

IC 14-28-3

Chapter 3. Flood Plain Management

IC 14-28-3-1

Legislative finding

Sec. 1. The general assembly finds the following:

- (1) That the loss of lives and property, the disruption of commerce and government services, and the unsanitary conditions caused by floods, all of which are detrimental to the health, safety, and welfare of the people of Indiana, are a matter of deep concern.
- (2) That structural measures alone do not provide an adequate solution to flood problems.
- (3) That it is necessary to enact and implement a state flood plain management program to decrease existing flood damages, mitigate future flood damages, and promote the health, safety, and general welfare of the people of Indiana.

As added by P.L.1-1995, SEC.21.

IC 14-28-3-2

Adoption of rules

Sec. 2. The commission shall develop and adopt appropriate rules under IC 4-22-2, including consideration of nonconforming uses, as minimum standards for the delineation and regulation of all flood hazard areas within Indiana. The commission and all counties and municipalities shall consider the production of crops, pasture, forests, and park and recreational uses to be conforming uses. These specific conforming uses shall be included as minimum standards in adoption of the rules.

As added by P.L.1-1995, SEC.21.

IC 14-28-3-3

Designation and regulation of flood hazard areas by subdivisions

Sec. 3. (a) All counties and municipalities are encouraged and authorized to delineate and regulate all flood hazard areas within their respective jurisdictions by adopting and implementing all necessary ordinances, rules, and regulations under procedures established by law. For ordinances, rules, and regulations adopted after June 30, 1974, the ordinances, rules, and regulations:

- (1) may not be less restrictive than the minimum rules of the commission adopted under section 2 of this chapter; and
- (2) must be approved by the commission before the effective date.

(b) This chapter does not prevent a county or municipality from adopting ordinances, rules, and regulations that are more restrictive than the minimum rules adopted by the commission.

As added by P.L.1-1995, SEC.21.

IC 14-28-3-4

Assistance and cooperation from commission

Sec. 4. (a) The commission may provide technical data and information and otherwise assist a county or municipality in the following:

(1) The identification and delineation of all flood hazard areas within the jurisdiction of the county or municipality.

(2) The preparation of all necessary ordinances, rules, and regulations.

(b) The commission may cooperate with a state, regional, local, or federal board, commission, or agency in the preparation of necessary information or data.

As added by P.L.1-1995, SEC.21.

IC 14-28-3-5

Commission approval required for certain permits within flood hazard areas

Sec. 5. A county or municipality may not issue a permit for a structure, an obstruction, a deposit, or an excavation within a flood hazard area or part of a flood hazard area that lies within a floodway without the prior written approval of the commission as provided in IC 14-28-1.

As added by P.L.1-1995, SEC.21.

IC 14-28-3-6

Cooperation of public agencies and personnel

Sec. 6. City, county, and state employees, agencies, boards, districts, and commissions may cooperate with and furnish information to the commission or a county or municipality for the purpose of implementing this chapter.

As added by P.L.1-1995, SEC.21.