

Please Note:

Proposed additions to the floodplain management ordinance are in **Bold**.

Deletions are in *yellow highlighted italics*.

TOWN OF HILL
30 CRESCENT STREET
HILL, NH 03243

TOWN ORDINANCE X

FLOODPLAIN MANAGEMENT ORDINANCE

Adopted: March 8, 1988

Amended: January 3, 2002

PURPOSE

Certain areas of the Town of Hill, New Hampshire are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Town of Hill, New Hampshire has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Management Ordinance

This ordinance establishes a permit system and review procedure for development activities in the designated flood hazard areas of the Town of Hill, New Hampshire.

ESTABLISHMENT

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Hill Floodplain Management Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Hill Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provisions of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency on the Flood Insurance Rate Map for the Town of Hill, dated April 2, 1986 which are declared to be a part of this Ordinance.

Item I. DEFINITION OF TERMS

1. Area of special flood hazard is the land in the flood plain within **the Town of Hill a community** subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Insurance Rate Map (FIRM).
2. Base flood or 100 – year flood means the flood having a one percent chance of being equaled or exceeded in any given year.
3. Basement means any area of the building having its floor subgrade (below ground level) on all sides.
4. Building see structure
5. Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations **or storage of equipment or materials**.
6. FEMA means the Federal Emergency Management Agency. (Amended March 2002)

7. Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. overflow of inland waters
 - b. unusual and rapid accumulation or runoff of surface waters from any source.
8. Flood Insurance Rate Map (FIRM) means an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Hill. (Amended March 2002)
9. **Flood Insurance Study (FIS) means an examination, evaluation and determination of flood hazards, including, if appropriate, an examination, evaluation and determination of water surface elevations, mudslide hazards, and other flood related erosion hazards.**
10. Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of Flooding). (Amended March 2002)
11. Flood proofing means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents. (Amended March 2002)
12. Floodway (see regulatory floodway)
13. **Functionally dependent use means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. this term includes only docking and port facilities, it does not include storage or manufacturing facilities.**
14. Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (Amended March 2002)
15. 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 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 in 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. (Amended March 2002)
16. 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 are is not considered a building's lowest floor; provided that such an enclosure is not build so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
17. Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers and other similar vehicles placed on site for greater that 180 days. **This includes manufactured homes located in a manufactured home park or subdivision.**
18. **Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.**
19. **Mean Sea Level means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.**
20. **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 commences on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.**

21. Recreational Vehicle is defined as:
 - a. built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - 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 temporary living quarters for recreational, camping, travel or seasonal use. (Amended March 2002)
22. Regulatory 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 increasing the water surface elevation **more than a designated height.** *These areas are designated as floodways on the Flood Boundary and Floodway Map. (amended March 2002)* (Amended March 2002)
23. Special flood hazard area see – **Area of Special Flood Hazard means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, A1-30, AE, A99, AH, VO, VI-30, VE, V, M or E. (see – “Area of Special Flood Hazard”)** (amended March 2002)
24. Start of Construction includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured 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 or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.
25. Structure means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
26. Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. 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. The term does not, however, include any project for improvement of a structure required to comply with the existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places.
27. 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.
28. **Violation means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under Section VI or Section IX(2)(b) of this ordinance is presumed to be in violation until such time as that documentation is provided.**
29. Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, **North American Vertical Datum (NVD) of 1988**, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

Item II.

All proposed development in any special flood hazard areas shall require a permit.

Item III.

The Board of Selectmen shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

- (a) 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,

- (b) be constructed with materials resistant to flood damage,
- (c) **be constructed by methods and practices that minimize flood damages**
- (d) 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.

Item IV.

Where new and replacement water and sewer systems (including on-site systems) are proposed in flood prone areas the applicant shall provide the Board of Selectmen with assurance that new and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

Item V.

The Board of Selectmen shall maintain for public inspection, and furnish upon request, any certification of flood-proofing and **For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the Board of Selectmen**

- (a) the as built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement.
- (b) If the structure has been flood proofed, the as build elevation (in relation to mean sea level) to which the structure was flood proofed.
- (c) **any certification of floodproofing.**

The Board of Selectmen shall maintain the aforementioned information for public inspection, and furnish such information upon request. *The applicant must furnish this information.*

Item VI.

The Board of Selectmen shall review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1224, **before issuing a permit**. It shall be the responsibility of the applicant to certify these assurances to the Board of Selectmen.

Item VII.

1. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands **Bureau Board** of the New Hampshire Environmental Services Department and submit copies of such notification to the Board of Selectmen, **in addition to the copies required by the RSA 482-A:3**. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Board of Selectmen, **including notice of all scheduled hearings before the Wetlands Bureau**.
2. The applicant shall submit to the Board of Selectmen, certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.
3. **The Selectmen, or their designee, shall obtain, review, and reasonably utilize any floodway data available from federal, state, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement**
 - a. **No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.**
4. *Along watercourses that have a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the designated Regulatory Floodway that would result in any increase in flood levels within the community during the base flood discharge. In Zone A the Board of Selectmen shall obtain, review, and reasonably utilize any floodway data available from a Federal, State or other source as criteria for requiring that development meet the floodway requirements of this section.*

Item VIII.

1. In **unnumbered zones** Zone A, the Board of Selectmen shall obtain, review, and reasonably utilize any 100-year flood elevation data available from Federal, State, **of other source including data submitted for** development proposals submitted to the community (i.e., sub-divisions, site approvals, etc.) **or other sources.**
2. The Board of Selectmen's 100 year flood elevation determination will be used as criteria for requiring in Zone A:
 - a. all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level;
 - b. that all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
 1. be flood proofed so that below the 100 year flood elevation the structure is water tight with walls substantially impermeable to the passage of water;
 2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
 - c. all manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
 - d. all recreational vehicles placed on sites within Zones A **I 30, AH and AE** shall either:
 1. be on the site for fewer than 180 consecutive days;
 2. be fully licensed and ready for highway use; or
 3. meet all standards of **Item II Section 60.30(b)(1) of the National Flood Insurance Programs Regulations** and the elevation and anchoring requirements for "manufactured homes" **in Item VIII, 2, c in Paragraph (c)(6) of Section 60.3.** (Amended March 2002)
 - e. for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted providing the enclosed areas meet the following requirements:
 1. the enclosed area is unfinished or flood resistant, useable solely for parking of vehicles, building access or storage;
 2. the area is not a basement;
 3. 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.

Item IX VARIANCES and APPEALS (amended March 2002)

1. Any order, requirement, decision or determination of the building inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33,I(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:
 - a. that the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense.

- b. that if the requested variance is for activity within a designated regulatory flood way, no increase in flood levels during the base flood discharge will result.
 - c. that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 3. The Zoning Board of Adjustment shall notify the applicant in writing that;
 - a. the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$35 to \$100 of insurance coverage and
 - b. such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
- 4. The community shall:
 - a. maintain a record of all variance actions, including their justification for their issuance, and
 - b. report such variance in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

*The Board of Selectmen adopted this ordinance on March 8, 1988.

This ordinance was also adopted by the Hill Planning Board and added to the Hill Zoning Ordinance at March 8, 1988 Town Meeting, Article 2, voted 105 to affirmative and 23 to negative by ballot vote.

Provisions are also included in the Hill Land Subdivision Regulations for property located in the floodplain area.

Amendments made to ordinance at March 12, 2002 Town Meeting ARTICLE 2, voted 88 to affirmative and 22 to negative by ballot vote.