

PRACTICABLE EXTENT TO PROTECT AGAINST DANGER TO LIFE [[OR]], DANGER TO WATER QUALITY, OR DANGER TO PROPERTY FROM:

- (1) WATER WHICH MAY BE BACKED UP OR DIVERTED BY THE USE;
- (2) AN OBSTRUCTION SWEEPED DOWNSTREAM; AND
- (3) CONSTRUCTION OR ALTERATION OF AN OBSTRUCTION WITHIN THE INTERIM FLOOD HAZARD AREA.

(C) A USE WITHIN AN INTERIM FLOOD HAZARD AREA MAY NOT BE AUTHORIZED UNLESS THE PERSON PROPOSING THE USE DEMONSTRATES TO THE APPROPRIATE SUBDIVISION:

- (1) THAT THE PROPOSED USE WILL BE PROVIDED WITH ADEQUATE DRAINAGE;
- (2) THAT SUPPORT SYSTEMS FOR THE USE SUCH AS WATER AND SEWERAGE FACILITIES, ROAD, AND OTHER UTILITIES WILL BE ADEQUATELY FLOOD PROOFED;
- (3) THAT THE USE WILL NOT INCREASE THE SURFACE WATER ELEVATION OF THE 100 YEAR FLOOD EVENT MORE THAN THE INCREMENT OF FLOOD ELEVATION SPECIFIED BY THE DEPARTMENT; AND
- (4) THAT ALL PERMANENT STRUCTURES ASSOCIATED WITH THE USE SHALL BE FLOOD PROOFED TO WITHSTAND A 100 YEAR FLOOD.

(D) (1) IF A SUBDIVISION ELECTS, THE DEPARTMENT, IN CONSULTATION WITH THE SUBDIVISION, SHALL PREPARE RULES AND REGULATIONS GOVERNING USES WITHIN THE INTERIM FLOOD HAZARD AREAS OF THE SUBDIVISION PURSUANT TO THE PROVISIONS OF THIS SECTION. THE SUBDIVISION SHALL THEN ADOPT THESE RULES AND REGULATIONS.

(2) IF A MUNICIPALITY ELECTS, THE COUNTY, IN CONSULTATION WITH THE MUNICIPALITY, MAY PREPARE THE RULES AND REGULATIONS NECESSARY UNDER THIS SECTION. IF THE COUNTY DOES NOT AGREE, THE DEPARTMENT, IN CONSULTATION WITH THE MUNICIPALITY, SHALL PREPARE THE RULES AND REGULATIONS. THE MUNICIPALITY SHALL ADOPT THE RULES AND REGULATIONS PREPARED FOR IT.

(3) THE DEPARTMENT SHALL ALSO PROVIDE TECHNICAL ASSISTANCE TO SUBDIVISIONS [[TO INTERPRET FLOOD INFORMATION AND DRAFT]] IN THE INTERPRETATION OF FLOOD INFORMATION AND THE DRAFTING OF LOCAL REGULATORY MEASURES AS REQUIRED BY THIS SECTION.

8-9A05. COMPREHENSIVE FLOOD MANAGEMENT PROGRAM.

(A) BY JANUARY 1, 1977, THE DEPARTMENT, AFTER CONSULTATION WITH AND CONSIDERATION OF, RECOMMENDATIONS SUBMITTED BY SUBDIVISIONS AND THE DEPARTMENTS OF STATE