

COMMISSIONERS OF MARDELA SPRINGS

FLOODPLAIN ORDINANCE #19

AN ORDINANCE WHICH ESTABLISHES AND DELINEATES A FLOOD PLAIN DISTRICT ALONG BARREN CREEK IN SAID MUNICIPALITY AND SHOWN AS ZONE A3 ON FLOOD INSURANCE RATE MAP, TOWN OF MARDELA SPRINGS, WICOMICO COUNTY, MARYLAND, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND DESIGNATED AS COMMUNITY - PANEL NUMBER 240079-0001A, PROVIDING FOR THE ISSUANCE OF PERMITS, AND IMPOSES CERTAIN REGULATIONS ON CONSTRUCTION AND LAND DEVELOPMENT WITHIN SAID DISTRICT.

BE IT ENACTED AND ORDAINED BY THE COMMISSIONERS OF MARDELA SPRINGS THAT A FLOOD PLAIN DISTRICT ALONG BARREN CREEK IN SAID MUNICIPALITY AND SHOWN AS ZONE A3 ON FLOOD INSURANCE RATE MAP, TOWN OF MARDELA SPRINGS, WICOMICO COUNTY, MARYLAND, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND AS AMENDED FROM TIME TO TIME AND DESIGNATED AS COMMUNITY - PANEL NUMBER 240079-0001A IS HEREBY ESTABLISHED AND PROVIDING THAT ALL BUILDINGS AND DEVELOPMENT THEREIN SHALL BE SUBJECT TO THE FOLLOWING RULES AND REGULATIONS.

Date: 9/13/84

## ARTICLE I - REGULATORY PROVISIONS

### Section I: Short title

This Ordinance shall hereafter be referred to as the "Mardela Springs Flood Plain Management Ordinance."

### Section II: Findings and Intent

Whereas, the designated area of Mardela Springs is subject to periodic inundation which may result 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, the Commissioners of Mardela Springs have the responsibility under the Flood Control and Watershed Management Act Section 8-0A01 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 in Mardela Springs and provide for the biological and environmental quality of the watersheds or portions thereof located in Mardela Springs. 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 concerns 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 land excavation, land clearing, land improvement, or any continuation thereof.
- B. "Enforcement Agency" means the Wicomico County Department of Public works which has been charged by the Commissioners of Mardela Springs, and or other representatives duly appointed by said Commissioners.

- C. "Flood" means a temporary inundation of normally dry land areas.
- D. "Flood Plain" 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.
- E. "Floodproofing" means any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.
- F. "Land Development" means (1) the improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purposes 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.
- G. "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.
- H. "Mobile Home Park or Subdivision" means a parcel (or contiguous parcels) or land divided into three (3) 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.
- I. "New Construction" means structures for which the Start of Construction as herein defined commenced on or after the effective date of this Ordinance.
- J. "One Hundred (100) Year Flood" means base flood or a flood that has one chance in one-hundred or a one percent chance of being equaled or exceeded in any given year.
- K. "Principally Above Ground" means where at least 51 percent of the actual cash value of a structure, less land value, is above ground.
- L. "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 the installation of streets and 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 as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "state of construction" includes the first permanent framing or assembly of structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "State of construction" means the affixing of the mobile home to its permanent side. For mobile homes within mobile home

parks or mobile home subdivisions "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.

- M. "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.
- N. "Subdivision" means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land of territory subdivided.
- O. "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed 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 and 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 Flood Plain District

- A. The Commissioners of Mardela Springs establish a flood Plain, hereinbefore established, subject to inundation by the waters of the One Hundred (100) Year Flood as determined and delineated by the Flood Insurance Study for Mardela Springs, Maryland, by the Federal Emergency Management Agency Federal Flood Insurance Administration; to include the written text thereof, diagrams therein contained and the Flood Insurance Rate Map hereinbefore referred to and all pages thereof and information thereon contained, which are a part thereof. The Flood Plain District boundaries shall vary periodically as revisions to the Flood Insurance Study and Flood Insurance Rate Map are made by appropriate authorities. Any changes in said study or maps shall automatically constitute changes to boundaries hereof upon receipt thereof by the Commissioners of Mardela Springs.
- B. The Flood Plain District shall be comprised of the following subdistricts:
  - 1. Tidal Flood Plain - those portions of the Flood Plain District designated on the Flood Insurance Rate Map as Zone A3 subject to Tidal Flooding by the One Hundred (100) Year Flood, where detailed study data is available.
- C. The delineation of the Flood Plain District may be revised, amended and modified by the Commissioners in compliance with the National Flood Insurance Program when:
  - 1. There are changes through natural or other causes;
  - 2. Changes or 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.

- D. Should a dispute concerning district boundary arise, an initial determination shall be made by the enforcement agency. Any party aggrieved by this decision may appeal to the Commissioners. The burden of proof is on the appellant.

Section V: Development Regulations

In order to prevent excessive damage to buildings and structures and adverse impacts on the biological and environmental quality of watersheds, the following restrictions shall apply to all new construction and substantial improvements to existing structures occurring in the Flood Plain District.

- A. In the Tidal Flood Plain, the following regulations will apply:

1. Lowest Floor Elevations

- a. All new construction and substantial improvements of residential structure must have the lowest floor (including basement) elevated to one foot above the One Hundred (100) Year Flood Elevation or higher.
- b. All new construction and substantial improvements of non-residential structures must have:
  - (i) the lowest floor (including basement) elevated to one foot above the One Hundred (100) Year Flood Elevation, or higher, or,
  - (ii) together with attendant utility and sanitary facilities, be designed so that below one foot above the One Hundred (100) Year Flood Elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy.

2. Placement of Buildings and Structures

- a. 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.

3. Landscape Design

- a. Adequate ground cover shall be provided for soil stabilization within the Flood Plain 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.

4. Anchoring

- a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement, thus reducing the threat to life and property and decreasing the possibility of damage to bridges and

other structures spanning restricted sections of the watercourse.

5. Basement Floors and Foundation Walls

- a. Basement floors shall be reinforced to prevent upheaval from hydrostatic pressure.
- b. Foundation walls shall be reinforced to prevent collapse from both the hydrostatic and hydrodynamic pressures of the One Hundred (100) Year Flood.

6. Interior Floors, Walls and Ceilings

- a. Wood flooring shall be installed to accommodate 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 required first floor level) shall 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 required first floor level) shall be made of materials which are resistant to water damage.
- d. Plywood (used at or below the required first floor level) shall be of an "exterior" or "marine" grade and of a water-resistant or water-proof variety.
- e. Basement ceilings (at or below the required first floor level) in non-residential structures shall have sufficient wet strength and be so installed as to survive inundation.

7. Electrical Systems

- a. No electric water heaters, electric furnaces or other permanent electrical installations shall be permitted below 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.
- c. Separate electrical circuits shall serve lower levels and shall be dropped from above.

8. Plumbing and Mechanical Equipment

- a. No water heaters, furnaces and other permanent mechanical equipment shall be permitted below one foot above the level of the One Hundred (100) Year Flood.

9. Storage

- a. No materials that are poisonous, flammable, explosive or which could be injurious to human, animal or plant life shall be stored below one foot above the level of the One Hundred (100) Year Flood.

10. Fill

- a. Fill shall consist of solid or rock materials only. Dump and sanitary land 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 submitted to and approved by the Enforcement Agency.
- d. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

11. 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 (1) foot above the One Hundred (100) Year Flood Elevation or higher.
- b. Adequate surface drainage and access for 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 end of the mobile home, with two additional ties at intermediate locations except mobile homes less than fifty (50) feet long shall require only one additional tie.
  - (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 of subdivision shall file with the Disaster Preparedness Authorities of the Commissioners of Mardela Springs, an evacuation plan which indicates alternate vehicular access and escape routes.

B. In the entire Flood Plain District, the design, placement and construction of all public and private utilities and facilities shall be regulated by the following:

- 1. New or replacement water supply systems and/or sanitary sewage systems shall be designed to eliminate or minimize infiltration of flood waters into the systems and discharges from the systems in the flood waters, to avoid impairment during flooding and minimize flood damage.
  - a. Cesspools and seepage pits are prohibited.

- b. Septic tanks with drain fields as required by the Wicomico County Health Department 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 Flood Plain 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.
- C. Special Provisions for Maritime and Agricultural Related Structures.
- 1. The watertight floodproofing requirements of Section V A.1.b. (i) and (ii) may be inappropriate for certain types of agricultural or maritime buildings. The Enforcement Agency may at his or her discretion grant relief from these requirements when consistent with the following criteria and procedures.
    - a. Such relief shall be available only for agricultural or maritime buildings. It shall not be available for residential, industrial or other commercial buildings.
    - b. Contents and interior finish materials shall be restricted to types which are neither hazardous nor vulnerable to loss under flooding conditions.
    - c. All development regulations of excluding V A.1.b. (i) and (ii) shall apply. All other applicable provisions of the Section shall apply.
    - d. The Enforcement Agency shall notify the applicant for relief, in writing, that flood insurance for a structure not elevated or floodproofed in conformance with Section V A.1.b. (i) and (ii) may be available only at prohibitive rates or not at all.
- D. Special Provisions for Residential Accessory Structures
- 1. Any Residential Accessory Structure that does not exceed 600 square feet in size, and is proposed to be built in the One Hundred (100) Year Flood Plain District need not meet the requirements of Section V A.1.b. (i) and (ii).
  - 2. Any Residential Accessory Structure that is proposed to be built in the One Hundred (100) Year Flood Plain District shall meet all existing Zoning requirements as established by the Town.
  - 3. Anyone applying for a building permit for a Residential Accessory Structure that does not meet the minimum requirements of this Section shall be advised by the Enforcement Agency that Federal Flood Insurance may be available only at highly prohibitive rates or not at all.



## 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 Flood Plain 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 built at an elevation one foot above the One Hundred (100) Year Flood Elevation or higher, 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 elevations of the proposed final grading and lowest floors (including basement), 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, Surveyor or Architect.
    - (iv) The methods used to protect utilities (including sewer, water, telephone, electric, gas, etc.) from flooding below one foot above the One Hundred (100) Year Flood Elevation at the building site. These plans shall be prepared by a Registered Professional Engineer, Surveyor or Architect.

(v) If a variance is being applied for under the provisions of Article II Section II Variances; certification that appropriate measures will be undertaken to flood-proof floors and walls and below one foot above the One Hundred (100) Year Flood Elevation includes that:

- (aa) Wood flooring will be installed to accommodate a lateral expansion of the flooring perpendicular to the flooring grain, without incurring structural damage to the building.
- (bb) All finished flooring will be made of material which are stable and resistant to water damage.
- (cc) All carpeting or carpet cushions employed as a finished flooring surface will be made of materials which are resistant to water damage.
- (dd) Plywood will be an "exterior" or "marine" grade and of a water-resistant or water proof variety.
- (ee) Basement ceilings in non-residential structures will have sufficient wet strength and be so installed as to survive inundation.

b. For structures to be flood-proofed below one foot above the One Hundred (100) Year Flood Elevation (non-residential structures only), the plans shall show:

- (i) Details of all flood proofing measures prepared by a Registered Professional Engineer or Architect and showing the size of the proposed structure and its relation to the lot where it is to be constructed.
- (ii) The elevations of the proposed final grading, lowest floors (including Basements) and flood proofing limits, and the existing ground and One Hundred (100) Year Flood Elevation as certified by a Registered Professional Engineer, Surveyor or Architect.
- (iii) A certificate prepared by the Registered Professional Engineer or Architect who prepared the plans in (i) above, that the structure in question, together with attendant utilities and sanitary facilities, is designed so that:
  - (aa) below one foot above the One Hundred (100) Year Flood Elevation, the structure is water-tight with walls substantially impermeable to the passage of water.
  - (bb) the structure will withstand the hydrostatic, hydrodynamic, buoyant, impact and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the One Hundred (100) Year Flood.

- 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. The One Hundred (100) Year Flood Elevation shall be delineated on the plan. All plans shall be certified by a Registered Professional Engineer, Surveyor, or Landscape Architect and shall be reviewed by the Commissioners of Mardela Springs 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. The elevation of the centerline of proposed street shall be at or above the One Hundred (100) Year Flood Elevation.
- 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 natural 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 U. S. 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 water course, in question, will be maintained.
- E. After the issuance of a building permit by the Enforcement Agency, 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 Enforcement Agency.
- F. Work on the proposed construction shall begin within (twelve months) after the date of issuance of the building permit or the permit shall expire, unless a time extension is granted, in writing, by the Enforcement Agency.
- G. During the construction period the Enforcement Agency 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 Enforcement Agency 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 Enforcement Agency shall revoke the building permit and report such fact to the Commissioners for whatever action it considers necessary.

## Section II: Variance

- A. The Commissioners of Mardela Springs shall grant a variance only upon:
1. A showing of good and sufficient cause;
  2. 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 and extraordinary public expense.
  4. Evidence that all structures are designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, and effects of buoyancy resulting from the One Hundred (100) Year Flood.
  5. Basement ceilings in non-residential structures shall have sufficient wet strength and be so installed as to survive inundation.
  6. 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.
- B. A variance may be granted for new construction and substantial improvement to be erected on a lot contiguous to and surrounded by lots with existing structures constructed below the level of the One Hundred (100) Year Flood.
- 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 Commissioners of Mardela Springs 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 justification for their issuance, shall be maintained by the municipality and all such information shall be included in the Annual Report and submitted to the Federal Emergency Management Agency, Federal Insurance Administration.
- F. All requests for variances must be submitted in writing to the Commissioners within thirty calendar days of the refusal to issue a permit.
- G. The Commissioners 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 or a State of Maryland inventory of historic places, without regard to the procedures set forth herein.
- I. The burden of proof for the request of a variance shall be upon the applicant and determinations of the Commissioners with regard to the criteria set forth herein shall be final.

### 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 Enforcement Agency or any other authorized employee of Wicomico County and/or the Town of Mardela Springs shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not less than \$100.00 and not to exceed \$1,000.00 or imprisonment for a period not to exceed one year or both.
- 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 Commissioner to be a public nuisance and abatable as such.

### Section IV: Miscellaneous

#### A. Municipal 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 ordinances currently in effect in the Flood Plain District. However, any other ordinance shall remain in full force and effect to the extent that its provisions are more restrictive.

#### C. Applicability

The provisions of this Ordinance shall apply throughout said Mardela Springs Flood Plain.

#### D. Partial Invalidity and Severability

If any section, subsection, paragraph, sentence, clause, or phase 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.

### Section V: Effective Date

BE IT FURTHER ENACTED that this Ordinance shall be known as Ordinance No. 2019 of Mardela Springs and shall take effect immediately from the date of its final passage.

Certified correct as passed and adopted by the Commissioners of Mardela Springs, Maryland, this 13 day of September, 1984.

SIGNED

M. H. D. Cash  
President

ATTESTED BY

Shirley M. Bailing