



MONTANA DNRC FLOODPLAIN PROGRAM

Navigating the Floodplain Model Ordinance

Laurence Siroky, P.E., CFM
Lsiroky@mt.gov

Marijo Brady, P.E., CFM
Marijo.Brady@fema.dhs.gov

Traci Sears, CFM
tsears@mt.gov



Model ordinance adoption

Adopted Final Draft dated February 20, 2014

- ▶ Broadwater – 6/14
- ▶ Miles City – 4/14

In the process of adopting Final Draft

- ▶ Townsend
- ▶ Custer County
- ▶ Deer Lodge
- ▶ Fallon County
- ▶ City of Baker
- ▶ Ryegate
- ▶ Golden Valley
- ▶ Lavina



Model ordinance adoption

Adopted Older Drafts

- ▶ Carbon County - 12/12
- ▶ Town of Joliet - 11/12
- ▶ Red Lodge - 12/12
- ▶ Town of Fromberg - 12/12
- ▶ Sanders County - 5/12
- ▶ Town of Plains - 6/12
- ▶ Town of Hot Springs - 6/12
- ▶ Lewis & Clark - 9/12
- ▶ City of Helena - 8/12
- ▶ East Helena - 8/12
- ▶ Town of Bear Creek - 5/13
- ▶ Yellowstone County - 11/13
- ▶ Billings - 11/13
- ▶ City of Laurel - 10/13
- ▶ Cascade County - 3/13
- ▶ Town of Cascade - 3/13
- ▶ Great Falls - 3/13
- ▶ Town of Neihart - 3/13
- ▶ Lake County - 2/13
- ▶ City of Polson - 2/13
- ▶ City of Ronan - 3/13
- ▶ St. Ignatius - 2/13

2012

2013



Layout of the Model Ordinance

Sections 1, 2, and 3

- Title, Purpose
- Definitions
- Forms and Fees

Section 4

- Regulated Flood Hazard Area
- LOMC
- Alterations

Sections 5 and 6

- Uses Allowed without permit
- Prohibited Uses



Layout of the Model Ordinance

Sections 7 and 8

- Permit Application Requirements
- Application Evaluation

Sections 9 and 10

- Development in the Floodway
- Development in the Flood Fringe, AO, or Approx. A

Section 11

- Emergencies



Layout of the Model Ordinance

Sections 12 and 13

- Variances
- Administrative Appeals

Sections 14 and 15

- Enforcement
- Penalties

Section 1 – TITLE, PURPOSE, AUTHORITY AND GENERAL PROVISIONS

- 1.1 – Floodplain Hazard Management Regulations
- 1.2 Statutory Authority
- 1.3 Findings of Fact
- 1.4 Purpose
- 1.5 Methods to Reduce Losses
- 1.6 Regulated Area
- 1.7 Floodplain Administrator
- 1.8 Compliance
- 1.9 Abrogation and Greater Responsibility
- 1.10 Regulation Interpretation
- 1.11 Warning and Disclaimer of Liability
- 1.12 Severability
- 1.13 Disclosure Provision
- 1.14 Amendment of Regulations
- 1.15 Public Records
- 1.16 Subdivision Review
- 1.17 Disaster Recovery



Section 2 – Definitions (New to the 2014 Model Ordinance)

- Appurtenant Structure
- Basement
- Building
- Channel
- Crawl Space
- DNRC
- Development
- Elevated Building
- Enclosure
- Encroachment
- Encroachment Analysis
- Existing Artificial Obstruction or Nonconforming Use
- Floodplain Administrator
- Flood Proofing
- Letter of Map Change (LOMC) – LOMA, LOMR–F, LOMR, CLOMR
- New Manufactured Home Park or Subdivision
- Non–Residential
- Owner
- Person
- Regulated Flood Hazard Area
- Residential Building
- Scour Depth
- Special Flood Hazard Area
- Sub grade Crawlspace



Section 3 – FORMS AND FEES

- 3.1 – FORMS
 - 1. Floodplain Permit Application Form
 - 2. Floodplain Permit Compliance Report
 - 3. Floodplain Variance Application Form
 - 4. Floodplain Appeal Notice Form
 - 5. Floodplain Emergency Notification Form
 - 6. Official Compliant Form
- 3.2 – FEES



Section 4 – Regulated Flood Hazard Area

- 4.1 – Regulated Flood Hazard Areas
- 4.2 – Interpretation of Regulated Flood Hazard Area Boundaries
- 4.3 – Alteration of Regulated Flood Hazard Area



Section 5 – Uses Allowed Without A Permit Within The Regulated Flood Hazard Area

- 5.1 – General
- 5.2 – Open Space Uses



Section 6 – Prohibited Uses, Activities And Structures Within The Regulated Flood Hazard Area

- 6.1 – Floodway
- 6.2 – Flood Fringe or Regulated Flood Hazard Area Without A Floodway



Section 7 – Floodplain Permit Application Requirements

- 7.1 – General
- 7.2 – Required Floodplain
Permit Application
Information



Section 8 – Floodplain Permit Application Evaluation

- 8.1 – Floodplain Permit Application Review
- 8.2 – Notice Requirements for Floodplain Permit Applications
- 8.3 – Floodplain Permit Criteria
- 8.4 – Decision
- 8.5 – Floodplain Permit Conditions and Requirements



Section 9 – Development Requirements in the Floodway

- 9.1 Uses Requiring Permits
- 9.2 General Requirements
- 9.3 Mining of Material Requiring Excavation From Pits or Pools
- 9.4 Railroad, Highway and Street Stream Crossing
- 9.5 Limited Filling for Road and Railroad Embankments
- 9.6 Buried or Suspended Utility Transmission Lines
- 9.7 Storage of Materials and Equipment
- 9.8 Domestic Water Supply Wells
- 9.9 Buried and Sealed Vaults for Sewage Disposal in Campgrounds and Recreational Areas
- 9.10 Public and Private Campgrounds
- 9.11 Structures Accessory or Appurtenant
- 9.12 Construction of or Modifications to Surface Water Diversions
- 9.13 Flood Control and Stream Bank Stabilization Measures
- 9.14 Stream and Bank Restoration
- 9.15 Existing Residential and Non-residential Building in the Floodway



Section 10 – Development Requirements in the Flood Fringe or Regulated Flood Hazard Area with no Floodway

- 10.1 – Uses Requiring Permits
- 10.2 – General Requirements
- 10.3 – Residential Buildings,
Exceptions or Additional Requirements
- 10.4 – Non-Residential Building,
Exceptions or Additional Requirements



Section 11 – Emergencies

- 11.1 – General
- 11.2 – Emergency
Notification and
Application Requirements



Section 12 – Variances

- 12.1 – General
- 12.2 – Variance Application Requirements
- 12.3 – Notice Requirements for Floodplain Variance Application
- 12.4 – Evaluation of Variance Application
- 12.5 – Decision
- 12.6 – Judicial Review



Section 13 – Administrative Appeals

- 13.1 – General
- 13.2 – Appeals Requirements
- 13.3 – Notice and Hearing
- 13.4 – Decision
- 13.5 – Judicial Review



Section 14 – Enforcement

- 14.1 – Investigation Request
- 14.2 – Notice to Enter and Investigate Lands or Waters
- 14.3 – Notice to Respond and Order to Take Corrective Action
- 14.4 – Administrative Review
- 14.5 – Appeal of Administrative Decision
- 14.6 – Failure to Comply with Order To Take Corrective Action
- 14.7 – Other Remedies



Section 15 – Penalties

- 15.1 – Misdemeanor
- 15.2 – Declaration to
the Federal Flood
Insurance Administrator

