

ORDINANCE NO. FCO- 87-6

BOARD OF COMMISSIONERS OF THE COUNTY OF FLOYD

WHEREAS, the Board of Commissioners of the County of Floyd remains deeply concerned over the potential loss of lives and properties that may result from floods occurring within Floyd County, Indiana; and

WHEREAS, the Board of Commissioners of the County of Floyd, for the protection of the life, health, property and convenience of the Citizens of this community, deems it necessary that the alteration of natural or present water courses of all rivers and streams within Floyd County, Indiana should be regulated, supervised and coordinated, and that such portion of the flood plains of rivers and streams, which are the floodways, should not be inhabited and should be kept free and clear of interference or obstructions which will cause any undue restriction of the capacity of the floodways; and

WHEREAS, the State of Indiana, by Acts of 1945, Chapter 318, and Acts of 1975, Public Law 192, has enabled the Board of Commissioners of the County of Floyd to adopt and enact ordinances for the purpose of controlling construction within flood plains located within Floyd County, Indiana; and

WHEREAS, the Board of Commissioners of the County of Floyd has deemed it necessary and appropriate that the now existing zoning, subdivision, and mobile home ordinances enacted pursuant to the provisions of I.C. 18-7-4 be amended so as to incorporate provisions relating to the use and enjoyment of water courses within the County and to insure the protection of the life, health and property of the Citizens of this community.

NOW THEREFORE, BE IT ORDAINED, that Ordinance No. A 67-4, as adopted August 7, 1987, and Ordinance 68-1, adopted August 25, 1968, as heretofore amended and supplemented be further amended in the following particulars:

SECTION I

Section 2.02 of Ordinance No. A67-4, be, and the same hereby is amended by the addition of the following definitions:

FLOOD OR FLOOD WATER - means the water of any river, stream, or lake in Floyd County, Indiana or upon adjoining any boundary line of said County, which is above the bank or outside channel and banks of such river, stream, or lake.

FLOOD PLAIN (FP) DISTRICT - The purpose of the Flood District is to guide development in those areas for which detailed flood data has not been provided. These areas are identified by the Federal Insurance Administration as approximate 100 year flood boundaries on the Flood Boundary and Floodway Maps and as Zone A on the Flood Insurance Rate Map. The Flood Plain (FP) District may stand by itself or be combined with any other district.

FLOODWAY (FW) DISTRICT - The purpose of the Floodway (FW) District is to guide development in areas identified as a floodway. The identification of these areas has been made by the Federal Insurance Administration. Natural Resources exercises primary jurisdiction in the Floodway (FW) District under the provisions of I.C. 13-2-22; however, the Plan Commission may impose terms and conditions on any

permit it issues in this district which are more restrictive than those imposed by Natural Resources. The Floodway (FW) District may stand by itself or be combined with any other district.

FLOOWAY FRINGE (FF) DISTRICT - The purpose of the Floodway Fringe (FF) District is to guide development in areas subject to potential flood damage, but outside an identified Floodway (FW) District. The identification of these areas has been made by the Federal Insurance Administration. The Floodway Fringe (FF) District may stand by itself or be combined with any other district. The principal requirement of this district is that the flood protection grade of all buildings shall be at least two feet above the regulatory flood profile. In the "FP", "FW", and "FF" Districts established herein, the degree of flood protection established in this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes such as ice or debris jams. This ordinance does not imply that areas outside of flood hazard district as defined herein, will be free of flooding or flood damage. This ordinance does not create any liability on the part of the County of Floyd, Indiana, the Plan Commission, Natural Resources, the State of Indiana, or any elected or appointed official or employee thereof for any flood damage that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

FLOOD HAZARD AREAS-means those flood plains or portions thereof subject to inundation by the regulatory flood which have not been adequately protected from flood water by means of dikes, levies, reservoirs or other works and includes the flood plain district, floodway area, or floodway fringe area or any combination thereof.

FLOOD PLAIN DISTRICTS-The flood plain districts (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the County of Floyd, Indiana (Unincorporated Areas)" dated January 2, 1981, with the accompanying Flood Insurance Rate Maps, Flood Boundary-Floodway Maps and the Department of Natural Resources Maps along with any subsequent revisions to the text or maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Office of the Floyd County Plan Commission.

FLOOD PROTECTION GRADE-means the elevation of the lowest point around the perimeter of a building at which flood water may enter the interior of that building, or with respect to a commercial or industrial building which has been flood proofed, the water surface elevation for which the building is protected. With respect to a residential structure, the phrase "lowest point around the perimeter of a building" shall mean the lowest floor of a building or structure, and with respect to those buildings or structures having a basement, the lowest floor of such building or structure shall be the basement floor.

FLOOD PROOF BUILDING-means a commercial or industrial building designed to exclude flood waters from the interior of that building. All such flood proofing shall be adequate to withstand the flood depth, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood, and shall be accomplished in accordance with standards for completely flood proof structures contained in Sections 210.2.2 FP2 of the US Army Corps of Engineers Publication entitled "Flood-Proofing Regulations," June 1972 Addition, or applicable provisions of any subsequent additions thereof. In every instance of flood proofing to meet requirements of this Ordinance, such flood proofing shall be properly certified by a registered professional engineer or architect. Residential structures shall not be permitted to utilize flood proofing techniques for the purpose of increasing the flood protection grade of such structure or for the purpose of meeting other requirements of this Code.

NATURAL RESOURCES-means the Indiana Natural Resources Commission.

REGULATORY FLOOD-means that a flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having a probability of occurrence of 1 percent in a given year, and includes the entirety of the flood plain as herein defined.

REGULATORY FLOOD PROFILE-means a longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

SUBSTANTIAL MODIFICATION-means any alteration, repair enlargement or extension of an existing building. Such substantial modification is considered to occur when the first alteration of any wall, ceiling, floor or other structural element of the building commences. This term does not, however, include (1) any project for improvement of a structure to comply with the existing health, sanitary or safety code specifications or (2) any alteration of a structure listed on the National Register of Historical Places or the Indiana State Survey of Historic, Architectural, Archeological and Cultural Sites, Structures, Districts and Objects.

FIRM MAP-a map prepared by the Federal Emergency Management Agency (FEMA) for certain streams and water courses in Floyd County for the purpose of establishing Flood Insurance Rates, which map, to the extent that a particular stream or water course is delineated thereon, shall be utilized to ascertain the flood plain of such covered streams and water courses.

FLOOD BOUNDARY AND FLOODWAY MAPS-These maps show the boundaries of the 100-and 500-year floods. Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the Federal Insurance Administration.

SECTION II

Section 2.03 of Ordinance A67-4, be, and the same hereby is, amended by the deletion therefrom of Paragraph 1 and by the substitution therefor of the following Paragraph:

1. The zoning classification for the unincorporated territory of Floyd County will be henceforth agricultural and/or residential. Within such classification, there is established and exists a Flood Plain District, which Flood Plain District shall include that area located within a flood plain, as such term is defined herein. Bases for the flood plain districts are those identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the County of Floyd" dated January 2, 1981, with the accompanying Flood Insurance Rate Maps, Flood Boundary-Floodway Maps, and the Department of Natural Resources along with any subsequent revisions to the text or maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the office of the Floyd County Plan Commission.

SECTION III

Section 2.03 of Ordinance A67-4, be, and the same hereby is, amended by the deletion of Paragraph 2 of said Section, and by the substitution therefor of the following:

2. PERMITTED USES: (a) No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than an existing use on which such building or land is located.

(b) Within the Flood Plain District, the following uses shall be permitted by right, provided they do not involve the erection of any structure or obstruction, the opening of any excavation or deposition of any material or substance:

(1) Agricultural uses such as the production of crops, pastures, orchards, plant nurseries, vineyards, and general farming.

(2) Forestry, wild life areas, and nature preserves.

(3) Parks and recreational uses, such as golf courses, driving ranges, and play areas.

SECTION IV

Section 2.05 of Ordinance No. 67-4, be, and the same hereby is, amended by the deletion of Paragraph 1 thereof, and by the substitution therefor of the following:

1. USES PERMITTED-The Conditional Uses listed in Figure 4 and their accessory buildings and uses, may be permitted by the Board in accordance with the procedures set forth in this section. With respect to an application for a Conditional Use to be located or maintained within the Flood Plain District, the following stipulations, restrictions and provisions shall apply, which restrictions, stipulations and requirements shall be in addition to those hereinafter set forth in this section:

(a) The following Conditional Uses to be located and maintained within the floodway fringe may be approved by the Floyd County Plan Commission:

(1) Water management and use facilities, such as dams, docks, dolphins,

channel improvements, dikes, jetties, groins, marinas, piers, wharfs, levees, seawalls, floodwalls, weirs, and irrigation facilities.

(2) Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe-lines, railroads, and utility facilities.

(3) Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transit amusement facility sites.

(4) Water related urban uses, such as waste water treatment facilities, storm sewers, electric generating and transmission facilities and water treatment facilities.

(5) Other flood tolerant or open space urban uses such as flood proofed buildings, racetracks, tennis courts, park buildings, outdoor theaters, fills, truck freight terminals, radio or TV towers, parking lots and mineral extractions.

(6) Residential structures.

(7) Manufactured homes must meet the flood protection grade requirements of the Floodway Fringe District through elevation and proper anchoring in accordance with the standards outlined in "Manufactured Home Standards" found in the Definitions Section of this Ordinance . Flood proofed non-residential buildings may also be constructed in this district provided that the plans and specifications for all necessary structural facilities and modifications needed to meet the the definition of a floodproofed building are certified by a Professional Engineer or Registered Architect licensed to practice in Indiana. Also, onsite waste disposal systems must be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(8) Such other uses as may be deemed appropriate by the Floyd County Plan Commission and not precluded by Federal and State legislation.

Any structure or structures to be erected within a flood plain district shall be constructed on the building site so as to minimize obstruction to the flow of flood waters, and all buildings or additions to existing buildings shall have flood protection grades of at least two (2) feet above the regulatory flood profile. Floodproofing of non-residential structures, if proposed, must be in accordance with the definition of a flood proofed building as set forth in this Ordinance, and must be so certified by a professional engineer or a registered architect licensed to practice in Indiana.

On site waste disposal systems must so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

The Floyd County Plan Commission is hereby empowered to impose such restrictions upon the use of land and the erection of structures within the floodway fringe as may be reasonable and necessary to insure the protection of life, health and property within such area.

(b) The following Conditional Uses within a floodway may be permitted by the Floyd County Plan Commission only after a permit for construction in a floodway has been granted by the Department of Natural Resources. All terms and conditions imposed by the Department of Natural Resources shall be incorporated in any permit issued by the Floyd County Plan Commission within a floodway, but the inclusion of such restrictions shall in no way impair the right of the Floyd County Plan Commission to impose additional restrictions upon the requested use:

(1) Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharfs, levees, seawalls, floodwalls, weirs, and irrigation facilities.

(2) Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe-lines, railroads, and utility facilities.

(3) Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transit amusement facility sites.

(4) Water related urban uses, such as waste water treatment facilities, storm sewers, electric generating and transmission facilities and water treatment facilities.

(5) Other flood tolerant or open space urban uses such as flood proofed buildings, racetracks, tennis courts, park buildings, outdoor theaters, fills, truck freight terminals, radio or TV towers, parking lots and mineral extractions.

All buildings or additions to existing buildings to be located within a floodway shall have flood protection grades at least two (2) feet above the regulatory flood profile, and flood proofing of non-residential structures, if proposed, must be in accordance with the definition of a flood proofed building set forth in this Ordinance and must be so certified by a professional engineer or a registered architect licensed to practice in Indiana. Any structure or structures permitted in a floodway shall be constructed on the building site so as to minimize obstruction to the flow of flood water.

SECTION V

Section 2.06 of Ordinance A67-4 be, and the same hereby is amended by the addition of the following Paragraph:

(7) Any building, structure or other use in a flood plain district which is not in conformance with this Ordinance constitutes a non-conforming use, and with respect to any such building, structure or other use, the following provisions shall apply, which provisions shall be in addition to any other provision of this Ordinance pertaining to non-conforming uses:

(a) In a floodway, no non-conforming use may be expanded or enlarged, nor can a building undergo substantial modification without a permit for construction in a floodway from the Department of Natural Resources.

(b) In the floodway fringe, a building which constitutes a non-conforming use may undergo substantial modification provided that such modification is on a one-time-only basis and further provided that such modification does not increase the value of the building, by more than 40% of its pre-improvement market value, (excluding the value of the land) unless such building is permanently changed to a conforming use. With respect to any substantial modification, the provisions of this Ordinance pertaining to new construction in the flood plain district shall be followed.

(c) Any non-conforming use in the flood plain district which is damaged by flood, fire, explosion, act of God, or the public enemy may be restored to its original dimensions and conditions, provided that the damage does not reduce the value of the building, excluding the value of the land, by more than 40% of its pre-damaged value.

(d) Any non-conforming use in the Flood Plain, Floodway, and Floodway Fringe Districts may be altered, enlarged, or extended, on a one-time-only basis, provided that procedure set forth in this Ordinance with respect to new construction in a

Flood Plain (FP) District are followed and further provided such alterations, enlargements, or extensions do not increase the value of the building structure, or other use (excluding the value of land) by more than forty (40) percent of its pre-improvement market value, unless such building structure, or use is permanently changed to a conforming use.

SECTION VI

Section 3.01 of Ordinance No. 67-4 be, and the same hereby is amended by the deletion of Paragraph 1 of said Section and by the substitution therefor of the following:

1. (a) Any person, persons, firm, or corporations which shall make application for an improvement location permit shall, at the time of making such application, furnish the Building Commissioner with a site plan of the real estate upon which said application for an improvement location permit is made at least 5 days prior to the issuance of said Improvement Location Permit, which 5 day period may be waived by the Commissioner. Said site plan shall be drawn to scale showing the following items:

(1) Legal or site description of the real estate involved.

(2) Location of size of all buildings and structures.

(3) All adjacent and adjoining roads or highways.

(b) The Building Commissioner shall review all applications for Improvement Location Permit for the purpose of determining whether the proposed construction, other improvements, and development is located in or proposed for the flood plain district and whether said proposal shall be submitted to the Department of Natural Resources for review and/or permits. In the event that upon such review the Building Commissioner determines that the proposal is located within a floodway area of the flood plain, or in the event that the Building Commissioner is unable to determine that such proposal is not located within a floodway area of the flood plain, he shall require the issuance of a permit by the Department of Natural Resources or forward the application to such department for its review, consideration and determination. At such time as the floodway area of the flood plain has been determined in its entirety for the unincorporated area of Floyd County, Indiana, by the Department of Natural Resources, FEMA, or other acceptable manner, only those proposals located within the floodway area shall require submission to the Department of Natural Resources, except as otherwise specifically directed by the Floyd County Plan Commission.

(c) Any feature of a proposed development (including principal buildings and other structures, accessory buildings, landscaping, etc.) shall be designed and constructed so as to be reasonably safe from flooding. All construction, other improvements and developments shall be so constructed as to prevent flotation, collapse or lateral movement of the structure. All electrical, heating, plumbing, air conditioning equipment and other service facilities are to be properly flood protected.

(d) Prior to any alteration or relocation of a river water course in connection with a proposed development, notification shall be tendered to the Indiana Department of Natural Resources and a copy of such notification shall be submitted to FEMA. The flood carrying capacity within any altered or relocated portion of a river water course shall be maintained.

(e) The Plan Commission shall keep and maintain all records, including all lowest floor elevations, certificates, plans and other materials associated with any permit, or variance issued within the flood plain district.

SECTION VII

Section 3.02 of Ordinance No. A67-4 be, and the same hereby is, amended by the deletion therefrom of Paragraph No. 14.

SECTION VIII

Section 3.02 of Ordinance No. A67-4 be, and the same hereby is, amended by the addition of the following to Paragraph 8 of said Section:

(e) The Board of Zoning Appeals may consider issuing a Variance to the terms and provisions of this Ordinance applicable to the flood plain district, provided the applicant offers that:

(1) There exists a good and sufficient cause for the requested Variance;

(2) The strict application of the terms of this Ordinance pertaining to the flood plain district shall constitute an exceptional hardship to the applicant; and

(3) The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or Ordinances.

(f) The power of the Board of Zoning Appeals to issue a Variance to the terms and provisions of this Ordinance pertaining to the flood plain district shall be subject to the following standards and conditions:

(1) No variances or exceptions for a residential use in a floodway area may be granted;

(2) Any Variance or exception granted in a floodway area shall require a permit from the Department of Natural Resources;

(3) Variances or exceptions to the flood protection grade requirements in a floodway fringe area may be granted only when a new structure is to be located on a lot of $1\frac{1}{2}$ acres or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection elevation;

(4) Any Variance or exception granted in the flood plain district will require a permit or letter of recommendation from the Department of Natural Resources.

(5) Variance or exception may be granted for the reconstruction or restoration of any structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archeological and Cultural Sites, Structures, Districts and Objects;

(6) All Variances shall give the minimum relief necessary, and be such that the maximum practical flood protection will be given to the proposed construction; and

(7) The Board of Zoning Appeals shall issue a written notice to the recipient of a Variance or exception that the proposed constructions will be subject to increased risk to life and property and could require the payment of excessive flood insurance premiums.

SECTION IX

Section 3.05 of Ordinance No. A 67-4, be, and the same hereby is, amended by the addition to said Section of the following Paragraph:

3. The Building Commissioner shall review all applications for improvement locations permit for new construction or additions to existing construction. If the proposed construction or addition is found to lie in a flood hazard area, the Building Commissioner may require such modifications to the design and materials as the Building Commissioner may deem appropriate to prevent flotation, collapse or lateral movement of the structure and minimize potential future flood damage. Any action undertaken by the Building Commissioner pursuant to the terms and provisions of this Paragraph shall be subject to the review of the Floyd County Board of Zoning Appeals upon appropriate request by the applicant for an Improvement Location Permit.

SECTION X

Section 3 of Ordinance 68-1, be, and the same hereby is, amended by the addition of the following Paragraph:

F. FLOOD PRONE AREAS

1. The Floyd County Plan Commission shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by this Ordinance. If the Plan Commission finds the subdivision to be so located, the Plan Commission shall forward pertinent plans and materials to the Indiana Department of Natural Resources for review and comment. The Plan Commission may require appropriate changes and modifications in order to assure that it is consistent with the need to minimize flood damage; all public utilities and facilities, such as sewer, gas, electrical and water system are located and constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazard; and, that on-site waste disposal systems, if provided, will be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

2. All subdivision plats containing land identified elsewhere by this Ordinance as being in flood hazard area shall have the elevation of the 100-year flood listed and shown thereon.

SECTION XI

Section 2.02 of the Amendment to Ordinance A67-4 dated February 21, 1970 and entitled The Floyd County, Indiana Mobile Home Ordinance, be and the same hereby is, amended by the addition thereto of the definitions:

MANUFACTURED HOME - means 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 connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME STANDARDS - means proper installation using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Anchoring can be accomplished by meeting one of the following:

(1) Compliance with minimum state standards for the installation of manufactured homes as found in the 675 I.A.C. 14-3 (Rule 3 of the Indiana 1-2 Family Dwelling Code, current edition) or

(2) Compliance with the following specific standards:

(a) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring only one additional tie per side;

(b) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;

(c) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(d) any additions to the manufactured home be similarly anchored.

Section 2.03 of the Amendment to Ordinance A67-4 dated February 21, 1970 and entitled The Floyd County, Indiana Mobile Home Ordinance, be and the same hereby is, amended by the addition thereto of the following:

3. All manufactured home installations shall require a building permit, unless said manufactured unit is located in a Licensed Mobile Home Park and/or Licensed Manufactured Home Park.

The Plan Commission shall not issue any permit or variance for the location or occupancy of any manufactured home in a Floodway (FW), Floodway Fringe (FF), or Flood Plain (FP) until such time as proper notice written on lease, deed, or purchase contract is given to the manufactured home owner that such manufactured home is in a flood hazard area.

SECTION XII

Title 2 of the Amendment to Ordinance A67-4 dated February 21, 1970, said Amendment being entitled The Floyd County, Indiana Mobile Home Ordinance is hereby amended by the deletion of Paragraph 1 of said Section 2.06 FLOOD PRONE AREAS, be and the same hereby is, amended by the addition thereto of the following:

FLOOD PRONE AREAS.

ADMINISTRATION.

a. The building commissioner shall review all applications for improvement location permits for new construction, additions to existing construction, or other development to ascertain as to whether the proposed construction, addition, or development lies in a flood hazard area as defined elsewhere by ordinance.

If the permit application lies in an identified floodway, then the building commissioner shall forward the application, along with all pertinent plans and specifications, to Natural Resources and apply for a permit for construction in a floodway from Natural Resources.

If the permit application lies in a floodway fringe district, then the building commissioner may issue a local building permit with the condition that the lowest floor, including the basement of the structure(s), is at least two feet above the 100 year frequency flood elevation.

If the permit application lies in a flood plain district, then the building commissioner shall forward the application, along with all pertinent plans and specifications, to Natural Resources for appropriate review and comment. A local building permit may only be issued after receiving the proper permit or letter of recommendations from Natural Resources.

If a floodway, floodway fringe, and flood plain district, the building commissioner will require such modifications to the design and materials as the building commissioner may deem appropriate to prevent flotation, collapse, or lateral movement of the structure and minimize potential future flood damages.

b. Manufactured homes to be placed in manufactured home parks or subdivisions on existing pads are required to be elevated to the recommended flood protection grade of that district and be properly anchored in accordance with the standards outlined in "Manufactured Home Standards" found in the Definitions Section of this ordinance.

No longer are new placements of manufactured homes into existing parks or subdivisions "grandfathered in". New placements must be properly elevated and anchored or else be granted a properly administered Variance in accordance with the provisions of this Ordinance.

c. In reviewing the applications for improvement locatin permits for compliance with the requirements of this ordinance, the building commissioner shall assure that all necessary permits from other state, federal, and local agencies have been obtained.

SECTION XIII

Ordinance No. A67-4, dated August 7, 1967, ass thereafter amended, to include the amendment thereof dated February 21, 1970, said amendment entitled The Floyd County, Indiana Mobile Home Ordinance, together with Ordinance 68-1, being entitled The Subdivision Control Ordinance of Floyd County, Indiana, be and each of them is hereby amended by the addition of the following provision:

In connection with the flood plain district established herein, the degree of flood protection established by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occassions. Flood heights may be increased by manmade or natural causes such as ice or debris jams. This Ordinance does not imply that areas outside flood hazard districts as defined herein, will be free of flooding or flood damage. This Ordinance does not create any liability on the part of the County of Floyd, Indiana, the Floyd County Plan Commission, the Indiana Department of Natural Resources, the State of Indiana, or any other elected or appointed official or employee thereof for any flood damages that may result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

SECTION XIV

REPEALER.

Ordinance No. 1980-1 adopted the 7th day of April, 1980 and all ordinances or parts thereof that are in conflict with the terms and conditions of this ordinance are hereby repealed.

ADOPTED this 5th day of October, 1987.

BOARD OF COMMISSIONERS
THE COUNTY OF FLOYD

Douglas A. Bierman Sr.
Douglas A. Bierman, Sr, Pres.

Edmund Knable
Edmund Knable, Member

Carl Percy Jr.
Carl Percy, Jr., Member

ATTEST:

Beth A. Sharp, Auditor