

ORDINANCE NO. 1993 - 19

AN ORDINANCE OF
THE BOARD OF COMMISSIONERS
MARTIN COUNTY, STATE OF INDIANA,
AMENDING ORDINANCE NO. 90-6
(FLOODPLAIN ORDINANCE)

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MARTIN
COUNTY, STATE OF INDIANA:

SECTION 1. Amendments And Additions.

The following amendments and additions are made to Ordinance
No. 90-6 (Floodplain Ordinance):

A. "Section 1. Statutory Authorization," shall be amended
to read:

The Indiana Legislature has granted local
units of government the power to control land
uses within identified flood hazard areas
pursuant to I.C. 13-2-22.6.

B. In "Section 3. Definitions," of said Ordinance:

1. Item "1." of subsection "b." shall be amended to
read:

1. construction, reconstruction,
or placement of a building or any
addition to a building valued at
more than \$1,000.00 or greater than
four hundred (400) square feet,
whichever is less;

2. The first line of subsection "1." shall be
amended to read:

Lowest Floor means the top of the
lowest of the following:

3. Subsection "q." shall be amended to read:

q. SFHA or Special Flood Hazard
Area - means those lands within the
jurisdiction of the County that are
subject to inundation by the
regulatory flood. The SFHAs of the
County are generally identified as

such on the Flood Insurance Rate Map of the County prepared by the Federal Emergency Management Agency and dated July 1, 1991.

4. New subsections "t.," "u.," "v.," and "w." shall be added and shall read:

t. FBFM - means Flood Boundary and Floodway Map.

u. FEMA - means Federal Emergency Management Agency.

v. Letter of Map Amendment or LOMA - means an amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

w. Letter of Map Revision or LOMR - means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

- C. "Section 4. Duties Of The Administrator," is deleted in its entirety and the following shall be added as said "Section 4:"

SECTION 4. FLOOD PLAIN COMMISSION.

a. The Martin County Flood Plain Commission is hereby established pursuant to I.C. 13-2-22.6-2.

b. The Martin County Flood Plain Commission shall consist of three (3) members to be appointed by the Board of Commissioners of Martin County as follows:

1. One (1) member of the Board of Commissioners of Martin County, and

2. Two (2) citizens residing within Martin

County who hold no
elective public office.

c. Members of the Martin County Flood Plain Commission shall serve one (1) year commencing with the first Monday of January of each year. The Initial members shall serve from the date of establishment of the Commission until the first Monday of January of the following year.

d. In the event of a vacancy occurring, the Board of Commissioners shall appoint a member to fill the unexpired term.

e. The Martin County Flood Plain Commission shall have the powers and duties authorized by I.C. 13-2-22.6 and this Ordinance.

f. The Martin County Flood Plain Commission shall conduct its proceedings and business pursuant to I.C. 13-2-22.6.

g. The Surveyor of Martin County shall be the Zoning Administrator pursuant to I.C. 13-2-22.6-14, and shall have the following duties:

1. Review all development and subdivision proposals to ensure compliance with this Ordinance;

2. Ensure that all development activities within the SPHAs in the jurisdiction of the County meet the requirements of this Ordinance;

3. Provide, upon request, information and assistance to citizens about permit procedures

and flood plain
construction techniques;

4. Issue and administer
improvement location
permits within the
jurisdiction of the
Martin County in
conformance with this
Ordinance;

5. Ensure that
construction
authorization has been
granted by the Indiana
Natural Resources
Commission for all
development projects
subject to Section 7 of
this Ordinance, and to
maintain a record of all
such authorizations;

6. Maintain a record of
the "as-built" elevation
of the lowest floor
(including basement) of
all new and/or
substantially improved
buildings constructed
within the SFHA;

7. Maintain a record of
the engineer's
certification and the
"as-built" flood-proofed
elevation of all
buildings subject to
Section 8 of this
Ordinance;

8. Cooperate with state
and federal flood plain
management agencies to
improve base flood and
floodway data and to
improve the
administration of this
Ordinance;

9. Submit reports as

required for the National
Flood Insurance Program;

10. Maintain for public
inspection and furnish,
upon request, regulatory
flood data, SFHA maps,
copies of DNR permits and
letters of
recommendation, federal
permit documents, and
"as-built" elevation and
flood-proofing data for
all buildings constructed
subject to this
Ordinance;

11. Obtain, provide
and/or furnish such
pertinent data and
information as may be
requested by an Order of
the Indiana Natural
Resources Commission.

- D. "Section 5. Regulatory Flood Elevation," of said
Ordinance shall be amended to read:

The protection standard of this Ordinance is
the regulatory flood. The best available
regulatory flood data is listed below.
Whenever a party disagrees with the best
available data, the party submitting the
detailed engineering study needs to replace
existing data with better data and submit it
to the Indiana Department of Natural
Resources for review and approval.

a. The regulatory flood elevation
and floodway limits for the SFHAs
of the rivers and creeks within
Martin County delineated as an "A
Zone" on the FIRM of the County
and dated July 1, 1991, shall be
according to the best data
available as provided by the
Indiana Department of Natural
Resources.

b. If the SFHA is delineated as
"AH Zone" or "AO Zone," the

elevation (or depth) will be delineated on the County FIRM. If the SFHA is delineated as "Zone A" on the County FIRM, the regulatory flood elevation and floodway boundary shall be according to the best data available as provided by the Indiana Department of Natural Resources.

E. "Section 6. Improvement Location Permit." shall be amended as follows:

1. All references to "County Commissioners" and "Building Official" shall be amended to read "Zoning Administrator" throughout the Section.
2. In the second sentence of item "1." of subdivision "b.," the term "local building permit" shall be amended to read "local improvement location permit."

F. "Section 8. Protecting Buildings." shall be amended as follows:

1. Item "1." of subsection "a." of "Section 8. Protecting Buildings," of said Ordinance shall be amended to read:
 1. construction or placement of any new building valued at more than \$1,000.00 or greater than four hundred (400) square feet, whichever is less.
2. In the second sentence of the first paragraph of subsection "b.," the term "Building Official" shall be amended to read "Zoning Administrator."

G. "Section 9. Other Development Requirements." shall be amended as follows:

- a. All plats and engineering plans of proposed subdivisions on lands within Martin County and outside the municipal boundaries of a city or town shall be submitted to the Zoning Administrator for review to determine whether the subdivision lies in a flood hazard area as defined by this Ordinance. If the Zoning Administrator finds the

subdivision to be so located, the Zoning Administrator shall require the subdivision developer(s) to forward the subdivision plat, engineering plans and materials to the Indiana Department of Natural Resources for review and comment. The Zoning Administrator shall require appropriate changes and modifications in order to assure that:

1. the subdivision is consistent with the need to minimize flood damages;

2. all public utilities and facilities, including, but not limited to, sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;

3. adequate drainage is provided so as to reduce exposure to flood hazards; and

4. on site waste disposal systems, if provided, will be so located and designed to avoid system impairment and contamination from such systems during the occurrence of the regulatory flood.

- b. Developers shall record the 100 year flood elevation on all subdivision plats containing land identified as within a flood hazard area prior to submitting the plats for Zoning Administrator's approval.

- c. No subdivision plat any part of which is within a flood hazard area shall be approved by the Board of Commissioners without the prior approval of the plat by the Zoning Administrator.

- d. All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the County's FHB or FIRM shall develop an evacuation plan for those lots located in Zone A and shall file it with the Zoning Administrator and shall have the evacuation plan filed with and approved by the appropriate County emergency

management authorities.

- H. In "Section 10. Variances." all references to "Board of Zoning Appeals" shall be amended to read "Martin County Flood Plain Commission" throughout the Section.
- I. "Section 11. Disclaimer Of Liability." shall be amended to read as follows:

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Individual land and property owners are responsible to make themselves aware of available flood data and the potential for sustaining flood damage. Individual land and property owners also remain responsible for their land use decisions. This Ordinance does not admit any liability on the part of Martin County, the Indiana Natural Resources Commission or the State of Indiana, for any flood damage that results from reliance on this Ordinance or any administrative decision lawfully made under this Ordinance or the laws of the State of Indiana.

- J. "Section 12. Violations." shall be amended as follows:

- a. Failure to obtain an improvement location permit in an SPHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this Ordinance. All such violations shall be considered a common nuisance and treated as such in accordance with I.C. 13-2-22.6-22(a).

- b. If the Zoning Administrator has reason to believe that a violation of subsection "a." of this Section has occurred or is occurring, the Zoning Administrator shall inform the land and/or property owner that any such violation is considered a wilful act to increase flood damages and may cause coverage by a Standard Flood Insurance Policy to be suspended.

c. Nothing in this Ordinance shall prevent Martin County from taking such other lawful action as may be necessary to prevent or remedy any violation of this Ordinance.

SECTION 2. Severability Of Provisions.

The provisions and sections of this Ordinance shall be deemed severable and the invalidity of any portion thereof shall not affect the validity of the remainder.

SECTION 3. Repeal.

This Ordinance repeals and replaces Ordinance No. 90-6 only to the extent specifically provided herein, and all other parts of Ordinance No. 90-6 are hereby affirmed. This Ordinance repeals all other prior Ordinances to the extent that any such Ordinance conflicts with this Ordinance.

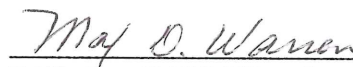
SECTION 4. Effective Date.

This Ordinance shall take effect upon passage.

PASSED AND ADOPTED this 23rd day of October, 1993.

BOARD OF COMMISSIONERS OF
MARTIN COUNTY, INDIANA


DALE E. ABEL, President


MAX D. WARREN, Commissioner


DALE E. BROWN, Commissioner

ATTEST:


VICTOR P. CREW, Auditor
Martin County, Indiana