FLOODPLAIN MANAGEMENT
ORDINANCE
QUEEN ANNE'S COUNTY

Sep 1984

Maryland Coastal Zone Management Program

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Floodplain Management Ordinance

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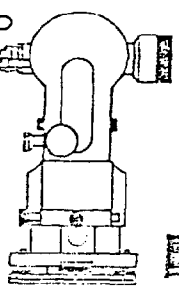

Queen Anne's County Department of Public Works
Routes 301 and 304 Centreville, Maryland 21617

QUEEN ANNE'S COUNTY

FLOODPLAIN MANAGEMENT ORDINANCE

THE COUNTY COMMISSIONERS
OF QUEEN ANNE'S COUNTY
COUNTY ANNEX BUILDING
CENTREVILLE, MARYLAND 21617
758-0322

OSCAR A. SCHULZ, PRESIDENT
THOMAS E. PIERSON
VERNON B. SULTENFUSS

ROBERT D. SALLITT, ADMINISTRATOR
LYNDA H. PALMATARY, CLERK
PATRICK E. THOMPSON, ATTORNEY

RESOLUTION

QUEEN ANNE'S COUNTY
FLOODPLAIN MANAGEMENT
ORDINANCE

WHEREAS, the purpose of this Ordinance is to establish and delineate a Floodplain District within Queen Anne's County, and furthermore to control floodplain development to protect persons and property from danger and destruction and to preserve the biological values and the environmental quality of the watersheds;

AND WHEREAS the provisions of this Ordinance are in compliance with and pursuant to Section 8-9A-01 et. seq. Natural Resources Article, of the Annotated Code of Maryland, 1983 Replacement Volume.

BE IT RESOLVED, that the "Queen Anne's County Floodplain Management Ordinance", as attached hereto, is hereby adopted under the authority of Title 1 of Article 18 of the Code of Public Local Laws of Maryland.

BE IT FURTHER RESOLVED, that this Ordinance shall become effective September 28, 1984 and shall apply to all development occuring within Queen Anne's County.

AS WITNESS the hands and seals of the County Commissioners of Queen Anne's County.

THE COUNTY COMMISSIONERS
OF QUEEN ANNE'S COUNTY

Oscar A. Schulz
Oscar A. Schulz, President

Thomas E. Pierson
Thomas E. Pierson

Vernon B. Sultenfuss
Vernon B. Sultenfuss

Dated: August 7, 1984
Attest:
Lynda H. Palmatary

ARTICLE I - REGULATORY PROVISIONS

SECTION I: Short Title

This Ordinance shall hereafter be referred to as the "Queen Anne's County Floodplain Management Ordinance".

SECTION II: Findings and Intent

Whereas, certain areas of Queen Anne's County are subject to periodic inundation which results in loss of life and property, health and safety, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief; and

Whereas, flood losses and associated losses are created by structures inappropriately located, inadequately elevated or otherwise unprotected and vulnerable to floods or erosion or by development which increases flood or erosion damage to other lands or development;

Whereas, the biological values of floodplains, particularly tidal and non-tidal wetlands, can be adversely affected by floodplain development;

Whereas, Queen Anne's County has the responsibility under the Flood Control and Watershed Management Act Section 8-9A01 et seq. Natural Resources Article of the Annotated Code of Maryland to control floodplain development to protect persons and property from danger and destruction and to preserve the biological values and the environmental quality of the watersheds or portions thereof under its jurisdiction.

It is therefore the purpose of this Ordinance to protect human life and health; minimize public and private property damage; encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future; protect individuals from buying lands and structures which are unsuited for intended purposes because of the flood hazards; protect water supply, sanitary sewage disposal and natural drainage; 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; provide for public awareness of the flooding potential and provide for the biological and environmental quality of the watersheds or portions thereof located in Queen Anne's County. The provisions of this Ordinance provide a unified comprehensive approach to floodplain management which addresses requirements of the federal and state programs concerned with floodplain management; namely, the National Flood Insurance Program and the President's Executive Order 11988 of May 27, 1977 on floodplain management; the State Waterway Construction Program, the U.S. Army Corps of Engineers Section 10 and Section 404 permit programs; and the State's Coastal Zone Management Program. The provisions of this Ordinance also establish a local program which is consistent with federal and state regulatory programs concerned with the management of floodplain resources and activities; in particular, the Corps Section 10 and 404 permit programs, and the State's watershed permit and wetlands permit programs.

SECTION III: Definitions

A. "Development" means any construction, reconstruction, modification, extension or expansion of buildings or structures, placement of fill dumping,

storage of materials, land excavation, land clearing, land improvement, or any combination thereof.

B. "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of 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 a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

C. "Flood-related erosion area" or "Flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

D. "Flood" means a temporary inundation of normally dry land areas.

E. "Floodplain" means (1) a relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

F. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments of properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

G. "Land Development" means (1) the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among 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; (2) a subdivision of land.

H. "Mobile Home" means a structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

I. "Mobile Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) have been provided.

J. "New Construction" means structures for which the Start of Construction as herein defined commenced on or after the effective date of this Ordinance. This term does not apply to any work on a structure existing before the effective date of this Ordinance.

K. "One Hundred (100) Year Flood" means a flood that has one chance in one-hundred or a one percent chance of being equalled or exceeded in any given year.

L. "Principally Above Ground" means where at least 51 percent of the actual cash value of a structure, less land value, is above ground.

M. "Start of Construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings 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 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 as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of a structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

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

O. "Subdivision" means the division or redivision of a lot, tracts, or parcels of land by any means into two or more lots, tracts, parcels, or other divisions of land, including a change in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development.

P. "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. 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 either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SECTION IV: Establishment of Floodplain District

A. The County Commissioners of Queen Anne's County shall establish a Floodplain District to include all areas subject to inundation by the waters of the

One Hundred (100) Year Flood. The source of this delineation shall be the Flood Insurance Study for Queen Anne's County, Maryland issued effective September 28, 1984. The Floodplain District shall be deemed an overlay on any existing, and hereafter established, zones or districts within Queen Anne's County.

B. The Floodplain District shall be comprised of the following subdistricts:

1. Floodway (F1) - that portion of the Floodplain District required to carry and discharge the waters of the One Hundred (100) Year Flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions.

2. Floodway Fringe (F2) - those portions of land within the Floodplain District subject to inundation by the One Hundred (100) Year Flood, lying beyond the Floodway in areas where detailed study data and profiles are made available.

3. Approximated Floodplain (F3) - those portions of land within the Floodplain District subject to inundation by the One Hundred (100) Year Flood, where a detailed study has not been performed but where a One Hundred (100) Year Flood Plain Boundary has been approximated.

4. Coastal Flood Plain (CF4) - those portions of the Floodplain District subject to Coastal Flooding by a One Hundred (100) Year Flood, where detailed study data is available.

5. Coastal High Hazard Area (CF5) - those portions of land within the Coastal Floodplain District, subject to inundation by high velocity waters and wave action.

C. An "Official Floodplain Map" shall be prepared and maintained in force as part of this Ordinance which reflects the boundaries of the Floodplain District and its subdistricts. Prior to the initial adoption of the map and all subsequent changes, a public hearing shall be held regarding the Floodplain District. Notice of the hearing shall be published in at least one newspaper of general circulation within Queen Anne's County. The Floodplain District Base Map shall be available at least 30 days prior to the public hearing for public inspection in a local repository specified by the County Commissioners of Queen Anne's County.

D. The delineation of the Floodplain District may be revised, amended and modified by the County Commissioners of Queen Anne's County in compliance with the National Flood Insurance Program and the Maryland Department of Natural Resources when:

1. there are changes through natural or other causes;

2. changes are indicated by future detailed hydrologic and hydraulic studies; and/or

3. when social and economic factors favor a realignment.

All such changes shall be subject to the review and approval of the Federal Insurance Administrator and the Secretary of the Maryland Department of Natural Resources.

E. Should a dispute concerning any district boundary arise, an initial determination shall be made by the Permit Enforcement Officer. Any party aggrieved by this decision may appeal to the County Commissioners of Queen Anne's County. The burden of proof is on the appellant.

SECTION V: Development Regulations

In order to prevent excessive damage to buildings and structures, the following restrictions shall apply to all new construction and substantial improvements to existing structures occurring in the Floodplain District.

A. In the Floodway (F1), the following regulations will apply:

1. All residential development shall be prohibited.

2. No development shall be permitted except where the effort of such development on flood heights is fully offset by accompanying stream modifications and the development is approved by all appropriate local authorities, Maryland's Water Resources Administration and the U.S. Army Corps of Engineers. Any non-residential construction allowed by variance shall be flood-proofed by dry flood-proofing as prescribed by the U.S. Army Corps of Engineers Flood Proofing Regulations June, 1972. When a developer proposes to offset the effects of development in the Floodway by construction of stream modifications, an engineering study prepared by a Registered Professional Engineer which fully evaluates the effects of such construction shall be submitted. The report shall use the One Hundred (100) Year Flood as herein defined as the basis of the analysis. Any development allowed shall meet the requirements of Article I Section V, B.

3. Existing non-conforming structures and/or activities shall not be substantially improved unless the effect of the proposed improvement on flood heights if fully off-set by accompanying stream modifications and the improvement is approved by Maryland Water Resources Administration.

(a) The modifications, alteration, repair, reconstruction or improvement of any kind of a non-conforming structure and/or activity to an extent or amount of less than fifty (50) percent of its market value, should be elevated and/or flood-proofed to the greatest extent possible.

(b) Substantial improvement of a non-conforming structure and/or activity regardless of location shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.

(c) Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

4. The placement of any mobile homes, except in an existing mobile home park or mobile home subdivision, shall be prohibited. Any mobile home permitted in the Floodway shall meet the requirement of Article I, Section V, B. generally and Article I, Section V, B.13 in particular.

5. The following shall not be placed or caused to be placed in the Floodway:

   (a) fences, except two-wire fences; and

   (b) other matters which may impede, retard or change the direction of the flow of water or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.

B. In the Floodway Fringe (F2), the following regulations will apply:

1. Any development approved shall be in conformance with the requirements of the permit programs of the Water Resources Administration and the U.S. Army Corps of Engineers.

2. All development shall be consistent with the flood control and watershed management plans for the area in which the development is proposed to be located.

3. The construction, reconstruction, and/or modifications of any residential, commercial, or industrial structure within the 100-Year Floodplain and below the level of the 100-Year frequency flood event shall not be permitted. Routine maintenance and alteration and repair shall be exceptions. In addition, modifications to existing structures for flood proofing purposes shall be an exception. These modifications shall include elevating the lowest floor of the structure to or above the level of one (1) foot above the elevation of the 100-Year Flood Frequency Event, or completely dry or essentially dry type flood proofing as specified by the U.S. Army Corps of Engineers.

4. The elevation of the lowest floor of all new or improved structures shall be at least one foot above the elevation of the 100-Year frequency flood event.

5. Any variances allowed under the provisions of this ordinance shall meet the requirements specified in Article II, Section II of this Ordinance.

6. All development shall be undertaken in a manner which minimizes adverse impacts on aquatic or terrestrial habitat and their related flora and fauna.

7. All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow and height of the flood water.

8. Landscape Design

a. Adequate ground cover shall be provided for soil stabilization within the Floodplain District.

b. Design of land contours and choice of plant materials shall direct surface runoff away from structures and shall not increase surface runoff onto neighboring properties.

9. Electric Systems

a. All electric water heaters, electric furnaces and other permanent electrical installations shall be permitted only at or above one foot above the level of the One Hundred (100) Year Flood.

b. No electrical distribution panels shall be permitted at an elevation less than three feet above the level of the One Hundred (100) Year Flood.

10. Plumbing

a. Water heaters, furnaces and other permanent mechanical installations shall be permitted only at or above one foot above the level of the One Hundred (100) Year Flood.

11. Storage

a. No materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal or plant life shall be stored below 1 foot above the level of the One Hundred (100) Year Flood.

12. Where allowed, fill material shall meet the following additional requirements:

a. Fill shall consist of soil or rock materials only. Sanitary soil fills shall not be permitted.

b. Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring or settling.

c. Fill slopes shall be no steeper than one (1) vertical to two (2) horizontal, unless substantiating data justifying steeper slopes are sbumitted to and approved by the Permit Enforcement Officer.

d. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

13. Mobile Homes

a. Mobile homes shall be elevated on compacted fill or on pilings so that the lowest floor of each mobile home will be at one foot above the One Hundred (100) Year Flood Elevation.

b. Adequate surface drainage and access for a mobile hauler shall be provided.

c. When mobile homes are to be elevated on pilings, lots shall be large enough to permit steps, piles shall be placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for pilings more than six (6) feet above the ground level.

d. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by:

(i) Providing over-the-top ties at each of the four corners of the mobile home, with two additional ties per side and intermediate locations and mobile homes less than fifty (50) feet long requiring one additional tie per side;

(ii) Providing frame ties at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four (4) additional ties per side.

(iii) Requiring all components of the anchoring system be capable of carrying a force of 4,800 pounds.

(iv) Requiring any addition to a mobile home be similarly anchored.

e. The owner or operator of a mobile home park or subdivision shall file with the Civil Defense Office of Queen Anne's County, an evacuation plan which indicates alternate vehicular access and escape routes.

C. In the Approximated Floodplain (F3), the following regulations apply:

1. The County Commissioners of Queen Anne's County shall obtain, review and reasonably utilize any One Hundred (100) Year Flood elevation data available from a Federal, State or other source in the enforcement of the Ordinance within the Approximated Floodplain.

2. When the One Hundred (100) Year Flood Elevation is not known, the Water Resources Administration shall evaluate each site.

3. The Development Regulations of Section V-B of this Ordinance shall be applied within the Approximated Floodplain.

D. In the Coastal Floodplain (CF4), the regulations for the Floodway Fringe (F2) cited in Section V-B of this Ordinance shall apply.

E. In the Coastal High Hazard Area (CF5), the following regulations shall apply in addition to the regulations cited in Section V-B of this Ordinance.

1. No land below the level of the One Hundred (100) Year Tidal Flood may be developed unless the new construction or substantial improvements:

(a) is located landward of the reach of the mean high tide;

(b) is elevated on adequately anchored piles or columns, and securely anchored to such piles or columns so that the lowest portion of structural members of the lowest floor is elevated to at least one (1) foot above the One Hundred (100) Year Tidal Flood level.

(c) has been certified by a Registered Professional Engineer or architect that it is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricanes wave wash.

(d) has no basement and has the space below the lowest floor free of obstructions or is constructed with "breakaway walls" intended to collapse under stress without jeopardizing the structural support of the structure so that the impact on the structure by abnormally high tides or wind-driven water is minimized. Such temporarily enclosed space shall not be used for human habitation.

(e) Does not utilize fill for structural support of buildings or structures.

2. Existing non-conforming uses and/or structures located on land below the level of the One Hundred (100) Year Tidal Flood shall not be expanded.

3. The placement of mobile homes, except in existing mobile home parks and subdivisions is strictly prohibited.

4. The alteration of sand dunes which would increase potential flood damage is prohibited.

F. In those areas of the Floodplain District identified as flood-related erosion-prone areas, the following requirements shall apply in addition to the regulations cited in Section V-B of this Ordinance:

1. All site alterations and modifications shall be reasonably safe from floor-related erosion and shall not cause flood-related erosion hazards or otherwise aggravate the existing flood-related erosion hazard.

2. If a proposed modification would be in the path of flood related erosion or would increase the erosion hazard, it must be relocated or adequate protective measures taken which will not aggravate the existing erosion hazard.

3. All new development must have a shoreline setback consisting of a natural vegetative buffer or contour strip. The width of the buffer shall be based upon the erosion rate, the anticipated useful life of shoreline buildings, and the geologic, hydrologic, topographic and climatic characteristics of the areas in which they are located.

G. In the entire Floodplain District, the design, placement and construction of all public and private utilities and facilities shall meet the following requirements:

1. New or replacement water supply systems and/or sanitary sewerage systems shall be designed to eliminate or minimize infiltration of flood waters

into the systems and discharges from the systems into flood waters, to avoid impairment during flooding and minimize flood damage.

(a) Cesspools and seepage pits are prohibited.

(b) Septic tanks are permitted provided they are securely anchored to resist buoyant forces during inundation.

(c) All pipes connected to sewage systems shall be sealed to prevent leakage.

2. All gas, electrical and other facility and utility systems shall be located and constructed to eliminate or minimize flood damage.

3. All new storm drainage facilities within and leading to or from the Floodplain District shall be adequately designed and installed to eliminate or minimize property damage resulting from the flood waters of the One Hundred (100) Year Flood and to minimize adverse environmental impacts of their installation and use.

ARTICLE II - ADMINISTRATIVE PROVISIONS

SECTION I: Permit Requirements

A permit is required for all development (including, but not limited to, the subdivision of land, construction of buildings and structures, placement of mobile homes, fill or any combination of these) in the Floodplain District and shall be granted only after necessary permits from the State of Maryland, Water Resources Administration and all other applicable state and federal agencies have been obtained.

A. The application for a building permit shall contain information including, but not limited to, the following:

1. Name and address of applicant. The applicant must be the owner or an authorized agent of the owner.

2. Name and address of owner of land on which construction is proposed.

3. Name and address of contractor.

4. Site location.

5. A plan of the site showing the size and location of the proposed construction as well as any existing buildings or structures.

6. Summary description of proposed work and estimated cost.

7. Depending on the type of structure involved, the following information shall also be included in the application:

(a) for structures to be elevated above the One Hundred (100) Year Flood Elevation, the plans shall show:

(i) the size of the proposed structure(s) and its relation to the lot where it is to be constructed.

(ii) the elevation of the proposed final grading and lowest floor, and the existing ground and One Hundred (100) Year Flood Elevation as certified by a Registered Professional Engineer, Surveyor or Architect.

(iii) the method of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. These plans shall be prepared by a Registered Professional Engineer or Architect.

(iv) if a variance is being applied for under the provisions of Article II, Section II, certification that appropriate measures will be undertaken to flood proof floors and walls below the One Hundred (100) Year Flood elevation including that:

(a) Wood flooring used at or below the first floor level will be installed to accomodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

(b) All finished flooring used at or below the first floor level will be made of materials which are stable and resistant to water damage.

(c) All carpeting or carpet cushions employed as a finished flooring surface at or below the first floor level will be made of materials which are resistant to water damage.

(d) Plywood used at or below the first floor level will be of an "exterior" or "marine" grade and of a water-resistant or water-proof variety.

(e) Basement ceilings in non-residential structure will have sufficient wet strength and be so installed as to survive inundation.

B. All proposals for the subdivision of land and/or new development shall include a plan drawing showing the location of all existing and proposed public and private utilities, facilities and drainage structures. If the 100 Year Flood Elevation has been determined by the Flood Insurance Study or other reliable source approved by the Water Resources Administration, such Flood Elevation shall be delineated on the proposed plan. If the proposal is greater than fifty (50) lots or greater than five (5) acres and the 100 Year Flood Elevation has not been determined for the land area the developer shall determine the 100 Year Flood Elevation and delineate such Flood Elevation on the proposed plan. All plans shall be certified by a Registered Professional Engineer and shall be reviewed by Queen Anne's County to assure that:

1. All such proposals are consistent with the need to minimize flood damage.

2. All necessary permits have been received from the State of Maryland, Water Resources Administration and appropriate Federal agencies.

3. All public and private utilities and facilities (including sewer, water, telephone, electric, gas, etc.) are located and constructed to minimize or eliminate flood damage.

4. Adequate drainage is provided to reduce exposure to flood hazard.

5. Adequate measures have been taken to minimize the adverse environmental impacts of the proposed development.

C. All permits shall be granted only after it has been determined that the proposed work will be in conformance with the requirements of this and all other applicable codes and ordinances.

D. When the proposed development includes the relocation or alteration of a watercourse, evidence shall be presented as part of the permit application that all adjacent communities and the State Coordinating Office have been notified of the proposed alteration or relocation by certified mail. Copies of these notifications shall then be forwarded to the Federal Emergency Management Agency, Federal Insurance Administration. In addition, the developer shall assure the municipality or county, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

E. After the issuance of a building permit by Queen Anne's County, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Permit Enforcement Officer.

F. Work on the proposed construction shall begin within one (1) year after the date of issuance of the building permit or the permit shall expire, unless a time extension is granted, in writing, by the Permit Enforcement Officer.

G. During the construction period the Permit Enforcement Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the permit and with all applicable laws and ordinances. The premises shall also be subject to inspection by the State of Maryland, Water Resources Administration. In the event that the Permit Enforcement Officer determines that the work is not in compliance with the permit or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by the applicant, the Permit Enforcement Officer shall revoke the building permit and report such fact to the County Commissioners of Queen Anne's County for whatever action it considers necessary.

SECTION II: Variances

A. Variances may be issued by the County Commissioners of Queen Anne's County for (1) new construction of or substantial improvements to non-residential structures which will be flood proofed or (2) other new construction or substantial improvements to developments below the one hundred flood level which, unless sufficient technical justification is provided, shall be limited to new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the 100 year flood level. The issuance of variances shall be subject to the following conditions:

1. A showing of good and sufficient cause;

2. For new construction or substantial improvements falling in category (2) above, a determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with exsiting local laws or ordinances.

4. The stipulation that all residential structures will have the lowest floor elevated to the greatest extent possible with respect to the One Hundred (100) Year Flood Elevation.

5. For new construction or substantial improvements requiring a variance from Water Resources Administration Regulations, obtainment of such a variance which involves (i) showing the overall public interest requires issuance of a variance by Water Resources Administration, (ii) submittal of evidence that all structures are designed and constructed so as to have the pressures and effects of buoyancy resulting from the One Hundred (100) Year Flood and compliance with Conditions B and C of this section.

B. A variance shall not be granted within the Floodway if any increase in flood levels during the One Hundred (100) Year Flood discharge would result.

C. Variances shall only be granted upon a determination that the variances are the minimum necessary, considering the flood hazard, to afford relief.

D. The applicant shall be notified by the County Commissioners of Queen Anne's County of the increased premium rates for flood insurance and such construction below the level of the One Hundred (100) Year Flood increases risk to life and property.

E. A record of all variance actions, including justifications for their issuance, shall be maintained by Queen Anne's County and all such information shall be included in the Annual Report submitted to the Federal Insurance Administrator.

F. All requests for variances must be submitted in writing to the County Commissioners of Queen Anne's County within thirty calendar days of the refusal to issue a permit.

G. The County Commissioners of Queen Anne's County must take official action on a request for a variance within thirty calendar days of the receipt of the request.

H. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic places, without regard to the procedures set forth herein.

SECTION III: Penalties

A. Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or direction of the Permit Enforcement Officer or any other authorized employee of Queen Anne's County shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) or imprisonment not exceeding 1 year or both for each and every violation with costs imposed in the discretion of the court.

B. Each day during which any violation of this Ordinance continues shall constitute a separate offense.

C. The imposition of a fine or penalty for any violation of a non-compliance with the Ordinance shall not excuse the violation or non-compliance or permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time.

D. Any structure constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance shall be declared by the County Commissioners of Queen Anne's County to be a public nuisance and abatable as such.

SECTION IV: Miscellaneous

A. Municipality Liability

The grant of a permit or approval is not a representation, guarantee, or warranty of any kind and shall create no liability upon the municipality, its officials or employees.

B. Abrogation and Greater Restrictions

This Ordinance supersedes any ordinance currently in effect in the Floodplain District. However, any other ordinance shall remain in full force and effect to the extent that its provisions are more restrictive.

C. Partial Invalidity and Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

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