

TITLE 10
LAND USE MANAGEMENT

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Chapters:

- 10.05 Designating the Crawford County Advisory Plan Commission as the Municipal Plan Commission for the Town of Marengo
- 10.12 Control of land use within flood hazard areas
- 10.20 Regulating Mobile Homes, Manufactured Homes, and Trailers

Chapter 10.05

DESIGNATING THE CRAWFORD COUNTY ADVISORY PLAN COMMISSION
AS THE MUNICIPAL PLAN COMMISSION FOR THE
TOWN OF MARENGO

Sections:

- 10.05.010 Authorization
- 10.05.020 Effective when

10.05.010 Authorization. Be it ordained by the Town Council of the Town of Marengo, Indiana that based upon provisions of Indiana Code 36-7-4-410 the proposed Crawford County Advisory Plan Commission is herein authorized to act as the municipal plan commission on behalf of the Town of Marengo. (Ord. 3-15-96, S1, Mar. 25, 1996)

10.05.020 Effective when. This Ordinance is to be in full force and effect from and after its passage.

Adopted this 25th day of March. (Ord. 3-15-96, S2, Mar. 25, 1996)

Chapter 10.12

CONTROL OF LAND USE WITHIN FLOOD HAZARD AREAS

Sections:

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10.12.010 Statutory Authorization. The Indiana Legislature granted the power to local units of government (IC 36-7-4) to control land use within their jurisdictions in order to accomplish the following. (Ord. 10.12, S1, Sept. 13, 2004) (Ord. 1-25-93, S1, Jan. 25, 1993)

10.12.020 Statement of purpose. The purpose of this ordinance is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Marengo Town Council hereby adopts the following floodplain management regulations in order to accomplish the following:

- (1) to prevent unwise developments from increasing flood or drainage hazards to others;
- (2) to protect new buildings and major improvements to buildings from flood damage;
- (3) to protect human life and health from the hazards of flooding;
- (4) to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;

- (5) to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- (6) to make federally subsidized flood insurance available for structures and their contents in the Town by fulfilling the requirements of the National Flood Insurance Program. (Ord. 10.12, S2, Sept. 13, 2004) (Ord. 1-25-93, S2a-f, Jan. 25, 1993)

10.12.030 Definitions. For the purpose of this ordinance, the following definitions are adopted:

- (1) Building - see “structure.” (Ord. 10.12, S3a, Sept. 13, 2004) (Ord. 1-25-93, S3a, Jan. 25, 1993)
- (2) Development - any man-made change to improved or unimproved real estate including but not limited to:
 - A. construction, reconstruction, or placement of a building or any addition to a building;
 - 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, etc.;
 - 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. (Ord. 10.12, S3b, Sept. 13, 2004) (Ord. 1-25-93, S3b, Jan. 25, 1993)

“Development” does not include activities such as the maintenance of existing buildings 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 buildings.

- (3) Existing manufactured home park or subdivision - means 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 this ordinance. (Ord. 10.12, S3c, Sept. 13, 2004) (Ord. 1-25-93, S3c, Jan. 25, 1993)

- (4) Expansion to an existing manufactured home park or subdivision -means 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). (Ord. 10.12, S3d, Sept. 13, 2004) (Ord. 1-25-93, S3d, Jan. 25, 1993)
- (5) FBFM - Flood Boundary and Floodway Map. (Ord. 10.12, S3e, Sept. 13, 2004) (Ord. 1-25-93, S3e, Jan. 25, 1993)
- (6) FEMA - Federal Emergency Management Agency. (Ord. 10.12, S3f, Sept. 13, 2004) (Ord. 1-25-93, S3f, Jan. 25, 1993)
- (7) FHBM - Flood Hazard Boundary Map. (Ord. 10.12, S3g, Sept. 13, 2004) (Ord. 1-25-93, S3g, Jan. 25, 1993)
- (8) FIRM - Flood Insurance Rate Map. (Ord. 10.12, S3h, Sept. 13, 2004) (Ord. 1-25-93, S3h, Jan. 25, 1993)
- (9) 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. (Ord. 10.12, S3i, Sept. 13, 2004) (Ord. 1-25-93, S3i, Jan. 25, 1993)
- (10) 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 floodway fringe districts. (Ord. 10.12, S3j, Sept. 13, 2004) (Ord. 1-25-93, S3j, Jan. 25, 1993)
- (11) Flood Protection Grade or the “FPG” - the elevation of the regulatory flood plus two feet at any given location in the SFHA. (Ord. 10.12, S3k, Sept. 13, 2004) (Ord. 1-25-93, S3k, Jan. 25, 1993)
- (12) 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. (Ord. 10.12, S3l, Sept. 13, 2004) (Ord. 1-25-93, S3l, Jan. 25, 1993)
- (13) Floodway fringe - those portions of the floodplain lying outside the floodway. (Ord. 10.12, S3m, Sept. 13, 2004) (Ord. 1-25-93, S3m, Jan. 25, 1993)

- (14) Letter of Map Amendment (LOMA) - An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA. (Ord. 10.12, S3n, Sept. 13, 2004) (Ord. 1-25-93, S3n, Jan. 25, 1993)
- (15) 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. (Ord. 10.12, S3o, Sept. 13, 2004) (Ord. 1-25-93, S3o, Jan. 25, 1993)
- (16) Lowest Floor - means the lowest of the following:
- A. the top of the lowest floor of a building;
 - B. the top of the basement floor;
 - C. the top of the garage floor, if the garage is the lowest level of the building;
 - D. the top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
 - E. the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - 1. 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) having a total area of one (1) square inch for every one (1) square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 - 2. such enclosed space shall be usable for the parking of vehicles and building access. (Ord. 10.12, S3p, Sept. 13, 2004) (Ord. 1-25-93, S3p, Jan. 25, 1993)
- (17) 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 attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.” (Ord. 10.12, S3q, Sept. 13, 2004) (Ord. 1-25-93, S3q, Jan. 25, 1993)
- (18) New manufactured home park or subdivision - means 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 this ordinance. (Ord. 10.12, S3r, Sept. 13, 2004) (Ord. 1-25-93, S3r, Jan. 25, 1993)

- (19) Recreational vehicle - means a vehicle which is
 - (A) built on a single chassis;
 - (B) 400 square feet or less when measured at the largest horizontal projections;
 - (C) designed to be self-propelled or permanently towable by a light duty truck; and
 - (D) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use. (Ord. 10.12, S3s, Sept. 13, 2004) (Ord. 1-25-93, S3s, Jan. 25, 1993)

- (20) Regulatory Flood - means the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 10.12.050 of this chapter. The “Regulatory Flood” is also known by the term “Base Flood.” (Ord. 10.12, S3t, Sept. 13, 2004) (Ord. 1-25-93, S3t, Jan. 25, 1993)

- (21) SFHA or Special Flood Hazard Area - means those lands within the jurisdictions of the Town that are subject to inundation by the regulatory flood. The SFHAs of the Town are generally identified as such on the Flood Insurance Rate Map of the Town prepared by the Federal Emergency Management Agency and dated September 16, 1982. The SFHAs of those parts of unincorporated Crawford County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town are generally identified as such on the Flood Insurance Rate Map prepared for Crawford County by the Federal Emergency Management Agency and dated January 17, 1986. (Ord. 10.12, S3u, Sept. 13, 2004) (Ord. 1-25-93, S3u, Jan. 25, 1993)

- (22) Structure - means 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. (Ord. 10.12, S3v, Sept. 13, 2004) (Ord. 1-25-93, S3v, Jan. 25, 1993)

- (23) Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have

incurred “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”. (Ord. 10.12, S3w, Sept. 13, 2004) (Ord. 1-25-93, S3w, Jan. 25, 1993)

10.12.040 Duties of the Administrator. The Building Inspector shall implement this ordinance and hereafter be referred to as the Floodplain Administrator. The Floodplain Administrator for the Town is appointed to review all development and subdivision proposals to ensure compliance with this ordinance, including but not limited to the following duties:

- (1) Ensure that all development activities within the SFHAs of the jurisdiction of the Town meet the requirements of this ordinance.
- (2) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- (3) Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 10.12.070 of this chapter, and maintain a record of such authorization (either copy of actual permit or letter of recommendation, or floodplain analysis and regulatory assessment).
- (4) Maintain a record of the “as-built” elevation of the top of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA. Inspect before, during, and after construction.
- (5) Maintain a record of the engineer's certificate and the “as built” floodproofed elevation of all buildings subject to Section 10.12.080 of this chapter.
- (6) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.
- (7) Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments, federal permit documents, and "as built" elevation and floodproofing data for all building constructed subject to this ordinance.
- (8) Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a water course, and submit copies of such

notifications to FEMA. (Ord. 10.12, S4a-h, Sept. 13, 2004) (Ord. 1-25-93, S4a-g, Jan. 25, 1993)

10.12.050 Regulatory Flood Elevation. This ordinance’s protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

- (1) The regulatory flood elevation and floodway limits for the SFHAs of Whiskey Run and Brandywine Fork shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Town dated March 16, 1982 and the corresponding FBFM dated September 16, 1982 prepared by the Federal Emergency Management Agency.
- (2) The regulatory flood elevation for each SFHA delineated as an “AH Zone” or “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the Town.
- (3) The regulatory flood elevation and floodway limits for each of the remaining SFHAs delineated as an “A Zone” on the Flood Insurance Rate Map of the Town shall be according to the best data available as provided by the Department of Natural Resources.
- (4) The regulatory flood elevation and floodway limits for the SFHAs of those parts of unincorporated Crawford County that are within the extraterritorial jurisdiction of the Town shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Crawford County dated January 17, 1986 and the corresponding FBFM dated January 17, 1986 prepared by the Federal Emergency Management Agency.
- (5) If the SFHA is delineated as “AH Zone or AO Zone,” the elevation (or depth) will be delineated on the County Flood Insurance Rate Map. If the SFHA is delineated as “A Zone” on the County Flood Insurance Rate Map, the regulatory flood elevation and floodway limits shall be according to the best data available as provided by the Department of Natural Resources. (Ord. 10.12, S5 a-e, Sept. 13, 2004) (Ord. 1-25-93, S5a-e, Jan. 25, 1993)

10.12.060 Improvement Location Permit. No person, firm, corporation, or governmental body not exempted by state law shall commence any “development” in the SFHA without first obtaining an Improvement Location Permit from the Floodplain Administrator. The Floodplain Administrator shall not issue an Improvement Location Permit if the proposed “development” does not meet the requirements of this ordinance.

- (1) The application for an Improvement Location Permit shall be accompanied by the following:
 - A. A description of the proposed development.

- B. Location of the proposed development sufficient to accurately locate property and structure 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 lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or the North American Vertical Datum (NAVD). In either case the conversion formula should be included. (Ord. 10.12, S6 a 1-5, Sept. 13, 2004) (Ord. 1-25-93, S6-a-1-5, Jan. 25, 1993)
- (2) Upon receipt of an application for an Improvement Location Permit, the Floodplain Administrator shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.
- A. 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 Department of Natural Resources and apply for a permit for construction in a floodway.

Under the provisions of IC 14-28-1 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the building.

No action shall be taken by the Floodplain Administrator until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Floodplain Administrator may issue the local Improvement Location Permit, provided the provisions contained in Sections 10.12.070 and 10.12.080 of this chapter have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

- B. If the site is located in an identified floodway fringe, then the Floodplain Administrator may issue the local Improvement Location Permit provided the provisions contained in Sections 10.12.070 and 10.12.080 of this chapter 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 Flood Protection Grade (FPG).

- C. If the site is in an identified floodplain where the limits of the floodway and floodway 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 Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in the floodway or a floodplain analysis and regulatory assessment citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the floodplain Administrator has received the proper permit floodplain analysis and regulatory assessment approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from the Department of Natural Resources and the provisions contained in Sections 7 and 8 of this ordinance (Section 10.12.070 and Section 10.12.080 of this Chapter) have been met.

- D. If the site is in an identified floodplain where the limits of the floodway and floodway 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 floodway, floodway fringe and 100 year elevation for the site. Upon receipt the Floodplain Administrator may issue the local Improvement Location Permit, provided the provisions contained in Section 7 and 8 of this ordinance (Section 10.12.070 and Section 10.12.080 of this Chapter) have been met. (Ord. 10.12, S6 b 1-4, Sept. 13, 2004) (Ord. 1-25-93, S6-b-1-3, Jan. 25, 1993)

10.12.070 Preventing increased damages. No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

- (1) Within the floodway identified on the Flood Boundary and Floodway Map, the Flood Insurance Rate Map, or engineering analysis as provided in Section (Ord. 10.12.060(2)(D)(6.b.4), the following standards shall apply:

- A. No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood; and
 - B. For all projects involving channel modifications or fill (including levees) the Town shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data. (Ord. 10.12, S7-a-1, 2, Sept. 13, 2004) (Ord. 1-25-93, S7-a-1, 2, Jan. 25, 1993)
- (2) Within all SFHAs identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply:
- A. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages. (Ord. 10.12, S7-b-1, Sept. 13, 2004) Ord. 1-25-93, S7-b-1, Jan. 25, 1993)
- (3) Public Health Standards in all SFHAs
- A. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of Section 10.12.080 of this chapter (Section 8 of this Ordinance).
 - B. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight. (Ord. 10.12, S7-c-1, 2, Sept. 13, 2004) (Ord. 1-25-93, S7-c-1, 2, Jan. 25, 1993)

10.12.080 Protecting buildings. In addition to the damage prevention requirements of Section 10.12.070, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

- (1) This building protection requirement applies to the following situations:
- A. construction or placement of any new building having a floor area greater than 400 square feet;
 - B. structural alterations made to:

1. an existing (previously unaltered) building, the cost of which equals or exceeds 50% of the value of the pre-altered building (excluding the value of the land);
 2. any previously altered building;
- C. reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred;
- D. installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
- E. installing a travel trailer or recreational vehicle on a site for more than 180 days. (Ord. 10.12, S8-a-1-5, Sept. 13, 2004) (Ord. 1-25-93, S8-a-1-6, Jan. 25, 1993)
- (2) This building protection requirement may be met by one of the following methods. The Floodplain Administrator shall maintain a record of compliance with these building protection standards as required in Section 10.12.040 of this chapter (Section 4 of this Ordinance).
- A. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
1. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 2. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.
 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 3 horizontal to 1 vertical.
 4. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 5. The top of the lowest floor including basements, (see definition of lowest floor in Section 10.12.030. Definitions) shall be at or above the FPG. (Ord. 10.12, S8b-1-a-e, Sept. 13, 2004) (Ord. 1-25-93, S8b-1-a-e, Jan. 25, 1993)

- B. A residential or nonresidential building may be elevated in accordance with the following:
1. The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:
 - (a) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square inch for every one (1) square foot of enclosed area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above grade.
 - (b) Any enclosure below the elevated floor is used for storage of vehicles and building access.
 2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.
 3. All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG. (Ord. 10.12, S8-b-2-a-c, Sept. 13, 2004) (Ord. 1-25-93, S8-b-2-a-c, Jan. 25, 1993)
- C. 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 anchoring requirements:
1. 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. This requirement applies to all manufactured homes to be placed on a site;
 - (a) outside a manufactured home park or subdivision;

- (b) in a new manufactured home park or subdivision;
 - (c) in an expansion to an existing manufactured home park or subdivision; or
 - (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.
2. This requirement applies 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.

The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements 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. (Ord. 10.12, S8-b-3a, b, Sept. 13, 2004) (Ord. 1-25-93, S8-b-3a, b, Jan. 25, 1993)

D. Recreational vehicles placed on a site shall either:

- 1. be on the site for less than 180 consecutive days;
- 2. 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
- 3. meet the requirements for “manufactured homes” in paragraph (c) of this section. (Ord. 10.12, S8-b-4, a-c, Sept. 13, 2004) (Ord. 1-25-93, S8-b-4, a-c, Jan. 25, 1993)

E. A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

- 1. A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity. (Ord. 10.12, S8-5-a,b, Sept. 13, 2004) (Ord. 1-25-93, S8-5-a,b, Jan. 25, 1993)

10.12.090 Other development requirements.

- (1) The Floodplain Administrator shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the Floodplain Administrator finds the subdivision to be so located, the Floodplain Administrator shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Floodplain Administrator shall require appropriate changes and modifications in order to assure that:
 - A. it is consistent with the need to minimize flood damages;
 - B. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - C. adequate drainage is provided so as to reduce exposure to flood hazards;
 - D. onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
- (2) Developers shall record the 100 year flood elevation on all subdivision plats containing lands (identified elsewhere by this ordinance) within a flood hazard area prior to submitting the plats for approval by the Town Council.
- (3) All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHBMs or FIRMs shall develop an evacuation plan for those lots located in the SFHA and file it with the Town Council and have it filed with and approved by the appropriate community emergency management authorities. (Ord. 10.12, S9a-c, Sept. 13, 2004) (Ord. 1-25-93, S9a-c, Jan. 25, 1993)

10.12.100 Variances.

- (1) The Town Council may consider issuing a variance to the terms and provisions of this ordinance provided the applicant demonstrates that:
 - A. There exists a good and sufficient cause for the requested variance;

- B. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant, and
 - C. The granting 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. (Ord. 10.12, S10a, Sept. 13, 2004) (Ord. 1-25-93, S10a, Jan. 25, 1993)
- (2) The Town Council may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:
- A. No variance or exception for a residential use within a floodway subject to Section 10.12.070 (1) or (2) of this chapter (Section 7(a) or (b) of this ordinance) may be granted.
 - B. Any variance or exception granted in a floodway subject to Section 10.12.070 (1) or (2) of this chapter (Section 7 (a) or (b) of this ordinance) will require a permit from the Department of Natural Resources.
 - C. Variances or exceptions to the Building Protection Standards of Section 10.12.080 (Section 8 of the ordinance) 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.
 - D. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;
 - E. 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
 - F. The Town Council shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums. (Ord. 10.12, S10b, Sept. 13, 2004) (Ord. 1-25-93, S10b, Jan. 25, 1993)

10.12.110 Disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the community, the Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative

decision made lawfully thereunder. (Ord. 10.12, S11, Sept. 13, 2004) (Ord. 1-25-93, S11, Jan. 25, 1993)

10.12.120 Violations. Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and shall be punishable by a fine not exceeding \$500.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Marengo Town Council 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 Town 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. 10.12, S12a-c, Sept. 13, 2004) (Ord. 1-25-93, S12, Jan. 25, 1993)

10.12.130 Abrogation and greater restrictions. This ordinance repeals and replaces other ordinances adopted by the Town Council to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the Town Council shall assure that all National Flood Insurance Program regulations (44 CFR § 60) as well as Indiana laws and regulations regarding floodplain issues (312 IAC 10, IC 14-28-1 and IC 14-28-3) are met. (Ord. 10.12, S13, Sept. 13, 2004) (Ord. 1-25-93, S13, Jan. 25, 1993)

10.12.140 Separability. The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder. (Ord. 10.12, S14, Sept. 13, 2004) (Ord. 1-25-93, S14, Jan. 25, 1993)

10.12.150 Effective date. This ordinance shall take effect upon its passage by the Marengo Town Council.

Passed and enacted by the Town Council of Marengo, Indiana on the 13th day of September, 2004. (Ord. 10.12, S15, Sept. 13, 2004) (Ord. 1-25-93, S15, Jan. 25, 1993)

10.12.160 Forms - on following pages.

- (1) Application for Improvement Location Permit
- (2) Certificate of Occupancy (Ord. 10.12, Attachments, Sept. 13, 2004)

TOWN OF MARENGO, INDIANA
Application for Improvement Location Permit

Application Number: _____ Date Filed: _____

Applicant: _____

Address: _____ Phone: _____

Owner: _____

Address: _____ Phone: _____

Location of Improvement or Construction Activity:

Other Description:

Is proposed "development" considered to be:
 New construction
 Substantial improvement
 Non-substantial improvement
 Other (provide description)

Present Use of Property:
Residential () Commercial () Industrial () Recreational ()

To Be Completed by Town of Marengo:

Property located in Zone _____ on FIRM dated _____

Location of proposed "development" is within:
 Floodplain District Floodway Fringe Floodway Not in Floodplain

Applicant must notify Department of Natural Resources in writing along with site plans for approval if located in floodway or undetermined floodplain areas:

Indiana Department of Natural Resources
Division of Water
402 W. Washington Street Rm. W264
Indianapolis, IN 46204

Attach a copy of IDNR permit or Floodplain Analysis/Regulatory Assessment to application.

Elevation of the Regulatory Flood at the "development" site:
_____ NGVD

Flood Protection Grade (FPG) at the site is: _____ -
_____ NGVD
(FPG = elevation of the regulatory flood + two feet)

If the "development" is residential, the lowest floor (including the basement) shall be constructed at an elevation of at least the Flood Protection Grade calculated.

If non-residential, the structure may either be floodproofed or elevated to the Flood Protection Grade.

Improvement Location Permit No. _____ Date _____

Denied _____ Date _____

Reason for denying permit:

Fees to accompany this application: \$ _____

I hereby certify that the application and accompanying site plan/floor plan are correct, and that any structure will not be used or occupied in any manner until a Certificate of Occupancy has been issued.

Applicant Signature Date

Approved by: _____

(Title of Official)

Marengo, Indiana

ADDITIONAL DOCUMENTATION REQUIRED

1. Copy of IDNR permit or floodplain analysis/regulatory assessment if utilized to determine regulatory flood elevation and floodway boundary.
2. IDNR permit if construction activity is in floodway.
3. Once the lowest floor slab is installed, completed elevation certificate for all structures or completed floodproofing certificate, if utilized on nonresidential buildings.

TOWN OF MARENGO, INDIANA Improvement Location Permit

Application Number: _____ Permit Number _____ :

Date: _____

Issued to:

To Permit:

Location of Improvement or Construction Activity:

Authorized by:

_____ (Title of
Official)

Marengo, Indiana

Notice:

Post this permit in a visible location at the location listed above until a Certificate of Occupancy is issued.

If the permitted activity is a substantial improvement or new construction located in the floodplain, then a Certificate of Occupancy will not be issued until a certified elevation certificate or a certified floodproofing certificate, commercial structures only, has been received by the Town of Marengo.

If any changes or deviations are made from the original application, a new permit is required

TOWN OF MARENGO, INDIANA
Certificate of Occupancy

Improvement Location Permit No. _____

Certificate of Occupancy No. _____ Issued: _____, 20

Issued to:

This certifies that the action of work for which an Improvement Location Permit was issued for the premises identified as:

Address: _____

Other description as follows:

has been inspected and found to be in compliance with the applicable laws of the State of Indiana and the Town of Marengo, Ordinance for Flood Hazard Areas Ordinance No. _____

Authorized by:

_____ (Title of
Official)

Marengo, Indiana

Chapter 10.20

REGULATING MOBILE HOMES, MANUFACTURED HOMES, AND TRAILERS

Sections:

- 10.20.010 Requirements for those wishing to move a mobile home, a manufactured home and trailers into Town
- 10.20.020 Definitions
- 10.20.030 Appeal procedure
- 10.20.040 Fine payment

10.20.010 Requirements for those wishing to move a mobile home, a manufactured home and trailers into Town. Any person wishing to move a mobile home, manufactured home, or trailer into the Town of Marengo must first meet the following requirements:

- (1) The Town shall be notified two (2) weeks before the home or trailer is moved in, so that a site inspection can be done.
- (2) The home or trailer must be inspected before it is moved into Marengo. A \$25.00 inspection fee plus \$0.50 per mile will be charged for the inspection.
- (3) The home or trailer must have all utilities and underpinnings complete within Forty-five (45) days of the home or trailer being moved into Marengo. The underpinning must be vinyl, painted metal, or concrete blocks, and must be anchored.
- (4) Only one home or trailer is allowed per lot, with a lot measuring 50 feet by 100 feet.
- (5) The home or trailer shall have its own water meter. Water meters are not permitted to be shared between multiple homes, trailers, or residences of any sort.
- (6) A Two Hundred Fifty Dollar (\$250.00) penalty will be levied upon the property owner and owner of the home or trailer, if it is not inspected prior to the home or trailer being moved into Marengo.
- (7) A Ten Dollar (\$10.00) per day penalty, starting on the Forty-sixth (46th) day, will be levied upon the property owner and owner of the home or trailer, if it is not completed within the Forty-five (45) day timeframe referred to above. (Ord. 101308-1, Oct. 13, 2008)

10.20.020 Definitions.

- (1) "Manufactured Home" Defined: a structure transportable in one or more sections which, in the traveling mode, is 8 feet or more in width or 40 feet or more in length or, when erected on site, is 320 or more square feet, and

which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this ordinance. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required. For the purpose of this ordinance, a mobile home shall be considered a manufactured home.

- (2) "Mobile Home" Defined: a vehicle, including the equipment sold as a part of a vehicle, that meets the following conditions:
- A. Is considered for use as a conveyance upon public streets or highways by either self-propelled or not self-propelled means.
 - B. Is designed, constructed or reconstructed, or added to by means of an enclosed addition or room, to permit the occupancy as a dwelling for at least one (1) person.
 - C. Is used and occupied as a dwelling.
 - D. Does not have a foundation, other than wheels, jacks, skirting, or other temporary supports. (Ord 101308-1, Oct. 13, 2008)

10.20.030 Appeal procedure. Any person wishing to appeal the fine may do so in writing within fifteen (15) days from the date the fine was levied. The appeal should be directed to the Town Board of Marengo and will be decided by the Town Board at the next regularly scheduled monthly board meeting. (Ord. 101308-1, Oct. 13, 2008)

10.20.040 Fine payment. Violators shall make their fine payable to the Town of Marengo by certified check or cash and paying said fine by mail to P.O. Box 206, Marengo, IN 47140 or by delivery to the Marengo Town Hall. (Ord. 101308-1, Oct. 13, 2008)