



New Hampshire Office of Strategic Initiatives Floodplain Management Program

Model Floodplain Management Ordinance Notes

**For New Hampshire Communities with
No Mapped Special Flood Hazard Areas**

August 2019

New Hampshire Floodplain Management Program

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This document provides explanations and website-linked reference information that support the regulations provided in the Model Floodplain Management Ordinance for New Hampshire Communities with No Mapped Special Flood Hazard Areas. Each section number and sub-section letter corresponds to the appropriate section and sub-section of the model ordinance.

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New Hampshire Floodplain Management Program

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Model Ordinance Section	Regulation	Reference
SECTION 1 – STATUTORY AUTHORITY AND PURPOSE		
A. Citation of statutory authority.	State Statute (RSA)	674:56 674:16 & 17
B. Details the purpose of the Ordinance.	State Statute (RSA)	674:16
SECTION 2 – FINDINGS OF FACT AND APPLICABILITY		
<i>RESOURCE: FEMA NFIP Floodplain Management Requirements – Unit 5 (FEMA-480)</i>		
A. Details that the community has chosen to participate in the National Flood Insurance Program and agreed to comply with its requirements.	NFIP (44 CFR)	60.1 60.2
B. Identifies the applicable areas in the community that the ordinance applies to. NFIP regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land, including land and structures owned by the community, within flood-prone, mudslide (i.e., mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over any less restrictive conflicting local laws, ordinances or codes.	NFIP (44 CFR)	60.3(b) 60.12
	State Statute (RSA)	674:57
C. Identifies the requirement to have a permit system in place for development in a flood-prone areas.	NFIP (44 CFR)	60.3
SECTION 3 – ADMINISTRATIVE PROVISIONS		
<i>RESOURCE: NFIP Floodplain Management Requirements – Unit 7 (FEMA-480)</i>		
A. Addresses any conflicts with other ordinances or regulations and identifies the standard that shall be controlling.	State Statute (RSA)	676:14
B. Addresses if any section or provision is considered invalid that the remaining portions are still valid.	State Statute (RSA)	35-A:38
C. This item identifies the state statute regarding the provisions of enforcement and administration of the ordinance.	State Statute (RSA)	676
D. This item addresses that flooding and flood damage can still occur even if compliance with this ordinance is met.		

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Model Ordinance Section	Regulation	Reference
SECTION 4 – FLOODPLAIN ADMINISTRATOR DUTIES AND RESPONSIBILITIES		
<i>RESOURCE: FEMA NFIP Floodplain Management Requirements – Unit 7 (FEMA-480)</i>		
A. Identifies the designated community official responsible for administering the regulations as the Floodplain Administrator, who is then referenced throughout the ordinance.	NFIP (44 CFR)	59.22(b)(1)
B. This item more clearly details the Floodplain Administrator’s duties and responsibilities.	NFIP (44 CFR)	60.2(a) 60.3(a)(2)
Model Ordinance Section	Regulation	Reference
SECTION 5 – FLOODPLAIN PERMITTING REQUIREMENTS		
<i>RESOURCE: NFIP Floodplain Management Requirements – Units 5 and 7 (FEMA-480)</i>		
A. Requires a permit from the community for all proposed development, which includes building and non-building developments.	NFIP (44 CFR)	60.3(a)(1)
B. Details that the applicant must something in writing to apply for a permit. The community can use the community’s existing building permit application form or develop one specifically for flood-prone areas. At a minimum, it is suggested the community collect the applicant’s contact information, a map indicating the location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and waterbodies; a description of the proposed development; and such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.		
C. Details the requirement to assure all federal, state, and local permits have been obtained prior to the issuance of the floodplain permit.	NFIP (44 CFR)	60.3(a)(2)
SECTION 6 – FLOODPLAIN DEVELOPMENT REQUIREMENTS		
<i>RESOURCES:</i> NFIP Floodplain Management Requirements – Units 5 and 6 (FEMA-480) Protecting Building Utility Systems from Flood Damage (FEMA P-348)		
A. Details general requirements for all development in flood-prone areas.	NFIP (44 CFR)	60.3(a)(3)

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SECTION 7 – WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS		
<i>RESOURCE: NFIP Floodplain Management Requirements – Unit 5 (FEMA-480)</i>		
A. Details the requirements for water supply and sewage disposal systems in flood-prone areas.	NFIP (44 CFR)	60.3(a)(5) 60.3(a)(6)
SECTION 8 – VARIANCES AND APPEALS		
<i>RESOURCES:</i> Variances and the NFIP (FEMA P-993) NFIP Floodplain Management Requirements – Unit 7 (FEMA-480)		
A. Details that an appeal be directed to the community’s Zoning Board of Adjustment. A municipality that has adopted a floodplain ordinance but does not have a comprehensive zoning ordinance must create a special Board of Adjustment for any floodplain ordinance appeals.	State Statute (RSA)	674:56, 674:33
B. Details the NFIP variance standards, which are required in addition to the state’s variance criteria. The NFIP variances procedures are designed to help local governments protect their citizens and property from flood damages. Allowing variances to the local floodplain management standards may significantly increase the property’s flood insurance rate and decrease the community’s resilience. Therefore, by implementing the NFIP variance procedures, a community will ensure that alternative actions are taken that protect and encourage safe development in the floodplain.	NFIP (44 CFR)	60.6
	State Statute (RSA)	674:33
C. Details the Zoning Board of Adjustment notification requirements to the applicant.	NFIP (44 CFR)	60.6
D. Details the community’s maintenance and reporting requirements regarding variances.	NFIP (44 CFR)	60.6
SECTION 9 – DEFINITIONS		
Includes defined terms that are used throughout the floodplain ordinance.	NFIP (44 CFR)	59.1