

BOONE COUNTY FLOOD HAZARD AREA

Ordinance No. 94 – 14 (September 19, 1994)
Amended Ordinance No. 98 – 2 (April 6, 1998)
Amended Ordinance No. 02 – 6 (June 3, 2002)

SECTION 1 – STATUTORY AUTHORIZATION

The Indiana legislature has granted Boone county government the power to regulate land use within the jurisdiction of the Boone County Area Plan Commission in order to accomplish the following objectives:

SECTION 2 – STATEMENT OF PURPOSE

The purpose of this ordinance is to guide development in the flood hazard areas of Boone County, which are subject to periodic inundation by flooding, in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to Boone County to regulate local land use, the Board of County Commissioners hereby adopt the following floodplain management regulations in order to accomplish the following objectives:

- A. To prevent unwise development from increasing flood or drainage hazards to others.
- B. To protect new buildings and major improvement to buildings from flood damage.
- C. To protect human life and health from the hazards of flooding.
- D. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations.
- E. To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas.
- F. To make federally subsidized flood insurance available for structures and their contents in Boone County by fulfilling the requirements of the National Flood Insurance Program.
- G. To minimize prolonged business interruptions and loss of employment.

SECTION 3 – DEFINITIONS

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

- A. **BUILDING** – See “STRUCTURE.”
- B. **DEVELOPMENT** – Any man-made change to improved or real estate including but not limited to:
 - 1. Construction, reconstruction, or placement of a building or any addition to a building.
 - 2. Installation of 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.
 - 3. Installing utilities, erecting walls and fences, construction of roads, or similar projects.
 - 4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.

5. Mining, dredging, filling, grading, excavation, or drilling operations.
6. Construction or reconstruction of bridges or culverts.
7. Storage of materials.
8. 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 buildings and facilities such as painting, re-roofing, etc; road resurfacing; and agricultural activities such as gardening, plowing, etc. that do not require filling, grading, excavation, or the construction of permanent buildings.

- C. EXISTING MANUFACTURED HOME PARK SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots upon which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.
- D. EXPANSION OF AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – The preparation of additional sites by the construction of new facilities for servicing the lots on which 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).
- E. FBFM – The Flood Boundary and Floodway Map.
- F. FEMA – The Federal Emergency Management Agency.
- G. FHBM – The Flood Hazard Boundary Map.
- H. FIRM – The Flood Insurance Rate Map.
- I. FLOOD – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- J. FLOODPLAIN – The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.
- K. FLOOD PROTECTION GRADE (FPG) – The elevation of the regulatory flood plus two feet at any given location in the SFHA.
- L. FLOODWAY – The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
- M. FLOODWAY FRINGE – Those portions of the floodplain lying outside the floodway.
- N. LETTER OF MAP AMENDMENT (LOMA) – An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.
- O. LETTER OF MAP REVISION (LOMR) – An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

- P. **LOWEST FLOOR** – The lowest floor elevation of the following:
1. The top of the basement floor.
 2. The top of the garage floor, if the garage is the lowest level of the building.
 3. The top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings.
 4. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless;
 - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 - b. Such enclosed space shall be useable for the parking of vehicles and for building access.
- Q. **MANUFACTURED HOME** – A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities. The term “Manufactured Home” does not include a “Recreational Vehicle”.
- R. **NEW MANUFACTURED HOME PARK OR SUBDIVISION** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.
- S. **RECREATIONAL VEHICLE** – A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; (4) designated primarily not for usage as a permanent dwelling, but as a temporary living quarters for recreational camping, travel, or seasonal use.
- T. **REGULATORY FLOOD** – The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana natural Resources Commission and the Federal Emergency management Agency. The regulatory flood elevation at any location is a defined in Section 5 of this ordinance. The “Regulatory Flood” is also known by the term “Base Flood” and is commonly referred to as the 100 year storm.
- U. **SPECIAL FLOOD HAZARD AREA (SFHA)** – Those lands within Boone County that are subject to inundation by the regulatory flood. The SFHAs of Boone County are generally identified as such on the Flood Insurance Rate Map of the County as prepared by the Federal Emergency management Agency and dated April 6, 1998.
- V. **STRUCTURE** – A structure that is principally located above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

- W. **SUBSTANTIAL IMPROVEMENT** – 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 which have incurred “substantial damage” regardless of the actual repair work performed. The term does not include improvement of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a “historic structure”, provided that the alteration will not preclude the structures continued designation as a “historic structure”.

SECTION 4 – DUTIES OF THE ADMINISTRATOR

The Executive Director of the Boone County Area Plan Commission shall serve as the representative of the Boone County Commissioners in the administration of the requirement included herein. The Executive Director shall review all individual site building permits and subdivision plats to insure compliance with this ordinance, including but not limited to the following duties:

- A. Ensure that all development activities within the SFHAs in the unincorporated areas of Boone County meet the requirement of this ordinance.
- B. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- C. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 7 of this ordinance, and maintain a record of such authorizations (either a copy of the actual permit or a letter of recommendation).
- D. Maintain a record of the as-built elevation of the top of the lowest floor (including the basement) of all new and/or substantially improved buildings constructed in the SFHA. Inspection the construction before, during and after construction.
- E. Maintain a record of the engineer or land surveyor’s certificate and the as-built floodproofed elevation of all buildings subject to Section 8 of this ordinance.
- F. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.
- G. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revisions (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance.
- H. Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Emergency management Agency.

SECTION 5 – REGULATORY FLOOD ELEVATION

The protection standard of this ordinance shall be the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

- A. The regulatory flood elevation and floodway limits for the SFHAs of Eagle Creek, Fishback Creek, Little Eagle Creek, Prairie Creek (near Lebanon), Prairie Creek (near Thorntown), New Reynolds Ditch, and Sugar Creek shall be as delineated on the 100 year flood profiles in the Flood

Insurance Study on Boone County dated April 6, 1998 and the corresponding FBFM dated September 16, 1982 as prepared by the Federal Emergency Management Agency.

- B. The regulatory flood elevation for each SFHA delineated as an “AH Zone” or an “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Maps of Boone County.
- C. The regulatory flood zone for each of the remaining SFHAs delineated as an “A Zone” on the Flood Insurance Rate maps of Boone County shall be according to the best data available as provided by the Indiana Department of Natural Resources.
- D. If the SFHA is delineated as an “AH Zone” or an “AO Zone”, the elevation (or depth) will be delineated on the Boone County Flood Insurance Rate Maps. If the SFHA is delineated as “Zone A” on the official flood maps, the regulatory flood elevation shall be according to the best data available as provided by the Indiana Department of Natural Resources.

SECTION 6 – IMPROVEMENT LOCATION PERMIT/BUILDING PERMIT

No person, firm, partnership, corporation, institution, or government body, not otherwise exempted by the Indiana Code, shall commence a “development” in the SFHA without first obtaining an Improvement Location Permit/Building Permit from the Boone County Area Plan Commission. The executive Director of the Area Plan Commission shall not issue an Improvement Location Permit/Building Permit if the proposed “development” use does not meet the requirement of this ordinance.

- A. An application for an Improvement Location Permit/Building Permit shall contain the following information:
 - 1. A legal description or land survey of the proposed “development” site along with a narrative description of the proposed project.
 - 2. A certified plot plan, prepared by a registered land surveyor or engineer, of the proposed “development” showing the dimensions of the site and the National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD) elevations of the lowest floor (including basement) of all existing or proposed structures to be located thereon in relation to the DGVD or NAVD elevations of existing roads, streams, legal drains, etc. on or adjacent to the site.
- B. Upon receipt of an application for an Improvement Location Permit/Building Permit, the Executive Director of the Area Plan Commission shall determine if the site is located within an identified floodway, floodway fringe, or within the floodplain where the limits of the floodway have not as yet been determined.
 - 1. If the site is located within an identified floodway, the Executive Director of the Area Plan Commission shall require that the applicant forward the permit application along with all pertinent information, including plans and specifications to the Indiana Department of Natural Resources and apply for a Permit for Construction in a floodway.

Under the provisions of IC 13-2-22 a permit from the natural Resources Commission is required prior to the issuance of a local Improvement Location Permit/Building Permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving, etc. undertaken before the actual start of construction of a building.

No action shall be taken on the application by the Executive Director of the Area Plan Commission until a permit has been issued by the natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Executive Director may issue the local Improvement

Location Permit/Building Permit provided the provision of Sections 7 and 8 of this ordinance have been met. The Improvement Location Permit/Building Permit cannot be less restrictive than the permit issued by the natural Resources Commission.

2. If a “development” site is located within an identified floodway fringe area, then the Executive Director may issue the local Improvement Location Permit/Building Permit provided the provisions of Sections 7 and 8 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).
3. If the “development” site is located within an identified floodplain where the limits of the floodway fringe have not as yet been determined (shown as “Zone A” on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Executive Director shall require the permit 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 on the permit application shall be taken by the Executive Director until either a Permit For Construction in a Floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been issued by the Indiana Department of Natural Resources.

Once the Executive Director has received the proper permit or Letter of Recommendation approving the proposed “development”, an Improvement Location Permit/Building Permit may be issued provided the conditions of the Improvement Location Permit/Building Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions of Sections 7 and 8 of this ordinance have been met.

4. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Executive Director of the Area Plan Commission shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe, and 100-year elevation for the site.

Upon receipt, the Executive Director may issue the local Improvement Location Permit, provided the provisions contained in Sections 7 and 8 of this ordinance have been met.

SECTION 7 – PREVENTING INCREASED DAMAGES

No “development” in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or a threat to public health and safety.

- A. Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map or engineering analysis as provided in Section 6.B.4, the following standards shall apply:
 1. No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood; and
 2. For all projects involving channel modification or filling (including levees) Boone County shall submit the data and request that the Federal Emergency management Agency revise the regulatory flood data.
- B. Within all SFHAs identified as “A Zones” (no 100 year flood elevation and/or floodway fringe delineation has been provided) the following standards shall apply:

1. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.

C. Public Health Standards in all SFHAs.

1. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a floodproofed storage tank or a building constructed according to the requirements of Section 8 of this ordinance.
2. New and replacement sanitary sewer lines and on-site wastewater treatment facilities may be permitted provided that all manholes or other above-ground openings are located above the Flood Protection Grade, or those which are located below the Flood Protection Grade are watertight.

SECTION 8 – PROTECTING BUILDINGS

In addition to the damage prevention requirement of Section 7, all buildings to be located in the SFHA shall be protected from flood damage below the Flood Protection Grade.

A. This building protection requirement applies to the following situations:

1. Construction or placement of any new building greater than 400 square feet of area.
2. Structural alterations made to an existing building that increases the market value of the building by more than 50% (excluding the value of the land).
3. Any subsequent alterations.
4. Reconstruction or repairs made to a damaged building that are valued at more than 50% of the market value of the building (excluding the value of the land) before such damage occurred.
5. Installing a manufactured home on a new site or a new manufacturing home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
6. Installing a travel trailer or recreational vehicle on a site for more than 180 days.

B. This building protection requirement may be met by one of the following methods: The Executive Director shall maintain a record of compliance with these building protection standards as required in Section 4 of this ordinance

1. Residential or nonresidential buildings may be constructed on a permanent land fill in accordance with the following:
 - a. The fill shall be placed in layers no greater than one foot in depth before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 - b. The fill should extend at least 10 feet beyond the foundation of the building before sloping below the Flood Protection Grade.

- c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - e. The top of the lowest floor including basements (see definition of lowest floor in Section 3, Definitions) shall be at or above the Flood Protection Grade.
2. A residential or non-residential building may be elevated in accordance with the following:
- a. The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundations provided:
 - (1). Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces of the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of 1 square foot for every two square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade.
 - (2). Any enclosure below the elevated floor is used for storage of vehicles and building access.
 - b. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice and floating debris.
 - c. All areas below the Flood Protection Grade shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, plumbing, ventilation, air conditioning equipment and utility meters shall be located at or above the Flood Protection Grade. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the Flood Protection Grade.
3. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements.
- a. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the Flood Protection Grade and secured to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured home to be placed upon a site;
 - (1). Outside of a manufactured home park or subdivision.
 - (2). In a new manufactured home park or subdivision.
 - (3). In an expansion to an existing manufactured home park or subdivision.

- (4). In an existing manufactured home park or subdivision in which a manufactured home has incurred “substantial damage” as a result of a flood.
- b. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported on reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be secured to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 4. Recreational vehicles placed on a site shall either:
 - a. Be located on a site for less than 180 consecutive days.
 - b. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and securing devices, and has no permanently attached additions); or
 - c. Meet the requirements for “manufactured homes” in paragraph (3) of this section.
- 5. A non-residential building may be floodproofed to the Flood Protection Grade (in lieu of elevating) if done in accordance with the following:
 - a. A registered professional engineer shall certify that the building has been designed so that below the Flood Protection Grade, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
 - b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

SECTION 9 – OTHER DEVELOPMENT MEASURES

- A. The Executive Director of the Area Plan Commission shall review all proposed subdivisions to determine whether the land containing the subdivision lies within a flood hazard area as defined elsewhere in this ordinance. If the Executive Director finds the subdivision site to be so located, the Executive Director shall forward plans and specifications to the Indiana Department of Natural Resources for review and comment. The Executive Director shall require appropriate changes and modifications in the plat of the subdivision to insure that:
 - 1. It is consistent with the need to minimize flood damages.
 - 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize and eliminate flood damage.
 - 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - 4. Onsite wastewater disposal systems, if provided, will be so located and designed so as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

- B. Developers shall record the 100 year flood elevation on all subdivision plats containing lands (identified elsewhere by this ordinance) within a flood hazard area prior to submitting the plats for Primary and Secondary approval by the Boone County Area Plan Commission.
- C. All owners of manufactured home parks and subdivisions located within the SFHA area identified as “Zone A” on the Boone County FHBM or FIRM maps shall develop an evacuation plan for those lots located in the SFHA and file it with the Area Plan Commission office and also have it filed with and approved by the Boone County Civil Defense Director.

SECTION 10 – VARIANCES

- A. The Area Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this ordinance provided that an applicant can demonstrate that:
 - 1. There exists a good and sufficient cause for the requested variance;
 - 2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant;
 - 3. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- B. The Area Board of Zoning Appeals may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:
 - 1. No variance or exception for a residential use located within a floodway and subject to Section 7 (a) or (b) of this ordinance may be granted.
 - 2. Any variance or exception granted in a floodway subject to Section 7 (a) or (b) of this ordinance will require a permit from the Indiana Department of Natural Resources.
 - 3. Variances and exceptions to the Building Protection Standards detailed in Section 8 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 a surrounded by lots with existing structures constructed below the Flood Protection Grade.
 - 4. Variances and exceptions may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.
 - 5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction.
 - 6. The Area Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums.

SECTION 11 – DISCLAIMER OF LIABILITY

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

Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunto.

SECTION 12 – VIOLATIONS

Failure to obtain an Improvement Location Permit/Building Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations of this ordinance shall be considered a common nuisance and be treated as such in accordance with the enforcement provisions and procedures of the Boone County Zoning Ordinance.

- A. The Boone county Area Plan Commission 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.
- B. Nothing herein shall prevent the Boone County Area Plan Commission from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible for the violation.

SECTION 13 – ABROGATION AND GREATER RESTRICTIONS

This ordinance repeals and replaces Boone County Ordinance # 82 – 5 to fulfill current the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original ordinance adopted to achieve Boone County’s eligibility in the National Flood Insurance Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the Boone County Commissioners shall assure that all National Flood Insurance Program regulations and laws (312 IAC 10, IC 14-28-1 and IC 14-28-3) are met.

SECTION 14 – SEVERABILITY

Should a portion of the provisions and sections of this ordinance be declared unconstitutional or invalid for any reason, this shall not affect the validity of the remainder.

SECTION 15 – EFFECTIVE DATE

This ordinance shall take effect upon passage by the Boone County Commissioners.

Enacted by the Boone County Board of County Commissioners this 19th day of September 1994.