floor joists and floor beams are prohibited. Breakaway walls shall include openings that allow the automatic entry and exit of floodwaters.

C. Fill shall not be used as structural support for structures within the coastal high hazard area.

D. Utilities for piling supported buildings. For all new or substantially improved buildings supported on pilings, wiring, plumbing, duct work and other utility components shall not be attached to breakaway walls. All utility connections servicing the elevated building will be attached to the landward side of foundation piles. Electrical outlets shall be placed in the ceiling or attached to pilings, at or above the base flood elevation. For building access and occupant safety, it shall be permissible to install not more than two light switches below the base flood elevation, provided the switches are protected by ground fault circuits.

**§ 101-13. Construction standards applicable within areas of shallow flooding.**

**[Amended 6-10-1994 by Ord. No. 298; 11-13-1999 by Ord. No. 416]**

A. All new construction and substantial improvements of residential structures within any AO Zone on the community's FIRM are required to have the lowest floor (including the basement) elevated above the adjacent grade to a height that is one foot or more above the depth number specified in feet on the community's FIRM. (At least three feet if no depth number is specified.)

B. Nonresidential structures. All new and substantial improvements of nonresidential structures are required to:

(1) Have the bottom of the lowest floor (including basement) elevated above the highest adjacent grade to a height that is one foot or more above the depth number specified in feet on the community's FIRM; or

(2) Together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in this chapter.

**§ 101-14. Mobile home standards within the coastal floodplain areas.**

**[Amended 11-13-1999 by Ord. No. 416]**

All existing mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

A. Over-the-top ties provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet requiring one additional tie per side.

B. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes more than 50 feet requiring four additional ties per side.

C. All components of the anchoring system capable of carrying a force of 4,800 pounds.

**§ 101-15. Existing structures in coastal floodplain areas.**

Structures existing in any coastal floodplain area prior to the enactment of this chapter, but which are not in compliance with these provisions, may continue to remain subject to the following:

A. Within the coastal high hazard area existing structures located seaward of the reach of mean high tide shall not be expanded or enlarged.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of the market value, shall be undertaken (only in full compliance) with the provisions of this chapter.

**§ 101-16. Deck construction.**

**[Added 11-13-1999 by Ord. No. 416]**

No person shall commence the construction of any structure, or portion thereof, seaward of the DNREC Building Restriction Line on any parcel of real property, except where one or more of the following conditions exist: Whenever a deck is being constructed along with a new building, and said deck is located at or above the lowest living floor of the building and said deck is also making use of the foundation of said building, said deck shall not extend beyond the most seaward point of any lawfully constructed building or deck of a similar nature that is already existing on any immediately adjacent parcel of real property located within the same subdivision as the parcel of real property on which the building or deck is proposed.

**§ 101-17. Materials.**

**[Added 11-13-1999 by Ord. No. 416]**

All materials used in new construction and substantial improvements, and exposed to floodwaters during design flood conditions shall be flood-resistant. All nails, bolts, screws and other fasteners exposed to salt air shall be hot-dip galvanized to meet ASTM a 153/A 153M-B2. Sheet metal connectors such as wind anchors, joist hangars, and truss plates shall comply with the table at Figure 16-1.

**Article V. Administration**

**§ 101-18. Building permits required.**

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction, reconstruction, enlargement, alteration, relocation, or replacement of any building or structure or any other development within any coastal floodplain area unless an approved building permit has been obtained.

B. A building permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

C. Application for such building permit shall be made to the Town's Building Inspector, on forms supplied by the Inspector.

**§ 101-19. Application procedures.**

In addition to the application information normally required for a building permit, the following additional information and items as are applicable shall be included in an application for construction or development in any coastal floodplain area:

A. A site plan which details the existing and proposed contours and/or elevation of the ground, the one-hundred-year flood elevation, the location of the proposed construction, and the location of any existing or proposed subdivision and land development.

B. For structures to be elevated to the base flood elevation:

(1) A plan showing the size of the proposed structure and its relation to the lot where it is to be constructed.

(2) A determination of elevations of the existing ground, proposed finished ground and lowest floor, certified by a registered professional engineer, surveyor or architect.

(3) Plans showing the method of elevating the proposed structure, includes details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. When required by the permit officer, these plans shall be prepared by a registered professional engineer or architect.

(4) Plans showing the methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding to the base flood elevation at the building site.

C. For structures to be floodproofed to the base flood elevation (nonresidential structures only):

(1) Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.

(2) A determination of elevations of existing ground, proposed finished ground, lowest floor, and floodproofing limits; certified by a registered professional engineer, surveyor or architect.

(3) A certificate prepared by the registered professional engineer or architect who prepared the plans in Subsection C(1) above, that the structure in question, together with attendant utility and sanitary facilities is designed in accordance with the provisions of this chapter.

D. If a proposed nonresidential structure is to be floodproofed, certification from a registered engineer or architect that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood.

E. If a proposed structure is to be located within the coastal high hazard area, a certification from a registered engineer or architect that the design methods are in accordance with the provisions of this chapter.

**§ 101-20. Other permit issuance requirements.**

**[Amended 3-12-2005 by Ord. No. 531]**

Prior to the issuance of any permit the Town's Building Inspector shall review the application for permit to determine if all other necessary governmental permits, such as those required by federal, state or local laws have been obtained. No permit shall be issued until this determination has been made. After construction of any improvement which would expand the existing footprint of any habitable or commercial structure located upon any parcel located within any designated floodplain area within the Town, a final as-built lowest floor elevation certificate/survey must be submitted to the Town Building Official prior to the issuance of a certificate of occupancy. In the event that flood venting is a requirement of construction pursuant to FEMA regulations, the lowest floor elevation certificate/survey must indicate the location and number of vents.

**§ 101-21. Variances.**

If compliance with the elevation of floodproofing requirements of this chapter would result in an exceptional hardship for a prospective builder, developer, or landowner, the said Town's Board of Adjustment may, upon request, grant relief form the strict application of the requirement. Requests for variances shall be considered by the Town's Board of Adjustment in accordance with the following procedures.

A. If granted, a variance shall involve only the least modification necessary to provide relief. Whenever a variance is granted, the Board of Adjustment shall notify the applicant in writing that:

(1) The granting of the variance may result in increased premium rates for flood insurance; and

(2) Such variances may increase the risks to life and property.

B. In reviewing any request for a variance, the Board of Adjustment shall consider but not limit to the following:

(1) That there is good and sufficient cause;

(2) That failure to grant the variance would result in exceptional hardship to the applicant; and

(3) That the granting of the variance shall not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with any other applicable local or state ordinance and regulations.

C. In granting any variance, the Board of Adjustment may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this chapter.

D. A complete record of all variance request and related actions shall be maintained by the Town's Building Inspector. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

**§ 101-22. Violations and penalties.**

Whoever violates any provisions of this chapter or amendment thereto shall be subject to a fine of not more than $25 for each and every offense, and whenever such person shall have been notified by the Building Inspector, or by service of warrant in a prosecution, or in any other way, that he is committing such violation of this chapter, each day that he shall continue constitutes a separate offense punishable by like fine or penalty.