

§4455. Registration for authority to regulate

Prior to regulating a water level regime or minimum flow on any impounded body of water, a municipality shall adopt an ordinance and submit that ordinance to the Commissioner of Environmental Protection for review and approval. An ordinance adopted under this section must include: [PL 1993, c. 370, §1 (NEW).]

1. Substance of state law. All substantive provisions of Title 38, chapter 5, subchapter 1, article 3-A. The ordinance may not allow a municipality to establish a water level regime or minimum flow requirements for any dam listed in Title 38, section 840, subsection 1, paragraphs A to D; and [PL 1993, c. 370, §1 (NEW).]

2. Commissioner as petitioner. Provisions allowing the Commissioner of Environmental Protection and any municipality downstream of the impoundment to petition the municipality for an adjudicatory hearing. [PL 1993, c. 370, §1 (NEW).]

An ordinance adopted under this subchapter may establish a fee for adjudicatory hearings conducted by the municipality. [PL 1993, c. 370, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 370, §1 (NEW).

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