

TITLE 12
COMPREHENSIVE PLAN
AND
ZONING ORDINANCE

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Chapter 12.02

COMPREHENSIVE PLAN

Chapter 12.05

ZONING ORDINANCE

Sections:

- 12.05.010 Adoption of Zoning Ordinance and Fee Schedule
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12.05.010 ADOPTION OF ZONING ORDINANCE AND FEE SCHEDULE. The Town Council of the Town of Orleans hereby adopts the Amended Zoning Ordinance, Title 12, including all amended forms, maps, and fees schedule, effective July 1, 2017, as follows:

Location Improvement Permit	\$50 plus \$0.10 per square foot
Mobile Home Park	\$50 p.us \$50 per site
Home Occupation Application	\$50
Infill Development Application	\$25
Subdivision Application	\$100
Planned Unit Development (PUD) Application	\$100
Rezoning Application	\$50
Use Variance	\$50
Development Standards Variance	\$50
Special Exception Permit	\$50
Demolition (under 1,000 SF)	\$25
Demolition (over 1,000 SF)	\$50
Temporary Sign Application	\$50
Permanent Sign Application	\$100
Special Meeting	\$50
Fence	\$20

12.05.020 SAVINGS CLAUSE. The expressed or implied repeal or amendment of this chapter or any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this chapter. Those rights, liabilities, and proceeding are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this chapter has not been adopted.

12.05.030 EFFECTIVE DATE. This chapter shall be in full force and effect from and after this approval by the Council of the Town of Orleans, Indiana. (Ord. 2017-3, May 18, 2017) (Ord. 2005-8, March 17, 2005) (Ord. 1994-9, April 21, 1994)

Chapter 12.07

FLOOD INSURANCE PROGRAM

Sections:

- 12.07.010 Enact land use and control measures consistent with the National Flood Insurance Program**
- 12.07.020 Responsibility and Authority**
- 12.07.030 Recordkeeping**
- 12.07.040 Official action(s) to carry out objectives of the program**

12.07.010 Enact land use and control measures consistent with the National Flood Insurance Program. The Orleans Town Council assures the Federal Insurance Administration that it will enact as necessary and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 59 et. Seq., of the National Flood Insurance Program Regulations. (Res. 03-2011, S1, Sept. 15, 2011)

12.07.020 Responsibility and Authority. Vests clerk with the responsibility, authority, and means to:

- (1) Assist the Administrator, at his/her request, in the delineation of the limits of the area having special flood, mudslide, or flood-related erosion hazards.
- (2) Provide information the Administrator may request concerning present uses and occupancy of the floodplain, mudslide or flood-related erosion areas.
- (3) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudflow, or flood-related erosion areas, and cooperate with the neighboring communities with respect to management of adjoining floodplain, mudslide and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- (4) Submit, on forms provided by the Administrator, an annual report on the progress made during the past year within the community in the development and implementation of floodplain management measures.
- (5) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. Include an accurate corporate limit map suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority. The community

will use the Flood Insurance Rate Map or Flood Hazard Boundary Map published for the community from which land areas were annexed or from that political entity that previously had regulatory authority until the Administrator provides a map using the new corporate limits. (Res. 03-2011, S2, Sept. 15, 2011)

12.07.030 Recordkeeping. Appoints clerk to maintain for public inspection and to furnish upon request (for determining flood insurance premium rates), the following information on all new substantially improved structures constructed with the identified special flood hazard area:

- (1) the actual (as-built) lowest floor (including basement) elevation in relation to mean sea level;
- (2) any certificates of flood-proofing;
- (3) whether or not a building has a basement;
- (4) for all floodproofed structures, the elevation to which the structure has been floodproofed. (Res. 03-2011, S3, Sept. 15, 2011)

12.07.040 Official action(s) to carry out objectives of the program. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program. (Res. 03-2011, S4, Sept. 15, 2011)

Chapter 12.08

FLOOD DISTRICTS AND FLOOD DAMAGE PREVENTION

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ARTICLE 1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND METHODS

12.08.010 Statutory Authorization. The Indiana Legislature has in IC 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of the Town of Orleans does hereby adopt the following floodplain management regulations. (Ord. 2023-4, Article 1, SA, Aug. 17, 2023) (Ord. 2014-4, Article 1, SA, May 15, 2014) (Ord. 2011-09, Article 1, SA, Dec. 13, 2011)

12.08.020 Findings of Fact.

- (1) The flood hazard areas of the Town of Orleans 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. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted. (Ord. 2023-4, Article 1, SB, Aug. 17, 2023) (Ord. 2014-4, Article 1, SB, May 15, 2014) (Ord. 2011-09, Article 1, SB, Dec. 13, 2011)

12.08.030 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) Protect human life and health.
- (2) Minimize expenditure of public money for costly flood control projects.
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) Minimize prolonged business interruptions.
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
- (6) 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 area.
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas.
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained.
- (10) Minimize the impact of development on the natural, beneficial values of the

floodplain.

- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible.
- (12) Meet community participation requirements of the National Flood Insurance Program. (Ord. 2023-4, Article 1, SC, Aug. 17, 2023) (Ord. 2014-4, Article 1, SC, May 15, 2014) (Ord. 2011-09, Article 1, SC, Dec. 13, 2011)

12.08.040 Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities.
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage.
- (5) Preventing or regulating the construction of flood barrier, which will unnaturally divert floodwaters, or which may increase flood hazards in other areas. (Ord. 2023-4, Article 1, SD, Aug. 17, 2023) (Ord. 2014-4, Article 1, SD, May 15, 2014) (Ord. 2011-09, Article 1, SD, Dec. 13, 2011)

ARTICLE 2: DEFINITIONS

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

- (1) **Accessory structure** means a structure with a floor area of 400 square feet or less that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.
 - A. Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and fully secured roof.
 - B. Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
 - C. The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:
 1. Structures in which any portion is used for human habitation,

whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;

2. Structures used by the public, such as a place of employment or entertainment; and,
 3. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples include, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).
- (2) **Addition** (to an existing structure) means 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.
 - (3) **Alteration of a watercourse** means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard, or change the direction and/or velocity of the flow of water during conditions of the base flood.
 - (4) **Appeal** means a request for a review of the floodplain administrator's interpretation of any provision of this chapter, a request for a variance, or a challenge of a board decision.
 - (5) **Area of special flood hazard** is the land within a community subject to a one percent (1%) or greater chance of being flooded in any given year.
 - (6) **Base Flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.
 - (7) **Base Flood Elevation (BFE)** means the water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.
 - (8) **Basement** means that portion of a structure having its floor sub-grade (below ground level) on all sides.
 - (9) **Best Available Flood Layer (BAFL)** means floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.
 - (10) **Building** - see "Structure."

- (11) **Community** means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.
- (12) **Development** means, for floodplain management purposes, any man-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, etc.;
 - E. mining, dredging, filling, grading, excavation, or drilling operations;
 - F. construction and/or reconstruction of boatlifts, docks, piers, and seawalls;
 - G. construction and/or reconstruction of, bridges or culverts;
 - H. storage of materials; or
 - I. any other activity that might change the direction, height, or velocity of flood or surface waters.

"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.

- (13) **Elevation Certificate** means a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.
- (14) **Enclosed area** (enclosure) is an area of a structure enclosed by walls on all sides.
- (15) **Enclosure below the lowest floor.** See "Lowest Floor" and "Enclosed Area."
- (16) **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 the community's first floodplain ordinance.

- (17) **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).
- (18) **FEMA** means the Federal Emergency Management Agency.
- (19) **Fill** for floodplain management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.
- (20) **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- A. The overflow of inland or tidal waters.
 - B. The unusual and rapid accumulation or runoff of surface waters from any source.
 - C. Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

- (21) **Flood hazard area** means areas subject to the one percent (1%) annual chance flood. (See "Special Flood Hazard Area")
- (22) **Flood Insurance Rate Map (FIRM)** means 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. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- (23) **Flood Insurance Study (FIS)** means the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM and the water surface elevation of the base flood.
- (24) **Flood Prone Area** means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Floodplain")
- (25) **Flood Protection Grade (FPG)** is the BFE plus two (2) feet at any given location in the SFHA. (see "Freeboard")
- (26) **Floodplain or flood prone area** means any land area susceptible to being inundated by water from any source. (See "Flood")
- (27) **Floodplain management** means 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.

- (28) **Floodplain management regulations** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- (29) **Floodproofing (dry floodproofing)** is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed 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.
- (30) **Floodproofing certificate** is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG.
- (31) **Floodway** is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than a designated height.
- (32) **Freeboard** means 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.
- (33) **Fringe or Flood Fringe** is the portions of the floodplain lying outside the floodway.
- (34) **Functionally dependent use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- (35) **Hardship** (as related to variances of this chapter) means the exceptional hardship that would result from a failure to grant the requested variance. The Town of Orleans 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 means 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.

- (36) **Highest adjacent grade** means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.
- (37) **Historic structures** means any structure that is:
- A. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - B. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - D. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by
 - 1. an approved state program as determined by the Secretary of Interior, or
 - 2. directly by the Secretary of Interior in states without approved programs.
- (38) **Hydrologic and hydraulic engineering analysis** means analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
- (39) **International Code Council-Evaluation Service (ICC-ES) Report** means a document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.
- (40) **Letter of Final Determination (LFD)** means 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.

- (41) **Letter of Map Change (LOMC)** is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:
- A. **Conditional Letter of Map Revision (CLOMR)** means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
 - B. **Conditional Letter of Map Revision Based on Fill (CLOMR-F)** means a letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood
 - C. **Letter of Map Amendment (LOMA)** means an amendment by letter to the currently effective FEMA map that establishes that a building or of land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
 - D. **Letter of Map Amendment Out as Shown (LOMA-OAS)** means an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
 - E. **Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
 - F. **Letter of Map Revision Based on Fill (LOMR-F)** means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.
- (42) **Lowest adjacent grade** means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.
- (43) **Lowest floor** means, for floodplain management purposes, the lowest elevation described among the following:
- A. The lowest floor of a building.
 - B. The basement floor.
 - C. The garage floor if the garage is connected to the building.
 - D. The first floor of a structure elevated on pilings or pillars.
 - E. 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. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following

criteria:

1. the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.
 2. at least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.
- F. The first floor of a building elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.
- (44) **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."
- (45) **Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (46) **Mitigation** means 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.
- (47) **Natural grade** for floodplain management purposes means the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.
- (48) **New construction** for floodplain management purposes means any structure for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
- (49) **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 the community's first floodplain ordinance.
- (50) **North American Vertical Datum of 1988 (NAVD 88)** as adopted in 1993 is a vertical control datum used as a reference for establishing varying

elevations within the floodplain.

- (51) **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.
- (52) **One-percent annual chance flood** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. See "Regulatory Flood".
- (53) **Physical Map Revision (PMR)** is an official republication of a community's FEMA map to effect changes to base (1-percent 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.
- (54) **Prefabricated Building** is a building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.
- (55) **Principally above ground** means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.
- (56) **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.
- (57) **Regulatory flood** means the flood having a one percent (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 Section 12.08.310 of this chapter. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood.
- (58) **Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (59) **Special Flood Hazard Area (SFHA)**, synonymous with "areas of special flood hazard" and floodplain, means those lands within the jurisdiction of

the Town subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency of Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, A99, or VE. The SFHA includes areas that are flood prone and designated from other federal, state or local sources of data including but not limited to best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

- (60) **Start of construction** includes substantial improvement, and means 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 means 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 means 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.
- (61) **Structure** means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground. The term includes a manufactured home, as well as a prefabricated building. It also includes recreational vehicles installed on a site for more than 180 consecutive days.
- (62) **Substantial damage** means 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 percent of the market value of the structure before the damage occurred.
- (63) **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 which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

- (64) **Variance** is a grant of relief from the requirements of this chapter consistent with the variance conditions herein.
- (65) **Violation** means the failure of a structure or other development to be fully compliant with this chapter.
- (66) **Walled and roofed** means a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.
- (67) **Watercourse** means 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. (Ord. 2023-4, Article 2, Aug. 17, 2023) (Ord. 2014-4, Article 2, May 15, 2014) (Ord. 2011-09, Article 2, Dec. 13, 2011)

ARTICLE 3: GENERAL PROVISIONS

12.08.300 Lands to Which This chapter Applies. This chapter shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of the Town of Orleans, Indiana as identified in Article 3, Section 12.08.310, including any additional areas of special flood hazard annexed by the Town of Orleans, Indiana. (Ord. 2023-4, Article 3, SA, Aug. 17, 2023) (Ord. 2014-4, Article 3, SA, May 15, 2014) (Ord. 2011-09, Article 3, SA, Dec. 13, 2011)

12.08.310 Basis for Establishing the Areas of Special Flood Hazard.

- (1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the Town of Orleans, delineated as an “AE Zone” on the Orange County, Indiana and Incorporated Areas Flood Insurance Rate Map dated May 19, 2014 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of Orange County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Maps (FIRM) dated May 19, 2014 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an “AE Zone”, the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.
- (2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the Town of Orleans, delineated as an "A Zone" on the Orange County, Indiana and Incorporated Areas Flood Insurance Rate Map dated May 19, 2014, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer provided by the Indiana 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 flood layer 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 Indiana 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 available flood layer as provided by the Indiana 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. 2023-4, Article 3, SB, Aug. 17, 2023) (Ord. 2014-4, Article 3, SB, May 15, 2014) (Ord. 2011-09, Article 3, SB, Dec. 13, 2011)

12.08.320 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. 2023-4, Article 3, SC, Aug. 17, 2023) (Ord. 2014-4, Article 3, SC, May 15, 2014) (Ord. 2011-09, Article 3, SC, Dec. 13, 2011)

12.08.330 Compliance.

- (1) 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.
- (2) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this chapter applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (3) 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. 2023-4, Article 3, SD, Aug. 17, 2023) (Ord. 2014-4, Article 3, SD, May 15, 2014) (Ord. 2011-09, Article 3, SD, Dec. 13, 2011)

12.08.340 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. 2023-4, Article 3, SE, Aug. 17, 2023) (Ord. 2014-4, Article 3, SE, May 15, 2014) (Ord. 2011-09, Article 3, SE, Dec. 13, 2011)

12.08.350 Discrepancy between Mapped Floodplain and Actual Ground Elevations.

- (1) In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.
- (2) 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.
- (3) If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated. (Ord. 2023-4, Article 3, SF, Aug. 17, 2023) (Ord. 2014-4, Article 3, SF, May 15, 2014) (Ord. 2011-09, Article 3, SF, Dec. 13, 2011)

12.08.360 Interpretation. In the interpretation and application of this chapter all provisions shall be:

- (1) Considered as minimum requirements.
- (2) Liberally construed in favor of the governing body.
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 2023-4, Article 3, SG, Aug. 17, 2023) (Ord. 2014-4, Article 3, SG, May 15, 2014) (Ord. 2011-09, Article 3, SG, Dec. 13, 2011)

12.08.370 Warning and Disclaimer of Liability. 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. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of the Town of Orleans, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this chapter, or any administrative decision made lawfully thereunder. (Ord. 2023-4, Article 3, SH, Aug. 17, 2023) (Ord. 2014-4, Article 3, SH, May 15, 2014) (Ord. 2011-09, Article 3, SH, Dec. 13, 2011)

12.08.380 Penalties for Violation. 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 Town of Orleans. All violations shall be punishable by a fine not exceeding \$2,500.00.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Town of Orleans 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 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. 2023-4, Article 3, SI, Aug. 17, 2023) (Ord. 2014-4, Article 3, SI, May 15, 2014) (Ord. 2011-09, Article 3, SI, Dec. 13, 2011)

ARTICLE 4: ADMINISTRATION

12.08.400 Designation of Administrator. The Town Council of the Town of Orleans hereby appoints the Zoning Administrator to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator. (Ord. 2023-4, Article 4, SA, Aug. 17, 2023) (Ord. 2014-4, Article 4, SA, May 15, 2014) (Ord. 2011-09, Article 4, SA, Dec. 13, 2011)

12.08.410 Floodplain Development Permit and Certification Requirements. An application for a floodplain development permit shall be made to the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans 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. 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. For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure.
 - E. A site development plan showing existing and proposed development locations and existing and proposed land grades.
 - F. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen, or other facilities requiring disposal of wastewater.
 - G. Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AE. Elevation should be in NAVD 88.

- H. Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed.
 - I. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade.
 - J. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant.
 - K. Plans showing how any proposed structure will be anchored to resist flotation or collapse.
 - L. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88.
 - M. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes submitted to DNR for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction. (See Article 4, Section 12.08.420 (8) and Article 4, Section 12.08.440 for additional information.)
 - N. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this chapter.
- (2) Finished Construction.
- A. Upon completion of construction of any structure requiring certification of elevation, an elevation certification which depicts the "as-built" lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.
 - B. Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.
 - C. Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same. (Ord. 2023-4, Article 4, SB, Aug. 17, 2023) (Ord. 2014-4, Article 4, SB, May 15, 2014) (Ord. 2011-09, Article 4, SB, Dec. 13, 2011)

12.08.420 Duties and Responsibilities of the Floodplain Administrator. 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.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

- (1) Enforce the provisions of this chapter.
- (2) Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this chapter have been satisfied.
- (3) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (4) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
- (5) Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
- (6) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.
- (7) For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:
 - A. Verify and document the market value of the pre-damaged or pre-improved structure.
 - B. Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community.
 - C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the

determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement” for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage; and

- D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in Article 5 of this chapter are required.
- (8) 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.
 - (9) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section 12.08.500 (1), Section 12.08.500 (3) (A), and Section 12.08.500 (4) of this chapter. Maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
 - (10) Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if Article 4, Section 12.08.420 (9) is applicable.
 - (11) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - (12) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section 12.08.410.
 - (13) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Article 4, Section 12.08.410.
 - (14) Make on-site inspections of projects in accordance with Article 4, Section 12.08.430.
 - (15) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.
 - (16) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
 - (17) Provide information, testimony, or other evidence as needed during variance hearings.

- (18) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Article 4, Section 12.08.430.
- (19) 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 floodproofing data for all buildings constructed subject to this chapter in accordance with Article 4, Section 12.08.430.
- (20) Coordinate map maintenance activities and associated FEMA follow-up in accordance with Article 4, Section 12.08.440.
- (21) 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.
- (22) Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this chapter. (Ord. 2023-4, Article 4, SC, Aug. 17, 2023) (Ord. 2014-4, Article 4, SC, May 15, 2014) (Ord. 2011-09, Article 4, SC, Dec. 13, 2011)

12.08.430 Administrative Procedures.

- (1) Inspections of Work in Progress. As the work pursuant to a permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- (2) Stop Work Orders.
 - A. 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.
 - B. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- (3) Revocation of Permits.
 - A. The floodplain administrator may revoke a permit or approval, issued under the provisions of the chapter, 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.

- B. 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.
- (4) Floodplain Management Records.
- A. Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this chapter shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letter of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this chapter; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter.
 - B. These records shall be available for public inspection at Orleans Town Hall at 161 East Price Avenue, Orleans, IN 47452.
- (5) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action. (Ord. 2023-4, Article 4, SD, Aug, 17, 2023)

12.08.440 Map Maintenance Activities. To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Town of Orleans flood maps, studies and other data identified in Article 3, Section 12.08.310 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- (1) Requirement to Submit New Technical Data
 - A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - 1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - 2. Fill sites to be used for the placement of proposed structures

where the applicant desires to remove the site from the special flood hazard area;

3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.
- B. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.
 - D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.
- (2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Town Council President of the Town of Orleans and may be submitted to FEMA at any time.
 - (3) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Town of Orleans have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Orange County, Indiana and Incorporated Areas Flood Insurance Rate Map accurately represent the Town of Orleans boundaries, include within such notification a copy of a map of the Town of Orleans suitable for reproduction, clearly showing the new corporate limits or the new area for which the Town of Orleans has assumed or relinquished floodplain management regulatory authority. (Ord. 2023-4, Article 4, SE, Sug. 17, 2023)

12.08.450 Variance Procedures.

- (1) The Board of Zoning Appeals (the board) as established by the Orleans Town Council shall hear and decide appeals and requests for variances from requirements of this chapter.
- (2) 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 Orange County Circuit Court.
- (3) In considering 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 to life and property due to flooding or erosion damage.
 - B. the danger that materials may be swept onto other lands to the injury of others.
 - C. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - D. the importance of the services provided by the proposed facility to the community.
 - E. the necessity to the facility of a waterfront location, where applicable.
 - F. the compatibility of the proposed use with existing and anticipated development.
 - G. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - 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.
- (4) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (5) Variances from the provisions of this chapter shall only be granted when the board can make positive findings of fact based on evidence submitted at the hearing for the following:
 - A. A showing of good and sufficient cause.
 - B. A determination that failure to grant the variance would result in exceptional hardship as defined in Article 2.

- C. 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.
- (6) No variance for a residential use within a floodway subject to Article 5, Section 12.08.500 (1), Section 12.08.500 (3) (A) or Section 12.08.500 (4) of this chapter may be granted.
 - (7) Any variance granted in a floodway subject to Article 5, Section 12.08.500 (1), Section 12.08.500 (3) (A) or Section 12.08.500 (4) will require a permit from the Indiana Department of Natural Resources. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (8) Variances to the Provisions for Flood Hazard Reduction of Article 5 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.
 - (9) Variances 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.
 - (10) Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.
 - (11) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (12) Upon consideration of the factors listed above and the purposes of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 - (13) 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 flood 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.
 - (14) The Floodplain Administrator shall maintain the records or appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request. (Ord. 2023-4, Article 4, SF, Aug. 17, 2023)

ARTICLE 5: PROVISIONS FOR FLOOD HAZARD REDUCTION

12.08.500 Floodplain Status Standards.

- (1) **Floodways (Riverine).** Located within SFHAs, established in Article 3,

Section 12.08.310, 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. Under the provisions of the Flood Control Act (IC 14-28-1) a permit for construction in a floodway from the Indiana 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. This includes land preparation activities such as filling, grading, clearing, and paving undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

- A. If the site is in a regulatory floodway as established in Article 3, Section 12.08.310, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).
- B. No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this article.
- C. The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.
- D. In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of Article 4, Section 12.08.440 (1). A Conditional Letter Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.
- E. In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined

with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect 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.

F. 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 per mapping standard regulations found at 44 CFR § 65.12.

(2) **Fringe (Riverine).** If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this article have been met. (Ord. 2014-4, Article 5, SF, May 15, 2014) (Ord. 2011-09, Article 5, SF, Dec. 13, 2011)

(3) **SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine).**

A. Drainage area upstream of the site is greater than one square mile:

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 Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, 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 Indiana Department of Natural Resources and the provisions contained in this section have been met.

B. Drainage area upstream of the site is less than one square mile:

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 one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this article have been met. (Ord. 2014-4, Article 5, SG, May 15, 2014) (Ord. 2011-09, Article 5, SG, Dec. 13, 2011)

(4) **SFHAs not Identified on a Map**

- A. If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being 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 Indiana Department of Natural Resources for review and comment.
- B. No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
- C. Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, 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 Indiana Department of Natural Resources and the provisions contained in the article have been met. (Ord. 2023-4, Article 5, SA, Aug. 17, 2023)

12.08.510 General Standards. In all areas of special flood hazard, the following provisions are required:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
- (3) New construction and substantial improvements must incorporate methods and practices that minimize flood damage.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and

other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, 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 for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

- (5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) 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.
- (9) 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 fifty (50) lots or five (5) acres.
- (10) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this chapter applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (11) Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical. (Ord. 2023-4, Article 5, SB, Aug. 17, 2023) (Ord. 2014-4, Article 5, SA, May 15, 2014) (Ord. 2011-09, Article 5, SA, Dec. 13, 2011)

12.08.520 Specific Standards. In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in Article 3, Section 12.08.310, the following provisions are required:

- (1) **Building Protection Requirement.** In addition to the general standards described in Article 5, Section 12.08.510, 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:
 - A. Construction or placement of a residential structure.
 - B. Construction or placement of a non-residential structure.
 - C. 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). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes.

- D. 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 (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost).
- E. Installing a manufactured home on a new site or a new manufactured home on an existing site.
- F. Installing a travel trailer or recreational vehicle on a site for more than 180 days.

(2) **Residential Construction.**

- A. New construction or substantial improvement of any residential structures shall meet provisions described in Article 5, Section 12.08.500 and applicable general standards described in Article 5, Section 12.08.510.
- B. In **Zone A and Zone AE**, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at 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 Article 5, Section 12.08.520 (2) (C). Should fill be used to elevate a structure, the standards of Article 5, Section 12.08.520 (2) (D) must be used.
- C. **Fully enclosed area** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirements:
 - 1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
 - (a) Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood

openings in 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 higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.
- (c) If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
- (d) If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
- (e) Doors and windows do not qualify as openings.
- (f) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

- 2. The floor of such enclosed area must be at or above grade on at least one side.

D. A residential structure may be constructed on a **fill** in accordance with the following.

- 1. Fill shall be placed in layers no greater than 1 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. Fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.
- 3. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical.
- 4. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

E. A residential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(3) **Non-Residential Construction.**

- A. New construction or substantial improvement of any non-residential structures (excludes accessory structures) shall meet provisions described in Article 5, Section 12.08.510 and applicable general standards described in Article 5, Section 12.08.520.
- B. In **Zone A and Zone AE**, new construction, or substantial improvement of any commercial, industrial or non-residential structure (excludes accessory structures) shall either have the lowest floor, including basement and, elevated to or above the FPG or be floodproofed 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 Article 5, Section 12.08.520 (3) (C). Should fill be used to elevate a structure, the standards of Article 5, Section 12.08.520 (3) (D) must be met.
- C. **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:
 - 1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
 - (a) Provided a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on 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 higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.
 - (c) If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
 - (d) If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
 - (e) Doors and windows do not qualify as openings.

- (f) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - 2. The floor of such enclosed area must be at or above grade on at least one side.
 - D. A nonresidential structure may be constructed on **fill** in accordance with the following:
 - 1. Shall be placed in layers no greater than 1 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. Shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.
 - 3. Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical.
 - 4. Shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - E. A nonresidential structure may be **floodproofed** in accordance with the following:
 - 1. 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 watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate or rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.
 - 2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
 - F. A nonresidential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.
- (4) **Manufactured Homes and Recreational Vehicles.**
- A. These requirements apply to all manufactured homes to be placed on a site in the SFHA:

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.
 2. 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 Article 5, Section 12.08.520 (2) (C).
- B. Recreational vehicles placed on a site in the SFHA shall either:
1. Be on site for less than 180 days and be fully licensed and ready for use on a public highway (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
 2. Meet the requirements for "manufactured homes" as stated earlier in this section.
- (5) **Accessory Structures.** Within SFHAs, new construction or placement of an accessory structure must meet the following standards:
- A. Shall have a floor area of 400 square feet or less.
 - B. Use shall be limited to parking of vehicles and limited storage.
 - C. Shall not be used for human habitation.
 - D. Shall be constructed of flood resistant materials.
 - E. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
 - F. Shall be firmly anchored to prevent flotation.
 - G. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG;
 - H. 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 Article 5, Section 12.08.520 (3) (C) and,
 - I. Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.
- (6) **Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development.** Within SFHAs, new construction or placement of free-standing pavilions, gazebos, decks, carports, and similar development must meet the following standards:

- A. Shall have open sides (having not more than one rigid wall).
 - B. Shall be anchored to prevent flotation or lateral movement.
 - C. Shall be constructed of flood resistant materials below the FPG.
 - D. Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG.
 - E. Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.
- (7) **Above Ground Gas or Liquid Storage Tanks.** Within SFHAs, all newly placed aboveground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in Article 5, Section 12.08.520 (3). (Ord. 2023-4, Article 5, SC, Aug. 17, 2023) (Ord. 2014-4, Article 5, SB, May 15, 2014) (Ord. 2011-09, Article 5, SB, Dec. 13, 2011)

12.08.530 Standards for Subdivision and Other New Developments.

- (1) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres, whichever is less.

ARTICLE 6: LEGAL STATUS PROVISIONS

12.08.600 Severability. If any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared. (Ord. 2023-4, Article 6, SA, Aug. 17, 2023) (Ord. 2014-4, Article 7, May 15, 2014) (Ord. 2011-09, Article 7, Dec. 13, 2011)

12.08.610 Effective Date. This chapter shall be in full force and effect upon adoption. (Ord. 2023-4, Article 6, SB, Aug. 17, 2023) (Ord. 2014-4, Article 8, May 15, 2014) (Ord. 2011-09, Article 8, Dec. 13, 2011)

12.08.620 Floodplain Development Permit/Application. (Ord. 2023-4, Article 6, Aug. 17, 2023)

TOWN OF ORLEANS
FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION

Application No. _____ Date: _____

TO THE ADMINISTRATOR: The undersigned hereby makes application for a permit to develop in the Special Flood Hazard Area (SFHA) or "floodplain." The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such work shall be in accordance with the requirements of the Floodplain Management Ordinance and with all other applicable county/city ordinances, federal programs, and the laws and regulations of the State of Indiana.

Owner or Agent: _____ Builder _____

Address: _____ Address _____

Telephone Number: _____ Telephone Number _____

SITE DATA

1. Location: _____ 1/4; _____ 1/4; Section _____; Township _____; Range _____

Street Address: _____

2. Type of Development:

- Filling
- Grading
- Excavation
- Non-substantial Improvement/Addition/Repair
- Routine Maintenance
- Substantial Improvement/Addition/Repair
- New Construction
- Other

3. Description of Development: _____

4. Premises: Structure Size _____ ft. By _____ ft. Area of Site _____ Sq. Ft.

Principal Use: _____

Accessory Uses (storage, parking, etc.): _____

5. Value of Improvement (fair market): \$ _____

Pre-Improvement/Assessed Value of Structure: \$ _____

6. Is the Property Located in a Designated FLOODWAY? Yes _____ No _____
IF ANSWERED YES, APPROVAL/AUTHORIZATION FROM THE INDIANA DEPARTMENT OF NATURAL RESOURCES MUST BE OBTAINED AND A COPY PROVIDED PRIOR TO THE ISSUANCE OF A LOCAL PERMIT TO DEVELOP. IN A FEMA PUBLISHED FLOODWAY, THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE (1%) FLOOD ELEVATIONS.
7. Is the Property Located in a Designated Floodplain FRINGE or an approximate floodplain?
 Yes _____ No _____
8. Elevation of the 1% Base Flood (ID source) _____ NAVD
9. Elevation of the Proposed Development Site _____ NAVD
10. Community Ordinance Elevation/Floodproofing Requirement _____ NAVD
11. NFIP Flood Insurance Rate Map Panel(s) Number(s) _____
12. Other Permits Required?
 Corps of Engineer 404 Permit: Yes _____ No _____ Provided _____
 Indiana Dept. of Environmental Mgmt. 401 Permit: Yes _____ No _____ Provided _____
 Environmental Protection Agency NPDES Permit: Yes _____ No _____ Provided _____

All Provisions of Ordinance Number _____, the "Floodplain Management Ordinance", shall be in Compliance.

PERMIT APPROVAL/DENIAL

Plans and Specifications Approved/Denied this _____ Day of _____, 20__.

Signature of Property Owner or Agent _____
 Print Name and Title

Authorizing Official _____
 Print Name and Title

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT FLOOR) OF ANY NEW OR SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDING WILL BE ELEVATED AT LEAST 2 FEET ABOVE THE BASE FLOOD ELEVATION. IF THE PROPOSED DEVELOPMENT IS A NON-RESIDENTIAL BUILDING, THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING BASEMENT) OF A NEW OR SUBSTANTIALLY IMPROVED NON-RESIDENTIAL BUILDING WILL BE ELEVATED OR FLOODPROOFED AT LEAST 2 FEET ABOVE THE BASE FLOOD ELEVATION. THIS PERMIT IS USED WITH THE CONDITION THAT THE DEVELOPER/OWNER WILL PROVIDE CERTIFICATION BY A REGISTERED ENGINEER, ARCHITECT, OR LAND SURVEYOR OF THE "AS-BUILT" LOWEST FLOOR (INCLUDING BASEMENT) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.

Chapter 12.10

HOUSING AND LAND DEVELOPMENT REQUIREMENTS

Sections:

- 12.10.010 Definitions
- 12.10.020 Required right-of-way for streets
- 12.10.030 Street specifications
- 12.10.040 Placement of utilities prior to street paving

12.10.010 Definitions. For the purposes of this chapter, the following definitions shall apply:

- (1) "Building" means a roof structure for the shelter, support, enclosure or protection of persons, animals, or property.
- (2) "Dwelling" means a building or part of a building that is used primarily as a place of abode, including a mobile home.
- (3) "Lot" means a parcel, tract or area of land accessible by means of a street or place, abutting upon a street or place.
- (4) "Housing Development" means a parcel, tract or area of land owned by any person or persons or firm or corporation the owner of which shall sell five (5) or more lots for the purpose of constructing five (5) or more dwellings or other structures thereof, or shall construct five (5) or more dwellings or other structures thereon for the purpose of selling the same.
- (5) "Undeveloped Areas" means areas and tracts of land within the corporate limits of the Town of Orleans, Indiana, in which no streets have been opened in order to give access thereto for the purpose of laying out lots and the construction of dwellings and other structures as herein defined. (Ord. 1992-4, S1, June 18, 1992)

12.10.020 Required right-of-way for streets. All housing projects or developments for the construction of houses and other structures as herein defined, within the corporate limits of the town in areas presently undeveloped, a minimum right of way of sixteen (16) feet shall be established for each street which may be opened in said development, in the event that no street has heretofore been opened therein. Said new street shall be graded and proper drainage provided by the owner of the real estate, over and upon which a street shall be laid out whether or not said street shall have heretofore been dedicated to the public use but unopened or whether it shall be dedicated to the public use at the time of the commencement of said project or development. All street preparation shall be at the expense of the owner of the land or the owner of the land adjacent to such street should the same have been dedicated but not opened. (Ord. 1992-4, S2, June 18, 1992)

12.10.030 Street specifications. All such streets shall be paved as follows: first spread crushed stone at least seven (7) inches deep, then four (4) inches thereof to be of number two (2) stone, and then three (3) inches of number seventy-three (73) stone. (Ord. 1992-4, S3, June 18, 1992)

12.10.040 Placement of utilities prior to street paving. The land owner of any street opened up in a new housing development in said town as herein defined or the land owners abutting on such street, in the event that the same shall have been previously dedicated but not opened, shall cause the laying of said sewer lines and water lines through and under such street prior to the paving. This shall be subject to the approval of the town council of said Town. (Ord. 1992-4, S4, June 18, 1992)

Chapter 12.12

BUILDING CODE

Sections:

12.12.010	Title
12.12.020	Purpose
12.12.030	Definitions
12.12.040	Scope
12.12.050	Authority
12.12.060	Severability
12.12.070	Effect of Adoption on Prior Ordinance
12.12.080	Building Permit Required
12.12.090	Application for Building Permit
12.12.100	Issuance of Building Permit
12.12.110	Certificate of Occupancy
12.12.120	General Authority to make Inspections and Investigations
12.12.130	Inspections by Fire Department
12.12.140	Withhold Issuance of Permits
12.12.150	Revoke a Building Permit
12.12.160	Stop-Work Order
12.12.170	Civil Action
12.12.180	Monetary Penalty
12.12.190	Right of Appeal
12.12.200	Adoption of Rules by Reference
12.12.210	Lifting Devices Located within a Private Residence
12.12.220	Use of Engineered Roof Trusses and Floor Joists
12.12.230	Effective Date

ARTICLE I. GENERAL REQUIREMENTS

12.12.010 Title. This chapter and all material included herein by reference shall be known as the "Building Code of Orleans, Indiana." (Ord. 2012-03, S1, May 17, 2012)

12.12.020 Purpose. The purpose of this chapter is to protect the life, public safety, health and general welfare of the citizens of Orleans, Indiana, and shall be construed in such a manner as to effectuate this purpose. (Ord. 2012-03, S2, May 17, 2012)

12.12.030 Definitions. Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings.

- (1) "Building Commissioner", as used in this chapter, includes individuals employed by the Building Department that are authorized to represent the Building Commissioner.
- (2) "Class 1 Structure" has the meaning ascribed thereto in IC 22-12-1-4.
- (3) "Class 2 Structure" has the meaning ascribed thereto in IC 22-12-1-5.
- (4) "Construction" has the meaning ascribed thereto in IC 22-12-1-7.

- (5) "Industrialized building system" has the meaning ascribed thereto in IC 22-12-1-14.
- (6) "Manufactured home" has the meaning ascribed thereto in IC 22-12-1-16.
- (7) "Mobile structure" has the meaning ascribed thereto in IC 22-12-1-17.
- (8) "Person" has the meaning ascribed thereto in IC 22-12-1-18.
- (9) "Structure" means both Class 1 and Class 2 structures, unless specifically stated otherwise.
- (10) "Vehicular bridge" has the meaning ascribed thereto in IC 22-12-1-26. (Ord. 2012-03, S3, May 17, 2012)

12.12.040 Scope.

- (1) All Construction shall be accomplished in compliance with the provisions of this Building Ordinance.
- (2) Pursuant to IC 22-13-2-6, this Building Ordinance shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4; however, the provisions of this Building Ordinance and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any Construction related to an industrialized building system or mobile structure not certified under IC 22-15-4.
- (3) Pursuant to IC 22-13-2-9, this Building Ordinance is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices. (Ord. 2012-03, S4, May 17, 2012)

12.12.050 Authority. The Building Commissioner is hereby authorized and directed to administer and enforce the following:

- (1) All of the provisions of this Building Ordinance.
- (2) Variances granted in accordance with IC 22-13-2-11.
- (3) Orders issued under IC 22-12-7. (Ord. 2012-03, S5, May 17, 2012)

12.12.060 Severability. Should any provision (section, clause, phrase, word, or any other portion) of this chapter be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions be given the effect intended in adopting this chapter. To this end, the provisions of this chapter are severable. (Ord. 2012-03, S6, May 17, 2012)

12.12.070 Effect of Adoption on Prior Ordinance. The expressed or implied repeal of amendment by this chapter of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this chapter. Such rights, liabilities, and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this chapter had not been adopted. (Ord. 2012-03, S7, May 17, 2012)

ARTICLE II. BUILDING PERMITS

12.12.080 Building Permit Required. Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commissioner prior to commencement of Construction. (Ord. 2012-03, S8, May 17, 2012)

12.12.090 Application for Building Permit.

- (1) Any person required to have a building permit shall submit a complete application to the Building Commissioner and Planning Administrator.
- (2) This application shall be submitted on a form prepared by the Building Commissioner and Planning Administrator, and shall contain the following:
 - A. Information that the Building Commissioner and Planning Administrator determine to be necessary to locate and contact the applicant.
 - B. A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all Construction to be accomplished.
 - C. A plot plan drawn to scale; provided, however, such plot plan shall not be required in this instance where all such Construction is to occur entirely within an existing Structure. This plot plan shall reflect the location of the Structure in relation to existing property lines and shall show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks.
 - D. If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a Construction Design Release for the Construction to be done that has been issued by the Building Law Compliance Officer pursuant to IC 22-15-3.
 - E. Any additional information that the Building Commissioner and Planning Administrator find to be necessary to determine that the Construction will conform to all applicable building and fire safety laws and will not violate any other applicable ordinances or laws.
 - F. The fee established by the Orleans Town Council.
- (3) Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person. The Building Commissioner and Planning Administrator may require that such an employee or agent provide written authority to apply for a permit. (Ord.2012-3,S9, May 17, 2012)

12.12.100 Issuance of Building Permit. The Building Commissioner shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed Construction will conform to all applicable building and fire safety laws and will not violate any other applicable ordinances or laws. (Ord. 2012-03, S10, May 17, 2012)

12.12.110 Certificate of Occupancy. No certificate of occupancy for any Structure shall be issued unless such Structure was constructed in Compliance with the provisions of this Building Ordinance. It shall be unlawful to occupy any Structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner. (Ord. 2012-03, S11, May 17, 2012)

ARTICLE III. INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES

12.12.120 General Authority to make Inspections and Investigations.

- (1) All Construction shall be subject to periodic inspections by the Building Commissioner irrespective of whether a building permit has been or is required to be obtained.
- (2) The Building Commissioner may at any reasonable time go in, upon, around or about the premises where any Structure subject to the provisions of this Building Ordinance or to the rules of the Fire Prevention and Building Safety Commission is located for the purposes of inspection and investigation of such structure. Such inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this Building Ordinance and the rules of the Fire Prevention and Building Safety Commission. (Ord. 2012-03, S12, May 17, 2012)

12.12.130 Inspections by Fire Department. The Building Commissioner and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws (The Fire Department has independent authority to conduct inspections and take enforcement action under IC 36-8-17). (Ord. 2012-03, S13, May 17, 2012)

ARTICLE IV. ENFORCEMENT AND PENALTIES

12.12.140 Withhold Issuance of Permits.

- (1) Whenever a person which is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed to the Town of Orleans, or inspection fees owed to the Town of Orleans, the Building Commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied.
- (2) Whenever a person applies for a building permit for a Structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold the issuance of requested permit(s) until such time that the property is brought into conformance with applicable ordinances. (Ord. 2012-03, S14, May 17, 2012)

12.12.150 Revoke a Building Permit. The Building Commissioner may revoke a building permit when any of the following are applicable:

- (1) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact.
- (2) The application, plans or supporting documents reflect lack of compliance with building standards and procedures.
- (3) There is failure to comply with the Building Ordinance.
- (4) The Structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use. (Ord. 2012-03, S15, May 17, 2012)

12.12.160 Stop-Work Order.

- (1) The Building Commissioner may issue an order requiring suspension of the pertinent Construction (stop-work order) in accordance with this section.
- (2) The stop work order shall:
 - A. Be in writing
 - B. State with specificity the Construction to which it is applicable and the reason for its issuance.
 - C. Be posted on the property in a conspicuous place.
 - D. If practicable, be given to:
 1. The person doing the Construction; and
 2. To the owner of the property or the owner's agent.
 - E. The stop work order shall state the conditions under which Construction may be resumed.
- (3) The Building Commission may issue a stop work order if:
 - A. Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this Building Ordinance or any state law pertaining to safety during Construction.
 - B. Construction is occurring in violation of this Building Ordinance or in such a manner that if Construction is allowed to proceed, there is a reasonable probability that it will be substantially difficult to correct the violation.
 - C. Construction for which a building permit is required is proceeding without a building permit being in force.
- (4) The issuance of a stop work order shall in no way limit the operation of penalties provided elsewhere in this Building Ordinance. (Ord. 2012-03, S16, May 17, 2012)

12.12.170 Civil Action. Pursuant to IC 36-1-6-4, the City may initial a civil action in a court of competent jurisdiction to restrain any person from violating a provision of this Building Ordinance. (Ord. 2012-03, S17, May 17, 2012)

12.12.180 Monetary Penalty. Any person violating any provision of this Building Ordinance may be subject to a fine in any sum not exceeding two thousand five hundred dollars (\$2,500). The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this Building Ordinance. (Ord. 2012-03, S18, May 17, 2012)

12.12.190 Right of Appeal. Any person aggrieved by an order issued under this Building Ordinance shall have the right to petition for review of any order of the Building Commissioner. Such a person may file a petition using either, or both, of the following procedures:

- (1) Appeal to the Fire Prevention and Building Safety Commission.
 - A. A person aggrieved by an order issued under this Building Ordinance may appeal to the Fire Prevention and Building Safety Commission, in accordance with IC 22-13-2-7.
 - B. The Commission may modify or reverse any order issued by the Municipality that covers a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety or a building rule.
 - C. The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 Structure if the person aggrieved by the order petitions for the review under IC 4-21.5-3-7 within thirty (30) days after the issuance of the order.
 - D. The Fire Prevention and Building Safety Commission may review all other orders issued under this Building Ordinance.
 - E. The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.

- (2) Appeal to an Established Local Administrative Body or Court.

Pursuant to IC 36-7-8-9, a person aggrieved by a decision of the Building Department may appeal as in other civil actions. The appellant must, by registered mail, give the Municipality Executive a fifteen (15) day written notice of his or her intention to appeal. This notice must concisely state the appellant's grievance. If, pursuant to IC 36-1-6-9, the Municipality has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with said ordinance. If no such administrative body exists, then the person may petition a court for judicial review of the order. (Ord. 2012-03, S19, May 17, 2012)

ARTICLE V. MINIMUM CONSTRUCTION STANDARDS

12.12.200 ADOPTION OF RULES BY REFERENCE.

- (1) Pursuant to IC 22-13-2-3(b), the rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules.
 - A. Article 13 — Building Codes
 - B. Article 14 — Indiana Residential Codes
 - C. Article 16 — Indiana Plumbing Codes
 - D. Article 17 — Indiana Electrical Code
 - E. Article 18 — Indiana Mechanical Code
 - F. Article 19 — Indiana Energy Conservation Code
 - G. Article 20 — Indiana Swimming Pool Code
 - H. Article 22 — Indiana Fire Code
 - I. Article 25 — Indiana Fuel Gas Code
 - J. Article 28— NFPA Standards
- (2) Two (2) copies of the above rules incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by IC 36-1-5-4.
- (3) The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this Building Ordinance. Pursuant to IC 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until it has been approved by Fire Prevention and Building Safety Commission. (Ord. 2012-03, S20, May 17, 2012)

12.12.210 LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE.

- (1) Pursuant to IC 22-12-1(b)(12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:
 - A. Part 5.3, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.
 - B. Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers. Three Park Avenue, New York, New York, 10016.
 - C. Section 5, Private Residence Vertical Platform Lifts, ASME A18.1a,

2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers. Three Park Avenue, New York, New York, 10016.

D. Section 6, Private Residence Inclined Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers. Three Park Avenue, New York, New York, 10016.

E. Section 7, Private Inclined Stairway Lifts, ASMEA18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

- (2) Two (2) copies of the above lifting device standards incorporated by reference are on file in the office of the Clerk for the legislative body for public inspection as required by IC 36-1-5-4. (Ord. 2012-03, S21, May 17, 2012)

ARTICLE VI. USE OF ENGINEERED ROOF TRUSSES AND FLOOR JOISTS.

12.12.220 USE OF ENGINEERED ROOF TRUSSES AND FLOOR JOISTS.

- (1) This article applies only to new construction of a Class 1 structure and a Class 2 structure.
- (2) A. As used in this article, "engineered lumber roof trusses and/or floor joists" refers to a structural assembly that:
1. is fabricated from:
 - (a) Wood
 - (b) light gauge metal
 - (c) other component materials; or
 - (d) any combination of materials described in clauses A through C;
 2. has less mass cross sectional area than sawn lumber members that would be used in an equivalent application;
 3. is assembled from combustible or noncombustible materials, or both; and
 3. is not a vertical member and supports a roof or floor, or both.
- B. The term does not include a structural assembly that provides a minimum of one (1) hour fire resistance when tested in accordance with ASTM Standard E119.

- C. As used in this article, "owner" means a person having control or custody of any structure to which this article applies.
- (3) A. A structure that contains engineered lumber roof trusses and/or floor joists must have a placard affixed to the structure that meets the requirements of this article.
 - B. The placard shall use green coding and lettering that identifies both of the following:
 - 1. The types of engineered lumber roof trusses and floor joists used in the structure, including truss or engineered lumber.
 - 2. The location of engineered lumber roof trusses and/or floor joists used in the structure including floor joist or truss roof systems.
 - C. The placard may not be:
 - 1. smaller than three and one-half (3½) inches by four one-half (4½) inches; and
 - 2. larger than five (5) inches by five and one-half (5½) inches.
- (4) A. The placard must be permanently affixed:
 - 1. Below the structure's electrical meter, if the structure has electrical service; or
 - 2. on the left side of the front entrance four (4) to six (6) feet above the ground, if the structure does not have electrical service.
- (5) A. An applicant for a building permit must indicate on the application:
 - 1. the types of engineered lumber roof trusses and/or floor joist used in the structure;
 - 2. the location of the engineered lumber roof trusses and/or floor joist used in the structure; and
 - B. The application for a building permit must include a place on the form for providing the information under subsection A.
- (6) A. An applicant for a building permit shall not be issued a building permit unless the individual at the time of the application is issued a placard by the Building Commissioner.
 - B. A fee, not to exceed five dollars (\$5.00), shall be charged for each placard issued.
- (7) The Building Commissioner shall not
 - A. approve a structure on final inspection; or
 - B. issue a certificate of occupancy for a structure;
 Unless a placard is affixed to the structure that meets the requirements of article.

- (8) A. Not later than ten (10) business days after issuing a building permit, the Building Commissioner shall send written notification to the local fire department and the 911 telephone call center that has jurisdiction in the area where the structure is located. The notification shall be sent by certified mail, return receipt requested.
- B. The notification must include the following information:
 - 1. The street address of the property.
 - 2. The name of the municipality and county in which the structure is located.
 - 3. The types of engineered lumber roof trusses and/or floor joists used in the structure.
 - 4. The location of the engineered lumber roof trusses and/or floor joists by area within the structure.
- (9) Upon receiving a copy of the notification under section (8) of this article, the chief of the fire department or the chief's designee shall:
 - A. post the information in a conspicuous place for all emergency personnel;
 - B. provide the information to any fire department providing mutual aid; and
 - C. for Class 1 structures only, add the structure to the inspection file for follow up on a timely basis for inspection.
- (10) Upon receiving a notification under section (8) if this article, the 911 telephone call center shall maintain the information on each property by the address of the property, that uses engineered lumber roof trusses and/or floor joist. When dispatching to the listed address, the dispatcher shall notify the responding units of the information.
- (11) A. If:
 - 1. the Building Commissioner provided written notice to an owner that the owner has failed to install or maintain a placard on the structure in violation of this article; and
 - 2. the owner fails to correct the violation not later than ten (10) business days after receiving the written notice;

The owner is liable for a civil penalty of not more than one hundred dollars (\$100.00) per day during the period beginning ten (10) business days after the owner receives written notice of the violation from the unit and until the date the violation is corrected. A penalty imposed under this chapter may not exceed three thousand dollars (\$3,000.00) per structure per year. (Ord. 2012-03, S22, May 17, 2012)

ARTICLE VII. EFFECTIVE DATE

12.12.230 EFFECTIVE DATE. This Building Ordinance shall be in full force and effect from and after the date on which both of the following have occurred:

- (1) The Orleans Town Council has adopted this chapter.
- (2) The Fire Prevention and Building Safety Commission of Indiana has approved of this chapter as required by IC 36-7-8-3 and IC 22-13-2-5. (Ord. 2012-03, S23, May 17, 2012)

Chapter 12.18

MOBILE HOME RESTRICTIONS ON PRIVATE PROPERTY

Sections:

12.18.010	Definitions
12.18.020	Restrictions
12.18.030	Liability
12.18.040	Penalties
12.18.050	Repealer
12.18.060	Effect date

12.18.010 Definitions. As used in Ordinance 1989-2, the following terms shall have the following meanings:

- (1) "Mobile home" means any vehicle including the equipment sold as a part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets or highways by either self-propelled or not self-propelled means, which is designed, constructed or reconstructed, or added to by means of an enclosed addition or room in such manner as will permit the occupancy thereof as a dwelling for one or more persons, which is both used and occupied as a dwelling having no foundation other than wheels, jacks, skirting, or other temporary supports.
- (2) "Parcel" means the entirety of a contiguous quantity of real estate owned by the same person, persons, entity, entities, or combination thereof, and by the same tenancies.
- (3) "Owner" means one who holds an estate or interest in real estate according to the records in the office of the Recorder of Orange County, Indiana. "Owner" specifically does not include a mortgagee. (Ord. 1989-2, S1, May 4, 1989) (Ord. 1980-3, SI, Sept. 11, 1980)

12.18.020 Restrictions. Within the Corporate Limits of the Town or Orleans:

- (1) An owner of a parcel of less than six thousand four hundred (6,400) square feet shall not cause or allow to be placed thereon one (1) or more mobile homes.
- (2) An owner of a parcel of six thousand four hundred (6,400) square feet or more shall not cause or allow to be placed thereon more than one (1) mobile home for each nonoverlapping area of six thousand four hundred (6,400) square feet therein.
- (3) An owner of a parcel which lawfully contains more than one mobile home under Section 12.18.020(2) of this Chapter shall not cause or allow any portion of said mobile homes to be placed closer than twelve (12) feet together.

- (4) An owner of a parcel which lawfully contains one or more mobile homes under Section 12.18.020(2). of this Chapter shall not cause or allow any portion of any said mobile home or homes to be placed closer than six (6) feet from any property line of said parcel. (Ord. 1989-2, S2, May 4, 1989) (Ord. 1980-3, SII, Sept. 11, 1980)

12.18.030 Liability. Multiple owners of a parcel that is in violation of Section 12.18.020(1), 12.18.020(2), 12.18.020(3), or 12.18.020(4) of this Chapter shall be jointly and severally liable for penalties hereunder. (Ord. 1989-2, S3, May 4, 1989)

12.18.040 Penalties. A person who violates Section 12.18.020(1), 12.18.020(2), 12.18.020(3), or 12.18.020(4) of this Chapter shall be subject to a fine not to exceed fifty dollars (\$50.00) for each day of the violation. (Ord. 1989-2, S4, May 4, 1989) (Ord. 1980-3, SIII, Sept. 11, 1980)

12.18.050 Repealer.

- (1) Ordinance No. 1980-3 is hereby repealed in its entirety, and
- (2) All ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed. (Ord. 1989-2, S5, May 4, 1989)

12.18.060 Effective Date. This chapter shall be effective upon passage, and the penalty shall be effective upon publication as required by law. (Ord. 1989-2, S6, May 4, 1989)

Chapter 12.19

TRAVEL CAMPERS, MOBILE HOMES, TRAVEL TRAILERS PROHIBITED AS LIVING QUARTERS ON PUBLIC PROPERTY

Sections:

- 12.19.010 Definitions
- 12.19.020 Restrictions for human occupancy
- 12.19.030 Restrictions for sales
- 12.19.040 Penalty

12.19.010 Definitions.

- (1) "Travel Camper" means a mobile living unit designed to be mounted upon and conveyed by another vehicle. (Ord. 1995-2, S1(a), Feb. 16, 1995)
- (2) "Mobile Home" means a dwelling unit with living quarters suitable for human use, factory-built and factory assembled, designed for conveyance, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy. (Ord. 1995-2, S1(b), Feb. 16, 1995)
- (3) "Travel Trailer" means a mobile home not exceeding eight feet in width nor more than thirty-three feet in length. (Ord. 1995-2, S1(c), Feb. 16, 1995)

12.19.020 Restrictions for human occupancy. It shall be unlawful to park for purposes of human occupancy any travel camper, mobile home, or travel trailer within the Town Square Park, or upon any public street or other area designated for public parking immediately adjacent thereto in the Town of Orleans, Indiana. (Ord. 1995-2, S2, Feb. 16, 1995)

12.19.030 Restrictions for sales. No travel campers, mobile homes, or travel trailers shall be parked for purposes of sales within the Town Square Park, but may be parked for those purposes only at curbside. Only tents and knock-down type booths are permitted on the lawn of the Town Square Park. (Ord. 1995-2, S3, Feb. 16, 1995)

12.19.040 Penalty. Judgment of up to Twenty-Five Hundred Dollars (\$2,500.00) may be entered for each violation of this chapter. (Ord. 1995-2, S4, Feb. 16, 1995)

Chapter 12.20

PROHIBITING THE CONSTRUCTION OF CHICKEN HOUSES AND SLAUGHTER HOUSES

Sections:

12.20.010 Unlawful to construct a chicken house or slaughter house

12.20.020 Violation and penalties

12.20.030 Validity

12.20.010 Unlawful to construct a chicken house or slaughter house. It shall be unlawful for any person, firm, or corporation to build, construct or establish a chicken house or slaughter house of the purpose of raising or dealing in the purchase or sale of livestock, chickens, or other farm animals within the corporate limits of the Town of Orleans. (Ord. 1960-2, S1, December 6, 1960)

12.20.020 Violations and Penalties. Any person violating the provisions of this chapter shall be fined in the justice of the peace or circuit court the sum of no less than \$1.00 nor more than \$500.00 or be imprisoned 30 days in the county jail or may be punished by fine and imprisonment. Each offense shall be a separate and additional violation and punishable as such. (Ord. 1960-2, S2, December 6, 1960)

12.20.030 Validity. If any section, sub-section, sentence, clause, or phrase of this chapter is, for any reason, held to be unconstitutional, such decisions shall not affect the validity of the remaining portion of this chapter. The Town Officials of the Town of Orleans, Indiana, hereby declare that they would have passed this chapter and each section, sub-section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, sub-section, sentences, clauses, or phrases be declared unconstitutional. (Ord. 1960-2, S3, December 6, 1960)

Chapter 12.25

PROHIBITING THE ESTABLISHMENT OR MAINTENANCE OF A JUNK YARD

Sections:

- 12.25.010 Title
- 12.25.020 Definitions
- 12.25.030 General provisions
- 12.25.040 Penalties
- 12.25.050 Effective date

12.25.010 Title. This chapter (Chapter) shall be known as the "Junk Yard Ordinance of the Town of Orleans, Indiana." (Ord. 1979-1, SI, May 3, 1979)

12.25.020 Definitions. As used in this chapter (Chapter) the following terms shall be defined as follows:

- (1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junk, dismantled or wrecked automobiles or parts thereof, iron steel, and other old or scrap ferrous or non-ferrous materials.
- (2) "Automobile Graveyard" shall mean an establishment of place of business which is intended, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles of motor vehicle parts.
- (3) "Junk Yard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or selling junk, or for the maintenance or operation of an automobile graveyard.
- (4) "Person" shall mean any individual, firm, partnership, corporation, group or association. (Ord. 1979-1, SII, May 3, 1979)

12.25.030 General Provisions. That it shall hereafter be and it is hereby declared to be unlawful for any person to erect or construct, establish or maintain, alter, or cause of permit to be erected, constructed, established, maintained or altered on any premises which in corporate limits of the Town of Orleans, Indiana, any building, buildings or parcel of land which shall be used for, or designed or maintained to be used for junk yard or automobile graveyard. (Ord. 1979-1, SIII, May 3, 1979)

12.25.040 Penalties. Any person who constructs, erects or establishes or who begins the erection, construction, establishment or alteration of any such building or parcel of land on any premises within the corporate limits of the Town of Orleans, Indiana, shall be fined not less than five dollars nor more than one hundred dollars. Each day any violation of this chapter continues shall be deemed a separate offense. (Ord. 1979-1, SIV, May 3, 1979)

12.25.050 Effective Date. This chapter shall be in full force and effect after its passage. Provided, however that any currently existing Automobile Graveyard, operated as a commercial business at the time of the passage of this chapter, shall be exempt from the provisions hereof, as to the real estate actually used for the operation thereof at the time of said passage. (Ord. 1979-1, SV, May 3, 1979)