



**MEDFORD, MASSACHUSETTS
MAYOR BREANNA LUNGO-KOEHN**

April 24, 2025

Via Electronic Delivery

To the Honorable President and
Members of the Medford City Council
Medford City Hall
Medford, MA 02155

Re: Chapter 46 Floods, Article II – Flood Ordinance Update

Dear President Bears and Members of the City Council:

I respectfully request and recommend that the City Council approve the enclosed amendments to Chapter 46, Article II, of the City's Ordinances (see highlighted in the attached so-called Floodplain Ordinance).

Enclosed is a letter from City Engineer Owen Wartella which outlines the reasoning for the request. In addition, given City Council Rule 30, the ordinance was reviewed by KP Law, and they have approved it as to form as outlined by the enclosed letter from Attorney Jeffrey Blake.

City Engineer Wartella will be available to speak to this request and answer any questions you may have.

Thank you for your kind attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Breanna Lungo-Koehn", is written over the printed name.

Breanna Lungo-Koehn
Mayor

Enclosures

Chapter 46 FLOODS

ARTICLE I. IN GENERAL

Secs. 46-1—46-30. Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION¹

DIVISION 1. GENERALLY

Sec. 46-31. Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. No. 498, § 1.1, 5-20-1986)

Sec. 46-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appeal means a request for a review of the city engineer's interpretation of any provision of this article or a request for a variance.

¹Cross reference(s)—Director of public works, § 2-721 et seq.; buildings and building regulations, ch. 10; zoning, ch. 94.

Area of shallow flooding means a designated AO or VO zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Breakaway walls means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building and which are so designed as to break away, under normal high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters.

Development means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Habitable floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or

b. Directly by the Secretary of the Interior in states without approved programs.

New construction means structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, included any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.

Recreational vehicle means a vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and,

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area means the land area subject to flood hazards as shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE, or V1-30.

Start of construction means the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings, or construction of columns. Permanent construction does not include land preparation, such as clearing, excavation, grading, and filling; nor does it include the installation of streets and/or 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 part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(1) Before the improvement or repair is started; or

(2) 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 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 ensure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Substantial repair of a foundation means work to repair or replace a foundation resulting in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair and replacement of 50% of the piles, columns, or piers of a pile-, column-, or pier-supported foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

Variance means a grant of relief by a community from the terms of a floodplain management regulation.

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 498, § 2, 5-20-1986; Ord. No. 758, § 1, 3-2-2010)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 46-33. Methods of reducing flood losses.

In order to accomplish its purposes, this article includes methods and provisions for:

- (1) Redistricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards in other areas.

(Ord. No. 498, § 1.2, 5-20-1986)

Sec. 46-34. Lands to which this article applies.

This article shall apply to all areas of special flood hazards within the jurisdiction of the city.

(Ord. No. 498, § 3.1, 5-20-1986)

Sec. 46-35. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard within the City of Medford include all areas designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the City of Medford are panel numbers 25017C0409F, 25017C0417F, 25017C0428F, 25017C0429F, 25017C0436F, 25017C0437F, 25017C0438F and 25017C0439F dated July 8, 2025. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS

report are incorporated herein by reference and are on file with the city engineer's office, City Hall, Medford, Massachusetts.

(Ord. No. 498, § 3.2, 5-20-1986; Ord. No. 758, § 2, 3-2-2010)

Sec. 46-36. Compliance with article provisions.

- (a) No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations.
- (b) The city engineer shall enforce the provisions of this article. Whoever violates the provisions of this article shall be punished as provided in section 1-13 for each offense.

(Ord. No. 498, § 3.3, 5-20-1986)

Sec. 46-37. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 498, § 3.4, 5-20-1986)

Sec. 46-38. Interpretation of article.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirement;
- (2) Liberally construed in favor of the city council; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 498, § 3.5, 5-20-1986)

Sec. 46-39. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the city, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this article or any administrative decision lawfully made under this article.

(Ord. No. 498, § 3.6, 5-20-1986)

Sec. 46-40. Severability.

If any section, provision, or portion of this ordinance is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

Secs. 46-41—46-70. Reserved.

DIVISION 2. ADMINISTRATION²

Sec. 46-71. Designation of the city engineer as administrator.

The city engineer is hereby appointed to administer and implement this article by granting or denying development permit applications in accordance with its provisions.

(Ord. No. 498, § 4.2, 5-20-1986)

Sec. 46-72. Duties and responsibilities of the city engineer.

Duties of the city engineer shall include, but not be limited to the following:

- (1) Review all development permits to determine that the permit requirements of this article have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development permits in the area of special flood hazard except in the coastal high-hazard area to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For the purposes of this article, the term "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.
- (4) Review plans for walls to be used to enclose space below the base flood level in accordance with section 46-112(2).
- (5) Submit technical or scientific data supporting changes to the base flood elevation in the FEMA mapped special flood hazard areas to FEMA within 6 months of receipt. Notification shall be submitted to the NFIP State Coordinator at the Massachusetts Department of Conservation and Recreation and the NFIP Program Specialist at FEMA Region I.

(Ord. No. 498, § 4.3-1, 5-20-1986)

Sec. 46-73. Use of other base flood data.

In A Zones, in the absence of FEMA base flood elevation and floodway data, the city engineer shall obtain, review and reasonably utilize base flood elevation data available from a federal, state or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

(Ord. No. 498, § 4.3-2, 5-20-1986)

²Cross reference(s)—Administration, ch. 2.

Sec. 46-74. Information to be obtained and maintained.

Information which shall be obtained and maintained is as follows:

- (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including the basement, of all new or substantially improved structures.
- (2) For all new substantially improved floodproofed structures:
 - a. Verify and record the actual elevation, in relation to mean sea level; and
 - b. Maintain the floodproofing certifications required in section 46-77(3).
- (3) Maintain for public inspection all records pertaining to the provisions of this article.

(Ord. No. 498, § 4.3-3, 5-20-1986)

Sec. 46-75. Alteration of watercourses.

The city engineer shall:

- (1) Notify adjacent communities and the state water resources administration prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
- (3) In a riverine situation, the city engineer shall notify the following of any alteration or relocation of a watercourse:
 - a. Adjacent communities.
 - b. NFIP State Coordinator, Massachusetts Department of Conservation and Recreation.
 - c. NFIP Program Specialist, Federal Emergency Management Agency, Region I.

(Ord. No. 498, § 4.3-4, 5-20-1986; Ord. No. 758, § 3, 3-2-2010)

Sec. 46-76 – Interpretation of FIRM boundaries - *deleted*

Sec. 46-77. Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 46-35. Application for a development permit shall be made on forms furnished by the city engineer, and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor, including the basement, of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 46-112(2);

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- (4) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development; and
 - (5) Plans for any walls to be used to enclose space below the base flood level.

(Ord. No. 498, § 4.1, 5-20-1986)

Sec. 46-78. Variance procedure.

(a) *Appeal board.* The appeal board shall function as follows:

- (1) The city council, as established by the city, shall hear and decide appeals and requests for variances from the requirements of this article.
- (2) The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city engineer in the enforcement or administration of this article.
- (3) Those aggrieved by the decision of the city council or any taxpayer, may appeal such decision to the superior court, as provided in M.G.L.A. c. 40A.
- (4) In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (4)a—(4)k of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

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- (6) Upon consideration of the facts of subsection (4) of this section and the purposes of this article, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
 - (7) The city engineer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration, upon request.
- (b) *Conditions for variances.* Conditions for variances are as follows:
- (1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, without regard to the procedures set forth in the remainder of this section.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
 - (4) Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 46-77(4), or conflict with existing local laws or ordinances.
 - (5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. No. 498, § 4.4-2, 5-20-1986)

Sec. 46-79. Variances to building code floodplain standards.

The City will maintain relevant State Building Code Appeals Board variance hearing records in the community's files. The City Engineer shall issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing, over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level may result in increased premium rates for flood insurance and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

Secs. 46-80—46-110. Reserved.

DIVISION 3. FLOOD HAZARD REDUCTION

Sec. 46-111. General standards.

In all areas of special flood hazards the following standards are required:

(1) *Utilities.* Utilities standards are as follows:

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(2) *Subdivision proposals.* Subdivision proposals shall meet the following standards:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres, whichever is less.

(3) *Recreational vehicles.* All recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

(Ord. No. 498, § 5.1-4, 5-20-1986)

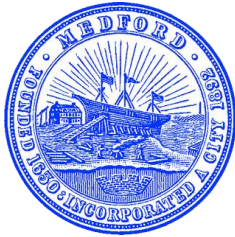
Sec. 46-112. Specific Standards. - *deleted*

Sec. 46-113. Floodways.

- (a) *Floodway data.* In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (b) *Base flood elevation data.* Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A zones.
 - (1) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the City of Medford FIRM, encroachments are prohibited, including fill, new construction, substantial

improvements, and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(Ord. No. 501, 6-24-1986; Ord. No. 758, § 4, 3-2-2010)



OWEN WARTELLA, PE
City Engineer

City of Medford

DEPARTMENT OF PUBLIC WORKS

City Hall – Room 300
85 George P. Hassett Drive
Medford, Massachusetts 02155

Telephone
(781) 475-5642
FAX: (781) 393-2422
TDD: (781) 393-2516

MEMORANDUM

TO: Breanna Lungo-Koehn
FROM: Department of Public Works - Engineering Division
SUBJECT: Floodplain Ordinance Update
DATE: April 17, 2025

The Department of Conservation and Recreation has updated and revised the Massachusetts Model Floodplain Bylaws to align with Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) and the Flood Insurance Studies (FIS) effective July 8, 2025.

All communities that participate in the National Flood Insurance Program (Medford) are required to update their local regulations to include the new effective dates for the FIRM and FIS. Communities that do not accomplish this will be suspended from the NFIP.

Medford Floodplain Ordinance has been revised with the following outlines:

1. Section 46-35. Update suffixes and FIRM panels to reflect the new panels dated July 8, 2025: 20177C0409F, 20177C0417F, 20177C0428F, 20177C0429F, 20177C0436F, 20177C0437F, 20177C0438F, 20177C0439F
2. Section 46-32 updated and added the following definitions:
 - FUNCTIONALLY DEPENDENT USE
 - HIGHEST ADJACENT GRADE
 - HISTORIC STRUCTURE
 - RECREATIONAL VEHICLE
 - SPECIAL FLOOD HAZARD AREA.
 - SUBSTANTIAL REPAIR OF A FOUNDATION.
 - VIOLATION
 - NEW CONSTRUCTION.
 - START OF CONSTRUCTION.
 - STRUCTURE
 - VARIANCE
3. Section 46-40. Added Severability
4. Section 46-72. Update the language with requirement to submit new technical data
5. Section 46-73. Update the language with Model Bylaw Section 2, 7.
6. Section 46-76. Deleted.
7. Section 46-112. Deleted.
8. Section 46-113, b, 1. Update the language with Model Bylaw Section 2, 6, 2nd paragraph.

If you have any questions, feel free to reach us at (781) 475-5642 or by email at owartella@medford-ma.gov.

Sincerely,



Owen Wartella

City of Medford Engineering Division

April 24, 2025

President Isaac B. Bears and Members of the
Honorable Medford City Council
City Hall
85 George P. Hasset Drive
Medford, MA 02155

Re: Chapter 46 Floods, Article II-- Flood Ordinance Update

Dear Mister President and Members of the Medford City Council:

In accordance with the provisions of Medford City Council Rule 30, we examined the proposed amendments to the Flood Ordinance Chapter 46 Floods, Article II (Flood Ordinance), as to their legality and respectfully transmit this letter as notification of our findings.

In our opinion, the Flood Ordinance, as amended, is in proper legal form. All communities that participate in the National Flood Insurance Program, including Medford, are required to update local regulations to include new effective dates for the FIRM (Flood Insurance Rate Maps) and FIS (Flood Insurance Studies). In our opinion, the proposed amendments included the required updates to meet these requirements.

Specifically, the proposed amendments have revised the following:

1. Section 46-35. Updates suffixes and FIRM panels to reflect the new panels dated July 8, 2025; and
2. Section 46-32 updated to add the following definitions
 - a. Functionally dependent use;
 - b. Highest adjacent grade;
 - c. Historic structure;
 - d. Recreational vehicle;
 - e. Special flood hazard area;
 - f. Substantial repair of a foundation;
 - g. Violation;
 - h. New construction;
 - i. Start of new construction;
 - j. Structure; and
 - k. Variance.



President Isaac B. Bears and Members of the
Honorable Medford City Council

April 24, 2025

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In our further opinion, as the Flood Ordinance Chapter 46 Floods, Article II (Flood Ordinance) is a general (as opposed to zoning) Ordinance, the quantum of vote required to amend is a simple majority.

Thank you very much and please let us know if you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeff B. Bears", written over the typed name "KP Law, P.C.".

KP Law, P.C.

cc: The Honorable Breanna Lungo-Koehn, Mayor (by e-mail)
Adam L. Hurtubise, City Clerk (by e-mail)

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