

SUGGESTED WORDING FOR PENALTY CLAUSE

In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the National Flood Insurance Program (NFIP) regulation, to qualify for the sale of federally-subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions."

In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone, mudslide (i.e. mudflow), or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances or codes."

THEREFORE:

The following is *suggested wording* for a penalty clause to be included and adopted with your Flood Damage Prevention Ordinance. Wording should be modified as necessary to reflect specific local/state statutory provisions.

PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ _ _ _ _ _ or imprisoned for not more than _ _ _ _ _ , or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the _ _ _ _ (COMMUNITY) _ _ _ _ from taking such other lawful action as is necessary to prevent or remedy any violation.