

Chapter 9: - ENFORCEMENT (ONLY EXISTING AND REVISED REGULATIONS PERTAINING TO FLOOD REGULATIONS INCLUDED)

9.3.3 - Enforcement of Flood Damage Prevention Regulations

In the case of any violation or alleged violation of flood damage prevention regulations or floodplain regulations in this Ordinance, or any applicable law, the floodplain administrator shall notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property. If the owner fails within thirty (30) days from the date of notice to commence corrective action, and thereafter to proceed with due diligence to make all necessary corrections, and fails to appeal the matter to the Board of Adjustment, the Town may take necessary corrective action pursuant to section 9.5.1 and any other applicable provision of sections 9.4 or 9.5 permitted by law.

9.5.1 - Flood Damage Prevention Regulations

**(1) Violations to be Corrected**

When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notifications.

**(2) Actions in Event of Failure to Take Corrective Action**

If the owner of a building or property fails to take prompt corrective action in response to a notification from the floodplain administrator, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

- (A) That the building or property is in violation of the flood damage prevention regulations;
- (B) That a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- (C) That following the hearing, the floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

**(3) Order to Take Corrective Action**

If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the flood damage prevention regulations, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) days. Where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

**(4) Appeal**

Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the floodplain administrator within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

**(5) Failure to Comply with Order**

If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body

following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.