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- Brackets ({ }) around an italicized paragraph means that the paragraph was deleted.
- Words and paragraphs that are bolded and underlined mean that the wording has been revised or added

TOWN OF WASHINGTON FLOODPLAIN
MANAGEMENT ORDINANCE

SECTION I. STATUTORY AUTHORIZATION AND PURPOSE

1.1 STATUTORY AUTHORIZATION

In Section 7-148 (c) (7) of the General Statutes, the Legislature of the State of Connecticut delegates to local governmental units the responsibility of adopting regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Meeting of the Town of Washington, Connecticut, does ordain as follows:

1.2 PURPOSE.

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- 1.2.1 Protect human life and health;
- 1.2.2 Minimize expenditure of public money for costly flood control projects;
- 1.2.3 Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 1.2.4 Minimize prolonged business interruptions;
- 1.2.5 Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- 1.2.6 Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and
- 1.2.7 Insure that potential homebuyers are notified that property is in a flood area.

SECTION 2 DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- 2.1 "Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- 2.2 "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.
- 2.3 "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.
- 2.4 "Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
- 2.5 "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.
- 2.6 "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.
- 2.7 "Elevated Building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or Breakaway Walls.
- 2.8 **"Existing Manufactured Home park or Subdivision:" Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured 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 the floodplain management regulations adopted by a community.**
- 2.9 *{ "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Areas of Special Flood Hazard have been defined as Zone A, AE. }*
- 2.9 **"Expansion to an existing manufactured home park or subdivision:" Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured 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).**

- 2.10 "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- 2.10.1 the overflow of inland or tidal water;
 - 2.10.2 the unusual and rapid accumulation of runoff of surface waters from any source.
- 2.12 "Flood Insurance Rate Map (FIRM)" An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard **Areas** and the risk premiums zones applicable to the community.
- 2.13 "Flood Insurance Study" The official report by the Federal Emergency Management Agency (**FEMA**), **which contains flood profiles, the water surface elevation of the base flood, and other flood data.****
- 2.14 "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 one foot.
- 2.15 "Floor" means the top surface of an enclosed area in a Building (including Basement); i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
- 2.16 "Historic Structure" means any structure that is:**
- (a) Listed individual 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 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; 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.

- 2.17 "Lowest Floor" **Means the lowest floor or the lowest enclosed area (including Basement). An unfinished or floor resistant enclosure, useable solely for parking of vehicles, building access or 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 Section 60.3**
- 2.18 **"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 attached to the required utilities. The term also includes recreational vehicles, park trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.**
- 2.19 **"Manufactured Home Park or Subdivision:" Means a parcel (or continuous parcels) of land divided into two or more manufactured home lots for rent or sale.**
- 2.20 "Mean Sea Level" means, for purposes of the National Flood Insurance Program, the national Geodetic Vertical Datum (NCVD) of 1929, or other datum to which base Floor elevations shown on a community's Flood Insurance Rate Map are referenced.
- 2.21 "National Geodetic Vertical Datum (NCVD)", as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.
- 2.22 "New Construction" **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 regulation adopted by a community and includes any subsequent improvements to such structures.**
- 2.23 **"New Manufactured Home Park or Subdivision:" Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured 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 on or after the effective date of floodplain management regulations adopted by a community.**

- 2.24 **"Recreational Vehicle:" A vehicle which is:**
(a) **Built on a single chassis;**
(b) **Measures 400 square feet or less at the largest horizontal projection;**
(c) **Designed to be self-propelled or permanently towable; and,**
(d) **Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping travel or seasonal use.**
- 2.25 **Regulatory Floodway: Means the channel or 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**
- 2.26 "Start of Construction" Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the **building** permit date (**should the permittee fail to begin work within this time frame, a new permit shall be required**). The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, or construction of columns, **or any work beyond the stage of excavation**. 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 excavation for a 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 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.**
- 2.27 "Structure" **Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground. Except as otherwise indicated "structures" as used in these Regulations shall be deemed to include buildings, swimming pools, open entries, pier signs, fences or wall, a gas or liquid storage tank or a manufactured home.**
- 2.28 **"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.**
- 2.29 "Substantial Improvement" Means any **reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty 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."**

2.30 "Water Surface Elevation" means the height, in relation to the national Geodetic Vertical Datum (NCVD) of 1929 (or other datum, where specified), of Floods of various magnitudes and frequencies in the flood plains of coastal or riverline areas.

2.31 **"Violation:" Means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure of other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR Ch. 1 Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(32), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.**

SECTION 3 GENERAL PROVISIONS.

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES:

This Ordinance shall apply to all Areas of Special Flood Hazard within jurisdiction of the Town of Washington.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD:

The Areas of special Flood hazard identified by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study (FIS), dated: **September 30, 1992, with accompanying Flood Insurance Rate maps (FIRM) and other supporting data, and any subsequent revision thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment is obtained. The flood Insurance Study is on file at the Office of the Town Clerk.**

3.3 ESTABLISHMENT OF THE FLOODPLAIN MANAGEMENT

A Flood Hazard Area permit ("FHA Permit") shall be required in conformance with the provisions of this ordinance prior to the commencement of any Development activities.

3.4 COMPLIANCE

No structure or land shall hereafter to be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

3.5 ABROGATION AND GREATER RESTRICTIONS

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.6 INTERPRETATION

In the interpretation and application of this Ordinance all provisions shall be

3.6.1 considered as minimum requirements;

3.6.2 liberally construed in favor of the governing body; and

3.6.3 deemed neither to limit nor repeal any other powers granted under the Connecticut General Statutes

3.7 WARNING AND DISCLAIMER OF LIABILITY

The degree of Flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger Floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from Flooding or Flood damages. This ordinance shall not create liability on the part of the Town of Washington or by any officer or employee thereof for any Flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 4 ADMINISTRATION

4.1 DESIGNATION OF THE ORDINANCE ADMINISTRATOR

The Building Official of the Town of Washington is hereby designated to administer and implement the provisions of this Ordinance. The Building Official shall have the responsibility and authority to grant or deny FHA permit applications for Development in Areas of Special Flood Hazard in accordance with the provisions of this Ordinance. The Board of Selectmen may appoint deputies to assist and act for the building official.

4.2 PERMIT PROCEDURES

Application for an FHA Permit shall be made to the Building Official on forms furnished by him or her prior to any Development activities, and may include, but not be limited to, the following plans, in duplicate,

drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- 4.2.1 Elevation in relation to Mean Sea Level to which a nonresidential structure will be Flood-proofed;
- 4.2.2 Description of the extent to which any watercourse will be altered or relocated as a result of proposed Development;
- 4.2.3 Certification by a registered professional engineer or architect that the Flood-proofing methods for any nonresidential Structure meet the Flood-proofing criteria or this Ordinance;
- 4.2.4 Plans meeting the requirements of this Ordinance for any walls to be used to enclose space below the Base Flood level;
- 4.2.5 Certification by registered professional engineer that there is no increase in Flood height; any Development in a Floodway must meet the provisions of this Ordinance.

4.3 DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL IN THE ADMINISTRATION OF THIS ORDINANCE.

The duties of the building official, without limitation, shall be:

- 4.3.1 To review all FHA Permit applications to determine whether proposed Building sites will be reasonably safe from Flooding;
- 4.3.2 To review all FHA Permits to assure that the FHA Permit Requirements of this ordinance have been satisfied;
- 4.3.3 To advise permittee as to the additional Federal or State permits which may be required and, if specific Federal or State permit requirements are known, to require that copies of such permits be provided and maintained on file with the FHA Permit, possibly including but not limited to: Water Diversion, Dam Safety, Corps of Engineers 404;
- 4.3.4 To notify adjacent communities and the Department of Environmental Protection, Water Resources Unit, prior to any alteration or relocation of a watercourse and to submit evidence of such notification to the Federal Emergency Management Agency;
- 4.3.5 To assure that maintenance is provided within the altered or relocated portion of said watercourse so that the Flood-carrying capacity is not diminished;

- 4.3.6 To record the elevation (in relation to Mean Sea level) to which any New or Substantially Improved Structures have been Flood-proofed, in accordance with Section 5.2.1(b);
- 4.3.7 To obtain certification from a registered professional engineering or architect, in accordance with Section 4.2.3 when Flood-proofing is utilized for a particular Structure;
- 4.3.8 To make all the necessary interpretations where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions);
- 4.3.9 **Select and adopt a regulatory floodway that must carry the waters of the base flood without increasing the base flood elevation more than 1 foot at any point.**
- 4.3.10 To obtain, review, and reasonably utilize any Base Flood elevation and Floodway data available from a Federal, State or other source as criteria for requiring that New Construction, Substantial Improvements, or other Development in Zone A, AE of the Town's FIRM meet the standards in this Ordinance.
- 4.3.11 To maintain in the office of the Building Official all records pertaining to the provisions of this ordinance.
- 4.3.12 **In the absence of base flood elevation and floodway data, obtain, review and utilize any data available from a Federal State, or other source to assure that new or substantially improved residential structures are elevated to or above the base flood elevation and non-residential structures are either elevated or flood-proofed to or above the BFE.**
- 4.3.13 Where base flood elevation data is utilized, obtain and maintain records of the lowest floor and flood-proofing elevations for new construction and substantial improvements.
- 4.3.14 **Require all recreational vehicles placed on sites within Zones A1-30, AH and AE must be either:**
- (i) **on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, OR**
 - (ii) **meet the elevation and anchoring requirements of a manufactured home. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type of utilities and security devices, and has no permanently attached additions.**

SECTION 5 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS:

In all areas of Special Flood Hazard, the following provisions are required:

- 5.1.1 New construction and substantial Improvements shall be constructed with materials and utilize equipment resistant to Flood damage;
- 5.1.2 New construction or Substantial Improvement shall be constructed by methods and practices that minimize Flood damage;
- 5.1.3 Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding;
- 5.1.4 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of Flood waters into the system;
- 5.1.5 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of Flood waters into the systems and discharge from the system into Flood waters;
- 5.1.6 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- 5.1.7 In any portion of a watercourse which is altered or relocated, the Flood-carrying capacity shall be maintained;
- 5.1.8 All structure must be anchored in order to prevent collapse, flotation, lateral movement from hydrodynamic forces, including buoyancy.
- 5.1.9 Manufactured (mobile) homes shall not be allowed in any special Flood Hazard Area.

- 5.2 In A-Zones where base flood elevations have been determined but before a floodway is designated, require that no new **construction**, substantial improvement, or other development (including fill) be **permitted** which would **increase** base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

5.3 SPECIFIC STANDARDS

- 5.3.1 In all Areas of special Flood Hazard where Base Flood elevation data has been provided, the following provisions apply:
 - (a) Construction, New Construction or Substantial Improvement of any commercial, industrial, or other non-residential Structure and other Structure for other than human occupancy shall either

have the Lowest Flood, including Basement, elevated at least to one (1) foot ± above the Base Flood elevation or shall, together with attendant utility and sanitary facilities, conform to the following:

- (1) Be Flood-proofed so that, below the Base Flood elevation, the Structure is watertight 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 above standards are satisfied, which certifications shall be provided to the Building Official as set forth in this Ordinance.
- (b) New residential structures or substantial improvement of any structure shall have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation.
- (c) No fully-enclosed areas below base flood elevation shall be allowed.

5.3.2 **In a regulatory floodway, prohibit any encroachments, including fill, new construction, substantial improvements and other developments, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any (0.00) increase in flood levels during the base flood discharge.**

SECTION 6 CRITERIA FOR VARIANCES

- 6.1 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and result in the loss of historic designation of the building;
- 6.2 Variances may only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or regulations. Only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic or on personal

circumstances are not sufficient cause for the granting of a variance under this regulation.

- 6.3 Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.
- 6.4 The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 7 EXEMPTIONS AND VIOLATIONS

7.1 SPECIFIC EXEMPTIONS FOR CERTAIN HISTORIC BUILDINGS

Buildings listed on the National Register of Historic Places or the State Inventory of Historic Places are exempt from this Ordinance to the minimum extent necessary to preserve the historic character and design of this building. FHA Permits issued for such historic buildings shall set forth the extent to which the provisions of this Ordinance must be met to provide for the minimum necessary preservation of the historic character and design of the building.

7.2 PENALTIES FOR VIOLATION

Any person violating the provisions of this Ordinance may be fined not more than \$100 per day. Nothing herein contained shall prevent the Town of Washington from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 8 STANDARDS FOR SUBDIVISION PROPOSALS

In all special flood hazard areas the following requirements shall apply:

- (a) all subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) all subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) all subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;
- (d) in Zone A, base flood elevation data shall be provided for subdivision proposals and other proposed development (including

manufactured home parks and subdivisions) which are five acres or fifty lots, whichever occurs first.

SECTION 9 **SEVERABILITY**

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court for any reason whatsoever, the remainder of the Ordinance shall not be affected, which shall remain in full force and effect; and to this end the provisions of of the Ordinance are hereby declared severable.

SECTION 10 **EFFECTIVE DATE**

This Ordinance shall become effective upon passage at a duly warned Town Meeting and upon publication in the area newspaper.

This Amendment supercedes Ordinance 1505, 1505A and 1505B.

BOARD OF SELECTMEN

Elaine C. Luckey, First Selectman

Nicholas N. Solley, Selectman

Harry H. Wyant, Selectman

Adopted May 26, 1988
Effective June 17, 1988
Amendment August 18, 1988

Adopted:

Amended:

Revised 3/23/88
Revised 5/23/88
Revised 7/7/88
Revised 5/22/03