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CHAPTER 150: BUILDING REGULATIONS

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GENERAL PROVISIONS**§ 150.01 ELECTRICAL CONTRACTOR REGULATIONS.***(A) Inspection and licensing requirements.*

(1) *Inspection by the Department of Planning and Zoning, Area Plan Commission/Department of Code Enforcement.* The Department of Planning and Zoning, through the office of the Building Commissioner/Inspector, shall be responsible for inspection of electrical wiring in the county and the city.

(2) Licensing.

(a) To operate or engage in business as an electrician, or an independent electrical contractor within the county, city, or Town of Vernon, the individual desiring to operate or engage in such business, shall be duly licensed according to the provisions of this section. Such license shall be issued only in the name of the individual, making application for such license.

(b) Any change in address shall be reported to the Department of Planning and Zoning, Area Plan Commission/Department of Code Enforcement within five days after such change occurs.

(c) The examination required by division (B) below shall be binding upon all individuals.

(d) Nothing in this section shall be construed as prohibiting industrial manufacturing concerns from installing and maintaining electrical installation incidental to the operations of such concern without complying with the licensing provisions of this section. Service panel or switch gear installations, alterations, and repairs shall comply with the licensing and inspection provisions of this section. This licensing program will begin on approval of all governing bodies in the county.

(3) Licensing fees.

(a) The fee for a license to operate as an electrician, or an independent electrical contractor within the county, the city, or the Town of Vernon, shall be \$25 for the first license issued to such applicant, and \$15 for a three-year (re-licensing) renewal of such license and for each additional individual engaged in electrical wiring by the licensee, an additional fee of \$10 for the first license issued to such applicant, and \$5 for each annual renewal of such license shall be charged. The county, the city, and the Town of Vernon are hereby authorized to set fees upon the recommendation of the Building Commissioner/Inspector.

(b) An individual having passed a “block examination” will be qualified to do electrical wiring in the county, the city, and the Town of Vernon.

(4) *Issuance of license and disposition of fees.* The license provided for in this section shall be issued by the County Area Plan Commission, Building Commissioner/Inspector. All fees for licenses shall be deposited in a non-reverting fund, and become a part of the Electrical Licensing Program as designated.

(5) *Expiration and renewal.* All licenses issued under this section shall expire on December 31 in the year for which such license was issued. No license shall be issued for a longer period than three calendar years, but a license may be renewed without reexamination as provided for in this section, however, no license holder will be entitled to renew a license without examination unless an application shall be filed in due form and the proper fee for such renewal paid not later than 30 days after the expiration of the latest license in the office of the Department of Planning and Zoning, Area Plan Commission, but if such application is so filed and such fee is so paid within 30 days from such expiration date of the latest license, then such renewal license shall be granted without examination. No license shall be transferable to any individual, firm, partnership, or corporation.

(6) *Suspension of license.* The Building Commission/Inspector is authorized to suspend the license of any electrician or electrical contractor issued under this section for a period of not more than 30 days for a violation of this section; and any such individual whose license has been suspended may appeal such suspension to the Board of Electric Examiners by filing therewith a written request for a hearing within ten days of the Building Commissioner's/Inspector's action. Such Board shall have the power to reverse or affirm the decision appealed from, or to permanently revoke such license.

(7) *"Spec" homes for sale, including rentals.*

(a) The penalties specified in § 150.99(B) pertain to person/or persons building "spec" homes and rentals.

(b) The penalties specified in § 150.99(B) do not apply to rewiring motors. They apply only to structural wiring and only to what is covered in the current code.

(c) All fees for licenses shall be deposited in a non-reverting fund, and become a part of the Electrical Licensing Program as designated.

(8) *Expiration and renewal.* All licenses issued under this section shall expire on December 31 in the year for which such license was issued. No license shall be issued for a longer period than three calendar years, but a license may be renewed without reexamination as provided for in this section, however, no license holder will be entitled to renew a license without examination unless an application shall be filed in due form and the proper fee for such renewal paid not later than 30 days after the expiration of the latest license in the Office of the Department of Planning and Zoning, Area Plan Commission, but if such application is so filed and such fee is so paid within days from such expiration date of the latest license, then such renewal license shall be granted without examination. No license shall be transferable to any individual, firm, partnership, or corporation.

(9) *Suspension of license.* The Building Commissioner/Inspector is authorized to suspend the license of any electrician or electrical contractor issued under this section for a period of not more than 30 days for a violation of this section; and any such individual whose license has been suspended may appeal such suspension to the Board of Electric Examiners by filing therewith a written request for a hearing within ten days of the Building Commissioner's/Inspector's action. Such Board shall have the power to reverse or affirm the decision appealed from, or to permanently revoke such license.

(B) *Rules of examination.*

(1) *Board of Electrical Examiners.* A Board of Electrical Examiners is created and shall consist of:

- (a) A Master Electrician (as designated by Commissioners);
- (b) A representative from Cinergy PSI (as designated by PSI);
- (c) A representative from a R.E.M.C. (as designated by R.E.M.C.);

(d) Executive Director of the Area Plan Commission and the Building Commissioner/Building Inspector; and

(e) The Executive Director of the Area Plan Commission and the Building Commissioner/Building Inspector are non-voting members of the board.

(2) *Examination.* Any individual desiring to engage in electrical wiring, (as referenced in divisions (A)(2) and (B)(8) above, for hire/pay within the county, the city, or the Town of Vernon is required to pass an examination as required by this section concerning their ability, experience, training, and fitness to engage in such line of work. Such examinations are to begin with the passage of this section.

(3) *Application for examination.* Any applicant desiring to take an examination for an electrician's license, where such examination is required by this section, shall be entitled to take such examination within 30 days after the date of filing and perfecting his or her application in the office of the Area Plan Commission.

(4) *Failure to pass examination.* In the event of an applicant failing to pass an examination for an electrician's license, he or she may, after 30 calendar days from the filing date of his or her prior application, apply for another examination.

(5) *Certificate of inspection.* When electrical wiring, and the like, conforms to the requirements of this section, then the Building Commissioner/Inspector or his or her designated representative shall give his or her certificate of inspection to the person performing such work. The certificate shall state the description and location of such work. The certificate shall state the description and location of the

building inspected and the date the work is approved. If such work shall not conform to the provisions of this section, then the Building Commissioner/Inspector or his or her designated representative shall notify the person performing such work wherein it fails to conform. If more than two re-inspections, for the same violation are required, then there shall be an additional inspection fee of \$25 for each such additional inspection. Three inspections require no additional fee.

(6) *Furnishing the electrical current.* No individual shall furnish any electric current to any building hereafter wired for electricity within the county, the city, or the Town of Vernon, until it has been furnished with a certificate of inspection signed by the Building Commissioner/Inspector or his or her designated representative showing that such work conforms to the rules and requirements established in this section. If power is provided without approval of Building Commissioner/Inspector, the homeowner or individual doing wiring and Company supplying electricity are in violation and subject to fines, as deemed by the Board of Electric Examiners.

(7) *Liability of damages.* This section shall not relieve any individual from liability for damages or injuries to persons or property because of the installation any electric wiring, devices, appliances, or equipment; nor shall the county nor the Town of Vernon assume any such liability by reason of the inspection authorized in this section or the certificate of inspection issued as provided in this section. (Ord. 799, passed 1-12-1998)

§ 150.02 BUILDING CODE.

The city adopts the Building Code of Jennings County, Indiana and incorporates it as part of this code of ordinances as fully as if set out at length herein. (Ord. 955, passed 6-27-2016)

§ 150.03 REGULATING BUILDING PERMITS.

(A) It shall be unlawful for any firm or corporation to construct, build, or erect, or to cause to be constructed, built, or erected any building or addition to any building or to remove or cause to be removed to a new location any building within the corporate limits of said city without first obtaining a permit so to do in manner and form as hereinafter provided.

(B) (1) (a) Any person, firm, or corporation desiring to erect, construct, or build any building or an addition to any building, or to remove any building to a new location within the corporate limits of said city, shall first file an application for a permit so to do with the City Clerk-Treasurer.

(b) Said application shall state the proposed location of said building or addition, or the place from and to which it is desired to remove a building give the purpose for which said building is to be used, describe the size and materials thereof, and the character of roof and number of stories of said building.

(2) The City Clerk-Treasurer shall thereupon deliver said application to the Chairperson of the Building Committee, and at the next regular or special session of the City Council said Committee shall submit said application with its report thereon to the City Council, which shall take such action thereon as it deems right and proper in the matter.

(3) In case a permit be granted, the applicant shall, before proceeding to erect, build, or construct said building or addition, or to remove any building to a new location, pay to the Clerk-Treasurer of said city the sum of \$1; in case of the construction of a new building or the removal of a building a new location, and the sum of \$0.50; and in case of the construction of an addition or an outbuilding. The Clerk-Treasurer shall thereupon issue his or her receipt therefor, which receipt on presentation to the City Clerk-Treasurer shall entitle such applicant to a permit, to be issued by said Clerk-Treasurer.

(C) In case any applicant shall desire to construct outbuildings on the premises, where the principal building is to be constructed, said outbuildings shall be mentioned in said application or separate permits will be required when afterward constructed.

(D) In order to protect the inhabitants of the business center of said city from danger from fires arising from construction of improper buildings, the following fire limits are hereby located and established within said city, viz: beginning at the intersection of Seventh and Kellar Streets; thence west, on Collar Street to Third Street; thence south on Third to Poplar Street; thence south on Poplar Street to Jennings Street; thence east on Jennings Street to College Street; thence northeast on College to Wall Street thence east on Wall Street to Seventh Street, thence north on Seventh Street to the place of beginning, including all territory within said boundary line.

(E) It shall be unlawful for any persons, firm, or corporation to construct, build, or erect any building or addition to any building within the above prescribed fire limits, or to remove within said limit from without the same, any buildings or to move any building from one location to another within said limits, the sides or roof of which consists of wood, or to cause the same to be constructed or removed as above prohibited by any other person.

(Ord. passed 3-26-1897; Ord. passed 6-10-1904; Ord. passed 10-10-1919) Penalty, see § 150.99

§ 150.04 BUILDING INSPECTOR.

The Executive Director of the Area Plan Commission of the county be, and hereby is, appointed the Building Inspector for the unincorporated area of the county, for the city, for the Town of Vernon, and is hereby empowered and delegated the authority to regulate the erection and repair of buildings and their attachments located therein, and prosecute violations thereof, pursuant to and as provided for in Ch. 38, Acts of 1969 of the General Assembly of the state (I.C. 22-11-1-1 et seq.) and all acts amendatory thereto, and pursuant to State One- and Two-Family Dwelling Code as promulgated.

(Ord. 470, passed - -)

§ 150.05 TRAILER COACH PARKING.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

TRAILER COACH or **HOUSE TRAILER.** Any vehicle used or so constructed to permit its being used as a dwelling or sleeping place, and is may be propelled by its own power or by any other vehicle to which it may be attached.

(B) *Public safety.* The regulation of the use of house-trailers or trailer-coaches, and the restriction of their use as residences in the city, except in a regularly licensed house trailer, or trailer-coach camp, is necessary in the interests of public safety, health, and morals.

(C) *Temporary residences.* No person shall occupy a house trailer or trailer coach, either upon private property or upon the streets, or other public places within the city, as a temporary or permanent residence, except in a regularly licensed house trailer, or trailer-coach camp which must be approved and licensed by the City Council and the City Building Commissioner. Upon approval of said license, the said Building or City Street Commissioner shall issue all such licenses and collect a license fee of \$15 which shall be payable to the city.

(D) *City Health Officer.* The City Health Officer or his or her authorized representative or any member of the Police Department of the city shall have the authority at any reasonable time, any premises upon which a trailer-coach or house-trailer is used, occupied, or parked for the purposes of ascertaining that the owner, operator, or occupant thereof is complying with all statutes, ordinances, rules, and regulations governing the same.

(Ord. 352, passed 7-14-1964)

UNSAFE BUILDINGS

§ 150.20 ESTABLISHED; TITLE.

Under the provisions of I.C. 36-7-9-3, there is hereby established the city's Unsafe Building Code. (Ord. 705, passed 4-19-1993)

§ 150.21 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEPARTMENT. The Department of Planning and Zoning and/or the Plan Commission.

ENFORCEMENT AUTHORITY. The Building Commissioner and/or the Director of the Department of Planning and Zoning.

HEARING AUTHORITY. The Board of Zoning Appeals as the body designated to conduct hearings in accordance with I.C. 36-7-9-7 and § 150.28.

SUBSTANTIAL PROPERTY INTEREST. Any right in real property that may be affected in a substantial way by actions authorized by this subchapter, including a fee interest, a life estate, a future interest, a present possessory interest, or an equity interest of a contract purchaser.
(Ord. 705, passed 4-19-1993)

§ 150.22 STATUTES ADOPTED.

I.C. 36-7-9-1 through 36-7-9-28, together with all hearing requirements, is hereby adopted by reference as the City Unsafe Building Code. All proceedings within the city for the inspection, repair, and removal of unsafe buildings shall be governed by said Code and the provisions of this subchapter. In the event the provisions of this subchapter conflict with the provisions of I.C. 36-7-9-1 through 36-7-9-28, then the provisions of the state statutes shall control.
(Ord. 705, passed 4-19-1993)

§ 150.23 COMPLIANCE.

No person, firm, or corporation, whether as owner, lessee, sub-lessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this subchapter or any order issued by the Building Commissioner.
(Ord. 705, passed 4-19-1993) Penalty, see § 150.99

§ 150.24 NUISANCE DECLARED; ABATEMENT REQUIRED.

All buildings, or portions thereof within the city which are determined after inspection by the Commissioner to be unsafe as defined in this subchapter, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this subchapter.
(Ord. 705, passed 4-19-1993) Penalty, see § 150.99

§ 150.25 ENFORCEMENT AUTHORITY.

(A) The enforcement authority shall, after consultation with appropriate city officials and/or agencies, be authorized to administer and to proceed under the provisions of this subchapter in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

(B) Wherever, in the building regulations of the city, or in this subchapter, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Planning Department, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner.

(Ord. 705, passed 4-19-1993)

§ 150.26 ADDITIONS TO DEFINITION OF UNSAFE BUILDING.

The definition of an “unsafe building” contained in I.C. 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the city, by adding the following to said definition: any building or structure which has any or all of the unsafe conditions or defects hereinafter described shall be deemed to be an unsafe building; provided, that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered:

(A) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not arranged as required so as to be in compliance with the applicable Building Code then in force;

(B) Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic;

(C) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings or similar structure, purpose, or location as established by the applicable State Building Code then in force;

(D) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location as established by the applicable State Building Code then in force;

(E) Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property;

North Vernon - Land Usage

(F) Whenever any portion of a building, or any member, appurtenance, or ornamentation of the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings as established by the applicable State Building Code then in force;

(G) Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;

(H) Whenever the building or structure, or any portion thereof, because of:

(1) Dilapidation, deterioration, or decay;

(2) Faulty construction;

(3) The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building;

(4) The deterioration, decay, or inadequacy of its foundation; or

(5) Any other cause, is likely to partially or completely collapse.

(I) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;

(J) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;

(K) Whenever the building or structure, exclusive of the foundation, shows 33% or more damage or deterioration of its supporting member or members, or 50% damage or deterioration of its non-supporting members, enclosing, or outside walls or coverings;

(L) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become:

(1) An attractive nuisance to children; or

(2) Freely accessible to persons for the purpose of committing unlawful acts.

(M) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this county, or of any law or ordinance of the state or county relating to the condition, location, or structure of buildings;

(N) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion less than 66% of the:

(1) Strength;

(2) Fire-resisting qualities or characteristics; or

(3) Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

(O) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Building Commissioner to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease;

(P) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction and is determined by the Building Commissioner, the County Health Officer, and the Chief of the local Fire Department to be a public nuisance, a building can be condemned and occupancy denied; and

(Q) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(Ord. 705, passed 4-19-1993)

§ 150.26 STANDARDS FOR REPAIR, RECONSTRUCTION, AND THE LIKE.

All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules and regulations pertaining to construction, plumbing, electrical, mechanical, and one- and two-family dwellings, promulgated by the State Administrative Building Council or its successor, shall be considered standard and acceptable practice for all matters covered by this subchapter or orders issued pursuant to this subchapter by the Building Commissioner.

(Ord. 705, passed 4-19-1993)

§ 150.28 HEARING AUTHORITY DESIGNATED.

The Board of Zoning Appeals is hereby designated the hearing authority in accordance with the provisions of I.C. 36-7-9-7, and for the purpose of conducting hearings in accordance with I.C. 36-7-9-7.

(Ord. 705, passed 4-19-1993)

§ 150.29 UNSAFE BUILDING FUND; ADMINISTRATION OF CONTRACT.

An unsafe building fund is hereby established in the operating budget of the Board of Public Works and safety in accordance with the provisions of I.C. 36-7-9-14. It shall be the responsibility of the board to administer upon any bids for or demolition contracts awarded by the provisions of this subchapter.

(Ord. 705, passed 4-19-1993)

§ 150.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Pursuant to § 150.01, any individual, firm, corporation, or independent contractor doing electrical wiring, for hire/pay without an electrical license, shall receive a fine ranging from \$100 to \$2,500 as set by the county, the city, and the Town of Vernon from time to time.

(C) (1) Any person, firm, or corporation violating the provisions of § 150.03(A) or (B) above or either of them shall, on conviction thereof, be fined not less than \$1, nor more than \$10, each day on which, said construction or removal shall continue in violation § 150.03(A) or (B) shall be deemed a separate offense.

(2) Any person, firm, or corporation violating the provisions of § 150.03(E) shall, on conviction thereof, be fined not less than \$5 nor more than \$25, to which may be added imprisonment not to exceed 30 days in the City Jail. In case § 150.03(E) shall at any time be violated, the Marshal shall forthwith report such violations to the Mayor who shall issue his or her warrant to said Marshal to take down and remove any building or addition or any building removed in violation of § 150.05(E).

(D) Any person violating any of the provisions § 150.05 shall, on conviction thereof, be punished by a fine not exceeding \$50 or by imprisonment in the County Jail for a term not exceeding 90 days or by both such fine and imprisonment in the discretion of the Court. Each and every day during which a violation of § 150.05 is permitted to continue shall be deemed a separate, distinct, and independent offense.

(Ord. passed 3-26-1897; Ord. passed 6-10-1904; Ord. passed 10-10-1919; Ord. 352, passed 7-14-1964; Ord. 799, passed 1-12-1998)

CHAPTER 151: SUBDIVISIONS

Section

151.01 County Subdivision Code Adopted by reference

§ 151.01 COUNTY SUBDIVISION CODE ADOPTED BY REFERENCE.

The County Subdivision Code is hereby adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

(Ord. 861, passed 4- -2006)

CHAPTER 152: ZONING

Section

152.01 County Zoning Code Adopted

§ 152.01 COUNTY ZONING CODE ADOPTED.

The County Zoning Code is hereby adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

(Ord. 861, passed 4- -2006; Ord. 867, passed - -2007; Ord. 885, passed 6-9-2008; Ord. 896, passed 12-8-2008; Ord. 921, passed - -2011 Ord. 913, passed 6-13-2011)

CHAPTER 153: FLOOD HAZARD AREAS

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GENERAL PROVISIONS**§ 153.01 STATUTORY AUTHORIZATIONS, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES.**

(A) *Statutory authorization.* The State Legislature has in I.C. 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the County Commissioners, the City Council, and the Common Council of the Town of Vernon do hereby adopt the following floodplain management regulations.

(B) *Findings of fact.*

(1) The flood hazard areas of the county, the city, and the Town of Vernon are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages.

(C) *Statement of purpose.* It is the purpose of this chapter 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) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and

(6) Make federal flood insurance available for structures and their contents in the county, the city, and the Town of Vernon by fulfilling the requirements of the National Flood Insurance Program.

(D) *Objectives.* The objectives of this chapter are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains; and

(6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas.
(Ord. 944-2015, passed 1-26-2015)

§ 153.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A ZONE.

(1) Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In ***A ZONES***, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR, and Zone A99 on a FIRM.

(2) The definitions are presented below.

(a) **ZONE A99.** Areas subject to inundation by the 1% annual chance flood event, but which will ultimately be protected upon completion of an under construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. **ZONE A99** may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

(b) **ZONE A.** Areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

(c) **ZONE AE AND A1-A30.** Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of **ZONES A1-A30.**)

(d) **ZONE AH.** Areas subject to inundation by 1% annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

(e) **ZONE AO.** Areas subject to inundation by 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

(f) **ZONE AR.** Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. **ACCESSORY STRUCTURES** should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of **ACCESSORY STRUCTURES** are detached garages, carports, storage sheds, pole barns, and hay sheds.

ADDITION (TO AN EXISTING STRUCTURE). Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

AREA OF SHALLOW FLOODING. A designated AO or AH Zone on the community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). The elevation of the 1% annual chance flood.

BASEMENT. The portion of a structure having its floor sub-grade (below ground level) on all sides.

BOUNDARY RIVER. The part of the Ohio River that forms the boundary between Kentucky and Indiana.

BOUNDARY RIVER FLOODWAY. The floodway of a boundary river.

BUILDING. See **STRUCTURE**.

COMMUNITY. A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

COMMUNITY RATING SYSTEM (CRS). A program developed by the Federal Insurance Administration to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great. **CRITICAL FACILITIES** include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

D ZONE. Unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

DEVELOPMENT.

(1) Any human-made change to improved or unimproved real estate including, but not limited to:

(a) Construction, reconstruction, or placement of a structure or any addition to a structure;

(b) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than 180 days;

- (c) Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (d) Construction of flood control structures such as levees, dikes, dams, channel improvements, and the like;
- (e) Mining, dredging, filling, grading, excavation, or drilling operations;
- (f) Construction and/or reconstruction of bridges or culverts;
- (g) Storage of materials; or
- (h) Any other activity that might change the direction, height, or velocity of flood or surface waters.

(2) **DEVELOPMENT** does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

ELEVATED STRUCTURE. A non-basement structure built to have the lowest floor elevated above the ground level of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

ELEVATION CERTIFICATE. A certified statement that verifies a structure's elevation information.

EMERGENCY PROGRAM. The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. The Federal Emergency Management Agency.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS). The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

FLOODPLAIN. The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The **FLOODPLAIN** includes both the floodway and the fringe districts.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. **FLOODPLAIN MANAGEMENT REGULATIONS** are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

FLOOD-PRONE AREA. Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See **FLOOD**.)

FLOOD-PROOFING CERTIFICATE. A form used to certify compliance for nonresidential structures as an alternative to elevating structures to or above the FPG. This certification must be by a registered professional engineer or architect.

FLOOD-PROOFING (DRY FLOOD-PROOFING). A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is water-tight to the flood-proofed design elevation with walls that are substantially impermeable to the passage of water. All

structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

FLOOD PROTECTION GRADE (FPG). The elevation of the regulatory flood, plus two feet at any given location in the SFHA. (See ***FREEBOARD.***)

FLOODWAY. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

FREEBOARD. A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

FRINGE. Those portions of the floodplain lying outside the floodway.

HARDSHIP (AS RELATED TO VARIANCES OF THIS CHAPTER). The exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional ***HARDSHIP.*** All of these problems can be resolved through other without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

HISTORIC STRUCTURES. Any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

INCREASED COST OF COMPLIANCE (ICC). The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ***ICC*** coverage.

LETTER OF FINAL DETERMINATION (LFD). A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The ***LFD*** initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

LETTER OF MAP CHANGE (LOMC).

(1) A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include letter of map amendment (LOMA), letter of map revision (LOMR), and letter of map revision based on fill (LOMR-F).

(2) The definitions are presented below.

(a) ***LETTER OF MAP AMENDMENT (LOMA).*** An amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A ***LOMA*** is only issued by FEMA.

(b) ***LETTER OF MAP REVISION (LOMR).*** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

(c) ***LETTER OF MAP REVISION BASED ON FILL (LOMR-F).*** An official revision by letter to an effective NFIP map. A ***LOMR-F*** provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

LOWEST ADJACENT GRADE. The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

LOWEST FLOOR. The lowest elevation described among the following:

- (1) The top of the lowest level of the structure;
- (2) The top of the basement floor;
- (3) The top of the garage floor, if the garage is the lowest level of the structure;
- (4) The top of the first floor of a structure elevated on pilings or pillars; and

(5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters unless:

(a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;

(b) The total net area of all openings shall be at least one square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and

(c) Such enclosed space shall be usable solely for the parking of vehicles and building access.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include a “recreational vehicle”.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. **MARKET VALUE** can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

MITIGATION. Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of **MITIGATION** is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929. As corrected in 1929, it is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION. Any structure for which the start of construction commenced after the effective date of the community’s first floodplain ordinance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community’s first floodplain ordinance.

NON-BOUNDARY RIVER FLOODWAY. The floodway of any river or stream other than a boundary river.

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). As adopted in 1993, it is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

OBSTRUCTION. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting into any

watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ONE-PERCENT (1%) ANNUAL CHANCE FLOOD. The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1% annual chance flood. See **REGULATORY FLOOD**.

PHYSICAL MAP REVISION (PMR). An official republication of a community's FEMA map to effect changes to base (1% annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

PUBLIC SAFETY AND NUISANCE. Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (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 quarters for recreational camping, travel, or seasonal use.

REGULAR PROGRAM. The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

REGULATORY FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in § 153.04. The **REGULATORY FLOOD** is also known by the term **BASE FLOOD**, **ONE PERCENT (1%) ANNUAL CHANCE FLOOD**, and **100-YEAR FLOOD**.

REPETITIVE LOSS. Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

SECTION 1316. The section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

SPECIAL FLOOD HAZARD AREA (SFHA). Those lands within the jurisdiction of the county, the city, and the Town of Vernon subject to inundation by the regulatory flood. The **SFHAS** of the county, the city, and the Town of Vernon are generally identified as such on the Jennings County, Indiana and incorporated areas flood insurance rate map dated April 2, 2015 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO.)

START OF CONSTRUCTION. Includes substantial improvement, and the date the building permit was issued, provided, the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual **START** is either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, 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 structure. For a substantial improvement, the actual **START OF CONSTRUCTION** is 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. A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred **REPETITIVE LOSS** or **SUBSTANTIAL DAMAGE** regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a historic structure; provided, that the alteration will not preclude the structures continued designation as a historic structure.

SUSPENSION. The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

VARIANCE. A grant of relief from the requirements of this chapter, which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

VIOLATION. The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation, other certification, or other evidence of compliance required in this chapter is presumed to be in **VIOLATION** until such time as that documentation is provided.

WATERCOURSE. A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. **WATERCOURSE** includes specifically designated areas in which substantial flood damage may occur.

X ZONE. The area where the flood hazard is less than that in the SFHA. Shaded **X ZONES** shown on recent FIRMs (B Zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% chance of being equaled or exceeded (the 500-year flood). Unshaded **X ZONES** (C Zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2%.

ZONE. A geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

ZONE A. See definition for **A ZONE**.

ZONE B, C, AND X. Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area, however, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (**ZONE X** is used on new and revised maps in place of **ZONES B** and **C**.)
(Ord. 944-2015, passed 1-26-2015)

§ 153.03 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all SFHAs and known flood-prone areas within the jurisdiction of the county, the city, and the Town of Vernon.
(Ord. 944-2015, passed 1-26-2015)

§ 153.04 BASIS FOR ESTABLISHING REGULATORY FLOOD DATA.

(A) This chapter's protection standard is the regulatory flood.

(B) The best available regulatory flood data is listed below.

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the county, the city, and the Town of Vernon shall be as delineated on the 1% annual chance flood profiles in the flood insurance study of the county and incorporated areas and the corresponding flood insurance rate map dated April 2, 2015, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

(2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the county, the city, and the Town of Vernon, delineated as an A Zone on the county and incorporated areas flood insurance rate map dated April 2, 2015, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the State Department of Natural Resources, provided, the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the State Department of Natural Resources for review and subsequently approved.

(3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood-prone areas shall be according to the best data available as provided by the State Department of Natural Resources, provided, the upstream drainage area from the subject site is greater than one square mile.

(4) Upon issuance of a letter of final determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA. (Ord. 944-2015, passed 1-26-2015)

§ 153.05 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard. (Ord. 944-2015, passed 1-26-2015)

§ 153.06 COMPLIANCE.

(A) No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations.

(B) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. 944-2015, passed 1-26-2015) Penalty, see § 153.99

§ 153.07 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions, however, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 944-2015, passed 1-26-2015)

§ 153.08 DISCREPANCY BETWEEN MAPPED FLOODPLAIN AND ACTUAL GROUND ELEVATIONS.

(A) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(B) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(C) (1) If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied.

(2) The property owner shall be advised to apply for a LOMA.

(Ord. 944-2015, passed 1-26-2015)

§ 153.09 INTERPRETATION.

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

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.
(Ord. 944-2015, passed 1-26-2015)

§ 153.10 WARNING AND DISCLAIMER OF LIABILITY.

(A) (1) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study.

(2) Larger floods can and will occur on rare occasions.

(B) Therefore, this chapter does not create any liability on the part of the county, the city, and the Town of Vernon, the State Department of Natural Resources, or the state, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.
(Ord. 944-2015, passed 1-26-2015)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 153.25 GENERAL STANDARDS.

In all SFHAs and known flood-prone areas, the following provisions are required.

(A) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(C) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.

(D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(E) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other water-proofed service facilities may be located below the FPG.

(F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(I) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this chapter shall meet the requirements of new construction as contained in this chapter.

(Ord. 944-2015, passed 1-26-2015)

§ 153.26 SPECIFIC STANDARDS.

In all SFHAs, the following provisions are required.

(A) *Generally.* In addition to the requirements of § 153.25, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

- (1) Construction or placement of any structure having a floor area greater than 400 square feet;
- (2) Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);
- (3) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before-damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;
- (4) Installing a travel trailer or recreational vehicle on a site for more than 180 days;
- (5) Installing a manufactured home on a new site or a new manufactured home on an existing site. this chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage;
- (6) Reconstruction or repairs made to a repetitive loss structure; and
- (7) Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance.

(B) *Residential structures.* New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division (D) below.

(C) *Nonresidential structures.*

(1) New construction or substantial improvement of any commercial, industrial, or nonresidential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be flood-proofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division (D) below.

(2) Structures located in all A Zones may be flood-proofed in lieu of being elevated if done in accordance with the following.

(a) A registered professional engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are water-tight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in § 153.67(B)(12).

(b) Flood-proofing measures shall be operable without human intervention and without an outside source of electricity.

(D) *Elevated structures.*

(1) (a) New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

(b) Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(2) Designs must meet the following minimum criteria:

(a) Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);

(b) The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher;

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

(d) Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator);

(e) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and

(f) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.

(E) *Structures constructed on fill.* A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

(1) The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;

(2) The fill shall extend ten feet beyond the foundation of the structure before sloping below the BFE;

(3) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical;

(4) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties; and

(5) The top of the lowest floor including basements shall be at or above the FPG.

(F) *Standards for manufactured homes and recreational vehicles.* Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

(1) These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an

expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood.

(a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(b) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in division (D) above.

(c) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(2) These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

(a) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(b) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in division (D) above.

(c) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(3) Recreational vehicles placed on a site shall either:

(a) Be on site for less than 180 days;

(b) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(c) Meet the requirements for manufactured homes as stated earlier in this section.

(G) *Accessory structures.*

(1) Relief to the elevation or dry flood-proofing standards may be granted for accessory structures.

(2) Such structures must meet the following standards:

(a) Shall not be used for human habitation;

(b) Shall be constructed of flood-resistant materials;

(c) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

(d) Shall be firmly anchored to prevent flotation;

(e) Service facilities such as electrical and heating equipment shall be elevated or flood-proofed to or above the FPG; and

(f) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in division (D) above.

(H) *Above-ground gas or liquid storage tanks.* All above-ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

(Ord. 944-2015, passed 1-26-2015)

§ 153.27 STANDARDS FOR SUBDIVISION PROPOSALS.

(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 hazards.

(D) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.

(E) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

(F) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
(Ord. 944-2015, passed 1-26-2015)

§ 153.28 CRITICAL FACILITY.

(A) Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site.

(B) Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.
(Ord. 944-2015, passed 1-26-2015)

§ 153.29 STANDARDS FOR IDENTIFIED FLOODWAYS.

(A) (1) Located within SFHAs, established in § 153.04, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the State Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of I.C. 14-28-1, a permit for construction in a floodway from the State Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway.

(2) This includes land preparation activities such as filling, grading, clearing and paving and the like, undertaken before the actual start of construction of the structure, however, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (I.C. 14-28-1-26 allows construction of a non-substantial addition/improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the State Department of Natural Resources. Please note, that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the State Department of Natural Resources.)

(B) No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the State Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the State Department of Natural Resources, the Floodplain Administrator may issue the local floodplain development permit, provided, the provisions contained in §§ 153.25 through 153.32

have been met. The floodplain development permit cannot be less restrictive than the permit for construction in a floodway issued by the State Department of Natural Resources, however, a community's more restrictive regulations (if any) shall take precedence.

(C) No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse affect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses. For all projects involving channel modifications or fill (including levees), the Floodplain Administrator shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 C.F.R. § 65.12.
(Ord. 944-2015, passed 1-26-2015)

§ 153.30 STANDARDS FOR IDENTIFIED FRINGE.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local floodplain development permit provided the provisions contained in §§ 153.25 through 153.32 have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.
(Ord. 944-2015, passed 1-26-2015)

§ 153.31 STANDARDS FOR SFHAS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS/FRINGES.

(A) *Drainage area upstream of the site is greater than one square mile.*

(1) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications to the State Department of Natural Resources for review and comment. No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the 1% annual chance flood elevation and the recommended flood protection grade has been received from the State Department of Natural Resources.

(2) Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a floodplain development permit may be issued provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the State Department of Natural Resources and the provisions contained in §§ 153.25 through 153.32 have been met.

(B) *Drainage area upstream of the site is less than one square mile.*

(1) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and 1% annual chance flood elevation for the site.

(2) Upon receipt, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in §§ 153.25 through 153.32 have been met.

(C) *Cumulative effect of proposed development.* The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than 0.14 of one foot and shall not increase flood damages or potential flood damages.

(Ord. 944-2015, passed 1-26-2015)

§ 153.32 STANDARDS FOR FLOOD-PRINT AREAS.

All development in known flood-prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per §§ 153.25 through 153.32. (Ord. 944-2015, passed 1-26-2015)

VARIANCE PROCEDURES

§ 153.45 DESIGNATION OF VARIANCE AND APPEALS BOARD.

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this chapter. (Ord. 944-2015, passed 1-26-2015)

§ 153.46 DUTIES OF VARIANCE AND APPEALS BOARD.

The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this chapter. Any person aggrieved by the decision of the Board may appeal such decision to the County Circuit Court. (Ord. 944-2015, passed 1-26-2015)

§ 153.47 VARIANCE PROCEDURES.

In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(A) The danger of life and property due to flooding or erosion damage;

(B) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(C) The importance of the services provided by the proposed facility to the community;

(D) The necessity of the facility to a waterfront location, where applicable;

(E) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(F) The compatibility of the proposed use with existing and anticipated development;

(G) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(H) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(I) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and

(J) 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.

(Ord. 944-2015, passed 1-26-2015)

§ 153.48 CONDITIONS FOR VARIANCES.

(A) Variances shall only be issued when there is:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship; or

(3) 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 or victimization of the public, or conflict with existing laws or ordinances.

(B) No variance for a residential use within a floodway subject to §§ 153.29 or 153.31(A) may be granted.

(C) Any variance granted in a floodway subject to §§ 153.29 or 153.31(A) require a permit from the State Department of Natural Resources.

(D) Variances to the provisions for flood hazard reduction of § 153.26, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to, and surrounded by lots with existing structures constructed below the flood protection grade.

(E) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(F) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the State Register of Historic Sites and Structures.

(G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the flood protection grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (See § 153.49.)

(H) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the State Department of Natural Resources upon request. (See § 153.49.)
(Ord. 944-2015, passed 1-26-2015)

§ 153.49 VARIANCE NOTIFICATION.

(A) Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(2) (a) Such construction below the flood protection grade increases risks to life and property.

(b) A copy of the notice shall be recorded by the Floodplain Administrator in the office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(B) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance.

(Ord. 944-2015, passed 1-26-2015)

§ 153.50 HISTORIC STRUCTURE.

Variations may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(Ord. 944-2015, passed 1-26-2015)

ADMINISTRATION

§ 153.65 DESIGNATION OF ADMINISTRATOR.

The Executive Director of the County Area Plan Commission shall administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.

(Ord. 944-2015, passed 1-26-2015)

§ 153.66 PERMIT PROCEDURES.

(A) Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; earthen fill; storage of materials or equipment; drainage facilities; and the location of the foregoing.

(B) Specifically, the following information is required:

(1) *Application stage.*

(a) A description of the proposed development;

(b) Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams;

(c) A legal description of the property site;

(d) A site development plan showing existing and proposed development locations and existing and proposed land grades;

(e) Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;

(f) Elevation (in NAVD 88 or NGVD) to which any nonresidential structure will be flood-proofed; and

(g) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a letter of map revision. (See § 153.67(B)(6) for additional information.)

(2) *Construction stage.*

(a) Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk.

(b) Upon establishment of the flood-proofed elevation of a flood-proofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a flood-proofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer and certified by same. (The Floodplain Administrator shall review the flood-proofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the flood-proofing certification or failure to make correction required shall be cause to issue a stop-work order for the project.

(3) *Finished construction.* Upon completion of construction, an elevation certification which depicts the as-built lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a flood-proofing measure, flood-proofing certification is required to be submitted by the applicant to the Floodplain Administrator.

(Ord. 944-2015, passed 1-26-2015)

§ 153.67 DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR.

(A) The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this chapter. The Administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose.

(B) Duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

(1) Review all floodplain development permits to assure that the permit requirements of this chapter have been satisfied;

(2) Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations;

(3) Ensure that construction authorization has been granted by the State Department of Natural Resources for all development projects subject to §§ 153.29 and 153.31(A) and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment);

(4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit;

(5) Maintain and track permit records involving additions and improvements to residences located in the floodway;

(6) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

(7) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, letters of map change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and as-built elevation and flood-proofing data for all buildings constructed subject to this chapter;

(8) Utilize and enforce all letters of map change (LOMC) or physical map revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;

(9) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(10) Review certified plans and specifications for compliance;

(11) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 153.66;

(12) Verify and record the actual elevation to which any new or substantially improved structures have been flood-proofed in accordance with § 153.66; and

(13) Upon notice from the Floodplain Administrator, work on any building, structure, or premises that is being done contrary to the provisions of this chapter shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(C) The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based. The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(Ord. 944-2015, passed 1-26-2015)

§ 153.99 PENALTY.

(A) Failure to obtain a floodplain development permit in the SFHA, or failure to comply with the requirements of a floodplain development permit or conditions of a variance, shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the county.

(B) All violations shall be punishable by a fine not exceeding \$100.

(1) A separate offense shall be deemed to occur for each day the violation continues to exist.

(2) The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

(3) Nothing herein shall prevent the county, the city, and the Town of Vernon from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(Ord. 944-2015, passed 1-26-2015)