

Agenda

Wednesday, January 31, 2024 11:42 AM

AGENDA

**MONTGOMERY COUNTY BOARD OF COMMISSIONERS MEETING
MONDAY, FEBRUARY 12, 2024
8 AM
1580 Constitution Row - Room E109
Crawfordsville, IN 47933**

CALL TO ORDER Board President John E. Frey

PLEDGE ALLIGENCE and PRAYER

CONSENT AGENDA

Approval of Claims: AP - \$ & Payroll -

Minutes: January 22, 2024

Acknowledge Receipt of 2023 Sugar Creek Advisory Board Annual Report

PRESENTATION: MONTGOMERY COUNTY EMPLOYEE OF THE YEAR AWARD

NEW BUSINESS

Award Bids - Purple Heart Parkway Extension Project

2023 EMS Report

50/50 Dust Control Program

Re-Appointment to Public Defender Board - Conrad Harvey - 3yr term

ORDINANCES

Introduction Ordinance 2024-5: Re-Establishing the Cumulative Bridge Fund

Introduction Ordinance 2024-6: Creating 2023 Election Security Local Grant Fund

Introduction Ordinance 2024-7: Creating 2024 Well Water Testing Grant Fund

Introduction Ordinance 2024-8: Amending Chapter 151: Flood Damage Prevention

RESOLUTIONS

Resolution 2024-2: Establishing the Intent to Conduct A Commissioner's Sale to Sell Tax Sale Certificates for Properties That Are Severely Delinquent in Payment of Property Taxes

Resolution 2024-3: Declaring Property as Surplus

OTHER BUSINESS

ADJOURNMENT

****Next meeting February 22, 2024 @ 8am****

Agenda Memo

Wednesday, January 31, 2024 11:42 AM

AGENDA MEMO

**MONTGOMERY COUNTY BOARD OF COMMISSIONERS MEETING
MONDAY, FEBRUARY 12, 2024
8 AM
1580 Constitution Row - Room E109
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CALL TO ORDER Board President John E. Frey

PLEDGE ALLIGENCE and PRAYER

CONSENT AGENDA

Approval of Claims: AP & Payroll

Minutes: January 22, 2024

Acknowledge Receipt of 2023 Sugar Creek Advisory Board Annual Report -

The Sugar Creek Advisory Board is required to submit an annual report to the BOC each year.

PRESENTATION: MONTGOMERY COUNTY EMPLOYEE OF THE YEAR AWARD

NEW BUSINESS

Award Bids - Purple Heart Parkway Extension Project

I have reviewed the Bid Packages for Purple Heart Parkway, and it is my recommendation that the City/County proceeds with Crider & Crider (Low Bidder). I have confirmed their bid packet is complete and there doesn't appear to be any unbalanced pay items.

Please note that I also have reviewed the post bid documents that they emailed in at the end of the week and they have provided everything except the Insurance (which I believe they will be having the insurance company send in).

1. **Crider & Crider - \$5,344,598.25**
2. Calumet - \$5,371,000.00
3. Morphe Construction - \$5,600,000.00
4. William Charles Construction Company - \$5,887,000.00
5. Milestone Contractors - \$5,981,941.00

*Thank you,
Ryan Pattenaude, PE
Lochmueller Group*

2023 EMS Report -

Barry Ritter of Ritter Strategic Services has completed the 2023 quality assurance report regarding the provision of EMS services by the City to the Townships excluding Union Township. The report shows that the City has met or exceeded performance requirements outlined in the contract with the County. The Medic 54 ambulance responded to 660 emergency calls (71%) in the Townships excluding Union Township and other CFD resources responded to 272 calls (29%). The average response time was 10.04 minutes which is about 7 minutes faster than the contract’s maximum acceptable response time.

50/50 Dust Control Program - *Program runs from February 20 to April 5, 2024. Dust control is an oil application that is sprayed in front of a residence on gravel roads. If they choose to participate, Montgomery County will pay half the cost to apply dust control up to 600', the minimum order is 300'. The benefit of doing dust control needs to be revisited in 2025.*

Length of Application	Montgomery County Responsibility	Resident Responsibility	Total Cost
300 ft	\$505.48	\$500.00	\$1005.48
400 ft	\$670.65	\$670.00	\$1340.65
500 ft	\$840.81	\$835.00	\$1675.81
600 ft	\$1005.97	\$1005.00	\$2010.97
Every 100 ft after 600 ft	\$0.00	\$335.00	\$335.00

ORDINANCES

Introduction Ordinance 2024-5: Re-Establishing the Cumulative Bridge Fund -

The tax rate for 2024 for the Cumulative Bridge Fund is \$0.075 per \$100 of assessed valuation, and the maximum property tax rate for the Fund per Indiana Code §8-16-3 is \$0.10 per \$100 of assessed valuation.

Introduction Ordinance 2024-6: Creating 2023 Election Security Local Grant Fund - \$64,240

The Montgomery County Clerk has been approved by the Indiana Secretary of State to receive a grant in the amount of \$64,240 for the purchase of scanners with ballot boxes; barcode scanners; hardware and training as detailed in the grant agreement;

Introduction Ordinance 2024-7: Creating 2024 Well Water Testing Grant Fund - \$2,000

The Montgomery County Health Department has been approved by the Indiana State Department of Health to receive a grant in the amount of \$2,000 for expenses related to well water testing as detailed in the grant agreement. The funds will be used specifically for supplies.

RESOLUTIONS

Resolution 2024-2: Establishing the Intent to Conduct A Commissioner's Sale to Sell Tax Sale Certificates for Properties That Are Severely Delinquent in Payment of Property Taxes

Three properties are severely delinquent and the BOC shall acquire liens and receive tax sale certificates of the properties listed on Exhibit A of the attachment and sell said certificates at a properly advertised Commissioners Tax Certificate sale.

Resolution 2024-3: A Resolution Declaring Property as Surplus -

The Montgomery County Probation Department has determined that the miscellaneous IT equipment on Attachment A is no longer useful to the department.

OTHER BUSINESS

ADJOURNMENT

****Next meeting February 22, 2024 @ 8am****

AP Claims

Friday, February 2, 2024 12:58 PM

Payroll Claims

Friday, February 2, 2024 12:58 PM

Minutes: January 22, 2024

Wednesday, January 31, 2024 11:45 AM

MINUTES MONTGOMERY COUNTY COMMISSIONER MEETING MONDAY, JANUARY 22, 2024

The Montgomery County Commissioners met in regular session on Monday, January 22, 2024 at 8:00 am at the Montgomery County Government Center, 1580 Constitution Row – Room E109, Crawfordsville, Indiana.

CALL TO ORDER

On call of the roll, the members of the Board were shown to be present as follows:
President John E. Frey and Commissioner Dan Guard.

Also present: County Attorney Dan Taylor; Assistant County Attorney Tyler Nichols; Auditor Mindy Byers; Building Administrator Marc Bonwell; Sheriff Ryan Needham; Highway Director Jake Lough; Mapping Administrator Mike Davis; Assessor Sherri Bentley; Health Administrator Adrienne Northcutt; CCC Director Sherri Henry; VA Officer Joe Ellis; and Commissioners Executive Assistant Lori Dossett.

PLEDGE & PRAYER

Commissioner Frey led the pledge of allegiance and Commissioner Guard led the prayer.

CONSENT AGENDA

Approval of Claims:

Accounts Payable - \$3,909,516.94

Payroll 12/29 - \$461,753.20

Minutes – January 8, 2023

GUTS-Software Support & Maintenance Agreement - Treasurer

Cashbook - \$321.36

2024 Agreement for GUTS to provide software support and maintenance for Daily Cashbook used in the Treasurer's office.

GUTS-Software Support & Maintenance Agreement - Auditor CYMA - \$12,854.40

PVD - \$46,955.20 2024 Agreement for GUTS to provide support and maintenance for Cloud Tax & Billing Support (includes Second Instance of PVDNet) & CYMA support and maintenance.

Commissioner Guard moved to approve the Consent Agenda. Seconded by Commissioner Frey. Motion carried 2-0 votes in favor.

PUBLIC HEARING

To Consider To Consider a Re-Zone from Agricultural to Commercial 2600 S Block of US Highway 231

Building/Zoning Administrator Marc Bonwell stated, "*Petitioner Larry Smith has filed a request to re-zone a 47-acre parcel of real property from Agricultural to Commercial. The parcel is located on US Highway 231 South, 500 feet South of the Green St Leasing INC. property at 2593 S US 231. The 47 acre parcel is currently used as row crop agricultural. The petitioner has submitted the rezone request with the intention of splitting 4.5 acres of the road frontage for the development of a equipment and implement dealership. The adjacent property to the South is a subdivision development of 28 lots called Moore Heights (more commonly the Brown Addition). Other properties south consist of row crop with the proposed 44 lot residential subdivision to the SW of the property in the rezone.*

The adjacent property to the North is the Glenn St Leasing INC property which is zoned industrial. To the east across 231 is the old Coffee Cup property which is zoned Commercial. Also East of the property is the New Hope Christian Church property. The site is served by on-site well and septic. If the rezone request is granted the developer will be required to obtain minor subdivision approval for the carve out of 4.5 acres for the development.

The Plan Commission held a public hearing on the petition on December 27, 2023 and after proper consideration, a majority of the Plan Commission members voted to make a favorable recommendation to the proposed Zoning Ordinance to the Montgomery County Commissioners for final decision on zoning classification."

Commissioner Frey opened the Public Hearing @ 8:03 am

Roger Azar, the engineer for the Petitioner stated one more condition has arisen since the Plan Commission approved to send a favorable recommendation to the Commissioners for the rezone request. A legal drain runs through the property and the tile has been located. Petitioner Larry Smith will re-align the legal drain. Mr. Azar continued that the project will proposed equipment and implement dealership will produce 20 new jobs.

James Howard, 2915 S. Stanley Drive, Crawfordsville, IN 47933 (Brown Addition)

Mr. Howard stated that he lives in the Brown Addition which consists of ranch-style brick homes. Mr. Howard commented that he along with others living in the Brown Addition have an interest in maintaining their property values and

style brick homes. Mr. Howard commented that he along with others living in the Brown Addition have an interest in maintaining their property values and questioned if there are any plans for the remaining 46 acres now zoned commercial and what kind of safeguards are in place for the remaining acreage. Mr. Bonwell explained that there are steps that would have to be taken for the rest of the acreage to be developed.

Commissioner Frey closed the Public Hearing @ 8:06 am

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Ordinance 2024-4 Approving the Request of Petitioner Larry Smith and Rezoning Certain Parcels of Land at 2600 S Block of US Highway 231 from Agricultural and Commercial

Commissioner Guard moved to approve Ordinance 2024-4 Approving the Request of Petitioner Larry Smith and Rezoning Certain Parcels of Land at 2600 S Block of US Highway 231 from Agricultural and Commercial. Commissioner Frey seconded. 2-0 votes in favor, motion passed.

NEW BUSINESS

Open Highway Department Bids – Purple Heart Parkway Extension Project

Attorney Taylor opened five bids received for the Purple Heart Parkway Extension Project:

1. Milestone Contractors - \$5,981,941.00
2. William Charles Construction Company - \$5,887,000.00
3. Morphe Construction - \$5,600,000.00
4. Calumet - \$5,371,000.00
5. Crider & Crider - \$5,344,598.25

Commissioner Guard moved to take the bids under advisement for review. Seconded by Commissioner Frey. Motion carried 2-0 votes in favor.

USI 2024-1 CCMG Project Development and Assistance Contract – Lump sum \$25,000

Authorization to Proceed:

The County will be pursuing an additional paving (CCMG) grant from the State for work in 2024. The end of January 2024 is the deadline to apply for the next round of grants. In the previous award to the County for paving in 2024, the maximum award was \$1 million. The State has increased the maximum award to \$1.5 million for the next round and the County intends to apply for that amount.

As a result of the quick timeline to prepare the necessary documents for the application, the County desires to utilize USI Consultants to assist in this endeavor. Their project scope includes application development, bid assistance and project

As a result of the quick timeline to prepare the necessary documents for the application, the County desires to utilize USI Consultants to assist in this endeavor. Their project scope includes application development, bid assistance and project close out for the following chip seal + micro surface projects:

Six (6) miles of Nucor Road (to also include thermoplastic pavement markings and berms)

Approximately seven (7) miles of road segments in various subdivisions

This treatment is estimated to cover ~33 road segments totaling under 14 miles.

Commissioner Frey moved the agreement with USI for the 2024-1 CCMG Project Development and Assistance Contract. Seconded by Commissioner Guard. Motion carried 2-0 votes in favor.

DES Work Order Agreement - Landfill Topo Mapping -

Attached is a Work Order from DES Civil and Environmental Engineering in the amount of \$5,200 for completing a detailed topographic mapping of the entire landfill to show post construction and current conditions. The mapping will allow the County and its consulting engineers to identify remaining areas that need to be addressed with additional fill.

Commissioner Guard moved to approve the DES Work Order Agreement. Seconded by Commissioner Frey. Motion carried 2-0 votes in favor.

Bid Recommendation for CCMG 2023-2 Project

Concord Rd from City Limits to CR400N

Ladoga Rd to Nucor Rd

CR700N from US231 to CR100

CR600S from US47 to New Market

CR600S from New Market Town Limits to US231

The following bids were opened at the January 8, 2024 Commissioner meeting:

Reith-Riley – Total Project Bid \$1,166,778.71;

Howard Contractors – Total Project Bid \$1,122,652.50;

Milestone - Total Project Bid \$1,113,170.

The bids were taken under advisement for review by USI and Highway Director Jake Lough. After review, Highway Director Lough stated he is recommending that the Commissioners award the project to Howard Contractors and requested approval of the corresponding contract

Jake Lough. After review, Highway Director Lough stated he is recommending that the Commissioners award the project to Howard Contractors and requested approval of the corresponding contract.

Commissioner Frey moved to award the project to Howard Contractors and approve the contract. Seconded by Commissioner Frey. Motion carried 2-0 votes in favor.

ORDINANCES

Final Reading Ordinance 2024-1: Creating 2024 Problem Solving Veterans Court Grant Fund - \$10,000

Montgomery County Veterans Court has been approved by the Indiana Supreme Court, Office of Judicial Administration, Indiana Office of Court Services to receive a grant in the amount of \$10,000 for office supplies, incentives, chemical testing, travel/training.

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Commissioner Frey moved to approve Ordinance 2024-1: Creating 2024 Problem Solving Veterans Court Grant Fund. Seconded by Commissioner Guard. Motion carried 2-0 votes in favor.

Final Reading Ordinance 2024-2: Creating 2024 Problem Solving Drug Court Grant Fund - \$13,000

Montgomery County Drug Court has been approved by the Indiana Supreme Court, Office of Judicial Administration, Indiana Office of Court Services to receive a grant in the amount of \$13,000 for Office Supplies, Incentives, Chemical Testing, Travel/Training and Participant Services.

Commissioner Frey moved to approve Ordinance 2024-2: Creating 2024 Problem Solving Drug Court Grant Fund. Seconded by Commissioner Guard. Motion carried 2-0 votes in favor.

Final Reading Ordinance 2024-3: Creating 2024 Problem Solving Family Recovery Court Grant Fund - \$10,000

Montgomery County Superior 2 Family Recovery Court has been approved by the Indiana Supreme Court of Judicial Administration, Indiana Office of Court Services to receive a grant in the amount of \$10,000 for incentives, participant services, chemical testing and travel/training.

Commissioner Frey moved to approve Ordinance 2024-3: Creating 2024 Problem Solving Family Recovery Court Grant Fund. Seconded by Commissioner Guard. Motion carried 2-0 votes in favor.

Solving Family Recovery Court Grant Fund. Seconded by Commissioner Guard. Motion carried 2-0 votes in favor.

RESOLUTIONS

Resolution 2024-2 Declaration of Official Intent to Reimburse Expenditures

Resolution declares the County's official intent to finance a portion of the cost to construct a new Nucor Road overpass and to reimburse itself for all or a portion of the costs of construction of the Project with the proceeds of the debt to be incurred by or on behalf of the County in an amount not expected to exceed \$7,300,000 for purposes paying or reimbursing costs of the Project; and to issue debt, or to approve debt issued by a leasing entity that will lease the Project to the County.

Commissioner Frey moved to approve Resolution 2024-2 Declaration of Official Intent to Reimburse Expenditures. Seconded by Commissioner Guard. Motion carried 2-0 votes in favor.

OTHER BUSINESS

ADJOURNMENT

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There being no further business before the Board, meeting adjourned. Meeting adjourned @ 8:20 am.

Minutes prepared by Commissioners Executive Assistant Lori Dossett.

The next regular meeting will be held on Monday, February 12, 2024 @ 8:00 am @ Montgomery County Government Center-Room E-109.

MONTGOMERY COUNTY BOARD OF COMMISSIONERS:

John E. Frey, President

Attest:

Mindy Byers, Auditor

**Finance Committee Meeting Minutes
Monday, January 22, 2024
8:30 am**

Present:

Treasurer Heather Laffoon
Auditor Mindy Byers
Commissioner John Frey
Commissioner Dan Guard
County Administrator Tom Klein
County Attorney Dan Taylor
Assistant County Attorney Tyler Nichols
Commissioner's Executive Assistant Lori Dossett

Absent:

Commissioner's Executive Assistant Lori Dossett

Absent:

Council President David Hunt

Commissioner Jim Fulwider

Treasurer Heather Laffoon distributed her written report including 2023 bank interest, balances and various investments. (See Report Attached)

Commissioner Frey moved to approve receipt of the financial report from Treasurer Heather Laffoon. Seconded by Commissioner Guard. 2-0 votes in favor, motion carried.

Commissioner John E. Frey

Commissioner Dan Guard

Attest:

Auditor Mindy Byers

2023 Sugar Creek Advisory Annual Report

Wednesday, January 31, 2024 1:52 PM

Sugar Creek Advisory Board 2023 Annual Report

Summary

- I. Permits: 0
- II. Changes in land use along riparian zone: 0
- III. Incidents: 0
- IV. Violations: 0
- V. Contacts: 1 by logging company for information. No trees extracted from 75-foot zone.
- VI. Inquiries: 2. 1) Inquiry regarding extracting an ash tree from bank near CR 225 bridge. Owner was advised of replacement requirement of 40 sqft basil area. No action taken. 2) 2022 Inquiry forwarded by Advisory Board regarding tree removal near Sugar Creek on N 360 E. Investigated by Mr. Bonwell. Found no trees removed within the 75-foot corridor.

Sugar Creek Advisory Board
Annual Report
2023
(Approved: January 25, 2024)

In 2023 the Sugar Creek Advisory Board consisted of the following members and officers:

- Kenny Cain, secretary, Term will expire 12/31/25.
- Allan Clauser, reappointed in February 2022 to a third term which expires 12/31/24.
- David Hadley, chairman, Reappointed: Term will expire 12/31/26.
- Greg Lough, vice chairman. Reappointed: Term will expire 12/31/26.
- Raoul Moore, Term expires December 31, 2024.
- Vacant during 2023. Jim Swift was appointed late in 2023 to fill this position. Swift's term will expire 12/31/26)

Serving as advisory nonvoting members were:

- Marc Bonwell, Montgomery County Building Administrator
- Blaine Gillan, Department of Natural Resources Conservation Officer

Tyler Nichols served as attorney for the Advisory Board.

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The Sugar Creek Advisory board met twice in 2023 (June 6 and September 10) and dismissed for lack of a quorum on March 16. David Hadley served as president/chairman; Greg Lough, vice president; and Kenny Cain, secretary.

Throughout the year the Board was kept informed about and worked to meet its commitments to the implementation of 319 Grant for the Upper Sugar Creek Watershed Management Plan Development Project led by the Montgomery County Soil and Water

oConservation District. Raoul Moore was the Advisory Board appointed member of the project steering committee. David Hadley served on the committee as a representative of Friends of Sugar Creek, a partner in the grant project, and Kenny Cain participated in project activities as a creek corridor landowner, and active member and participant in MCSWCD and Pheasants Forever. The grant project concluded in November 2023 with the filing of a final report. MCSWCD subsequently filed an application for a grant to implement the plan that had been developed under the 319 Grant. The Sugar Creek Advisory Board submitted a letter supporting the implementation grant application as we had for the original 319 grant. The implementation grant application did not receive approval in 2023, but will probably be resubmitted in 2024.

The Advisory Board continued its discussion of proposed correspondence with the the Montgomery County Commissioners about woodland damage in the creek corridor caused by what is considered to be overpopulation of whitetail deer. At the September meeting the Advisory Board approved a statement of concern to be submitted to the Montgomery County Board of Commissioners with its 2023 Annual Report. That statement is attached below.

Respectfully Submitted,

David Hadley, chair
Kenneth Cain
Allan Clauser
Greg Lough
Raoul Moore
Jim Swift

Attachment below

To: Montgomery County Board of Commissioners
From: Sugar Creek Advisory Board
Subject: White Tail Deer Over Population and Woodland Protection

A common reality among Sugar Creek corridor property owners as well as public and private foresters in Indiana is the damaging impact of the currently excessive white tail deer herd. These animals have consumed acorns and browsed oak seedlings resulting in a lost generation of oaks in our woodlands. Deer have also virtually eliminated many native plants, including trillium and other native wildflowers, various understory shrubs, and important varieties of tree seedlings, from sections of the corridor.

Woodland studies have shown a correlation between deer over browse and invasive plants. The native plants have been part of deers' diets since glacial retreat. They are 1st on the menu. Invasive plants are not suited to indigenous wildlife. For example, bush honeysuckle twig structure is not dense enough to shelter bird nests from predators. More deer results in more invasive plants and reduced native species, both flora and fauna.

Where deer over browse and invasive plants have been let run to their conclusion many native plants are extirpated. Roots are dead and there are no seeds. Even where invasive plants have been removed and deer fenced out, native plants must then be reintroduced. The longer we allow deer over populations the worse it gets and the harder it will be to fix.

The Sugar Creek Advisory Board is concerned that the Indiana Department of Natural Resources Division of Fish and Wildlife has encouraged the population of deer at the expense of plant biodiversity. The Board thus encourages the Montgomery County Commissioners to bring this issue to the attention of our Indiana state legislators, asking them to support legislation to direct the Department of Natural Resources to adopt policies that permit landowners who need to protect crops and timber stands from damage resulting from deer overpopulation to qualify for deer reduction measures without threat of prosecution by law enforcement.

Award Bids - Purple Heart Parkway Extension Project

Friday, February 2, 2024 10:56 AM

I have reviewed the Bid Packages for Purple Heart Parkway, and it is my recommendation that the City/County proceeds with Crider & Crider (Low Bidder). I have confirmed their bid packet is complete and there doesn't appear to be any unbalanced pay items.

Please note that I also have reviewed the post bid documents that they emailed in at the end of the week and they have provided everything except the Insurance (which I believe they will be having the insurance company send in).

1. **Crider & Crider - \$5,344,598.25**
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*Thank you,
Ryan Pattenaude, PE
Lochmueller Group*

2023 EMS Report

Friday, February 2, 2024 10:56 AM



115 S. Woodpecker Rd
Hagerstown, IN 47346
(765) 969-1133

Montgomery County Board of Commissioners
EMS Quality Assurance Assessment
January to December 2023

Ritter Strategic Services, LLC (RSS) respectfully submits this Quality Assurance and Compliance Report to the Montgomery County. RSS has prepared this report based on the data provided by the Montgomery County Communications Department (MCCD) and the Crawfordsville Fire Department (CFD). RSS has maintained correspondence via (interviews and email) with both agencies to ensure that any concerns arising during the rating period from January 1, 2023 to December 31, 2023 were addressed immediately.

The City of Crawfordsville and the Montgomery County Board of Commissioners entered an Interlocal Agreement for Emergency Medical Service (Ambulance) beginning January 1, 2023. Crawfordsville Fire Department (CFD) agreed to furnish and staff one (1) paramedic certified ambulance (Medic 54) for emergency medical response in Montgomery County, excluding the City of Crawfordsville and Union Township. Union Township contracts directly with the City for fire and EMS services. In addition, the City agreed to provide additional EMS services as needed based on the calls for service in the contracted areas of the County. During this rating period, the City has provided additional EMS services on approximately 29% of the emergency calls for service.

RSS has reviewed CAD reports provided by Montgomery County Central Communications Center (MCCC) and unit reports provided by CFD for this Quality Assurance Assessment for the period January 1, 2023 to December 31, 2023. In addition, CFD has provided information to RSS for all service level requirements of the Agreement.

RSS' quality assurance and compliance review classifies CFD's performance in one of three categories, which are "did not meet" "meets" or "exceeds" the performance requirements. The City either meets or exceeds performance in all areas (see Table 1).

RSS' quality assurance and compliance review does not include an evaluation of patient care provided by CFD or the emergency medical directions (EMD) provided by MCCC. Both entities are required to adhere to established protocols established by their credentialing authority.

Table 1. CFD performance during the rating period, 1/1/23 to 12/31/23

Category	Did not Meet	Meets	Exceeds	Comments
Medic 54 Availability		✓		71% response to the emergency calls for service
Provides backup EMS units for County response			✓	29% response to the emergency calls for service
First Responder Training (EMR)		✓		Course offered in June with 9 volunteers who successfully passed the course and obtained their State EMR Certifications
In-Service Trainings		✓		Offered in April, May, June, July, August, September, October, and November with 0-20 participants
Unit Status Communications with PSAP		✓		
Consumable Medical Supply Replacement Program		✓		Supplies provided, but not tracked by CFD
Medical Direction EMR		✓		7 of 9 VFD utilize CFD Medical Director Dr. Koneru
Maximum Acceptable Response Times		✓		
Monthly Reporting Requirements			✓	CFD submits EMS district reports for all units; MCECD submits monthly CAD reports

911 Calls for Service Dispatched

CFD was dispatched to 932 emergency 911 calls for service in Montgomery County (excluding Crawfordsville and Union Township). Medic 54 responded to 660 (71%) emergency calls for service. Additional CFD resources responded to 272 (29%) emergency calls for service. Table 2 lists calls for service by month.



115 S. Woodpecker Rd
 Hagerstown, IN 47346
 (765) 969-1133

Table 2. Number of Calls for Service by Month

Month	Medic 54	CFD other	Total
January	75	12	87
February	45	14	59
March	43	20	63
April	31	18	49
May	49	23	72
June	77	27	104
July	52	38	90
August	61	28	89
September	61	14	75
October	52	46	98
November	55	26	81
December	59	14	73
Total	660	272	932

Supporting data on file with CFD

(remainder of page is intentionally left blank)



115 S. Woodpecker Rd
 Hagerstown, IN 47346
 (765) 969-1133

The County’s contract with the City is to provide emergency medical services in ten of the eleven townships in the County. The number of calls for service in each Township has remained relatively consistent in 2023.

Table 3. Calls for EMS Service in Montgomery County’s Contracted Areas by Month

Township	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Brown	11	3	9	5	5	14	15	12	7	9	19	11	120
Clark	8	1	9	2	6	4	9	4	3	7	6	1	60
Coal Creek	8	3	4	6	9	4	6	3	3	10	9	9	74
Franklin	16	18	7	4	13	14	9	16	8	12	7	10	134
Madison	8	6	10	9	14	10	12	13	16	19	10	13	140
Ripley	4	3	2	1	2	8	3	1	5	1	2	4	36
Scott	9	5	4	2	3	17	3	7	7	6	7	4	74
Sugar Creek	1	0	3	1	3	14	1	2	1	2	0	2	29
Walnut	7	12	5	7	6	9	19	14	12	23	10	13	137
Wayne	15	8	10	12	11	10	13	17	13	9	11	6	133
Total	87	59	63	49	72	104	90	89	75	98	81	73	932

Maximum Acceptable Response Time

Crawfordsville Fire Department is required to meet or exceed a Maximum Acceptable Response Time in areas contracted by the County. “Maximum Acceptable Response Time” means “enroute to call” within two (2) minutes of dispatched time, arrival on scene time of fifteen (15) minutes or less, and a total time of seventeen (17) minutes or less from receipt of dispatched call by the ambulance provider to its arrival at the scene of the emergency.

The Maximum Acceptable Response Time must be met at least ninety percent (90%) of the time.

CFD’s average response time is approximately 10.04 minutes, which is almost 7 minutes faster than the required 17 minutes total response time. CFD’s performance is superior to these response times.



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Montgomery County Central Communications (MCCC)

Telecommunicators provide prearrival emergency medical direction (EMD) adhering to standardized protocols as adopted by the agency. EMD protocols require trained personnel to complete quality assurance evaluations on a predetermined percentage of calls for service. MCCC management team performs the EMD QA monthly. Deficiencies identified during the monthly evaluation are documented by the reviewer and remedial training was provided to the telecommunicator.

MCCC provided their monthly Quality Assurance Reports to RSS for review. RSS reviewed the documentation to ensure that MCCC is providing the services required for CFD personnel responding to an emergency call for service.

Complaints / Inquiries

For this rating period there have been no complaints filed against CFD or MCCC that alleges poor performance. MCCC management did receive unofficial reports of inconsistencies in dispatching by telecommunicators throughout the rating period. While unofficially reported, CFD also recognized some improvements with individual telecommunicators.

MCCC, like many other public safety agencies has experienced difficulties in recruiting and hiring qualified applicants. New employees are required to complete extensive training that includes EMD. The turnover and training environment at MCCC could be a contributing factor to the inconsistencies in dispatching.

The City of Crawfordsville has initiated the procurement process of an automated dispatching "system" that will be utilized by the PSAP for dispatching fire and EMS emergency calls for service. It is expected that this project will be completed in calendar year 2024.

Conclusion

1. CFD has exceeded their contractual obligations in providing EMS services to Montgomery County during this rating period.

Respectfully submitted,

Barry C. Ritter

Barry C. Ritter, ENP, CMCP
RSS

50/50 Dust Control Program

Friday, February 2, 2024 10:55 AM

Length of Application	Montgomery County Responsibility	Resident Responsibility	Total Cost
300 ft	\$505.48	\$500.00	\$1005.48
400 ft	\$670.65	\$670.00	\$1340.65
500 ft	\$840.81	\$835.00	\$1675.81
600 ft	\$1005.97	\$1005.00	\$2010.97
Every 100 ft after 600 ft	\$0.00	\$335.00	\$335.00

Re-Appointment to Public Defender Board - Conrad Harvey - 3yr term

Thursday, February 8, 2024 1:22 PM

Public Defender Board				
*Commissioner Appointment	Conrad Harvey	3yr	1/1/2021	12/31/2023
* Judge Appointments	Jack Whitcotten			
*Judge Appointments	Mike Reidy			

The public defender board is a 3-member board. The Commissioners have one Appointment to the Board and the judges appoint the other two members. Mr. Harvey has agreed to be re-appointed to the Board for a 3-year term.

Introduction Ordinance 2024-5: Re-Establishing the Cumulative Bridge Fund

Friday, February 2, 2024 10:55 AM

Montgomery County Board of Commissioners

Ordinance 2024-5

An Ordinance Re-Establishing the Cumulative Bridge Fund

Whereas, the Montgomery County Board of Commissioners has expressed a desire to re-establish and maintain a Cumulative Bridge Fund (“Cum Bridge Fund”), as provided for in Indiana Code §8-16-3, and impose a tax levy on all real and personal property in Montgomery County, under Indiana Code §6-1.1-41, to provide money for the construction, repair, maintenance and inspection of bridges in Montgomery County; and

Whereas, the tax rate for 2024 for the Cumulative Bridge Fund is \$0.075 per \$100 of assessed valuation, and the maximum property tax rate for the Fund per Indiana Code §8-16-3 is \$0.10 per \$100 of assessed valuation; and

Whereas, the Commissioners provided to the affected taxpayers of Montgomery County notice of this proposed ordinance and of the public hearing, as required by Indiana Code §5-3-1, by publishing on February 14, 2024 and February 21, 2024 notice of the public hearing in the *Journal Review* and *The Paper of Montgomery County*, two newspapers of general circulation in Montgomery County, Indiana; and

Whereas, the Commissioners conducted a public hearing on the proposed ordinance on February 26, 2024 at which time no taxpayers testified

regarding the re-establishment of the Cumulative Bridge Fund and the proposed increase in the tax rate of such Fund; and

Whereas, the Commissioners introduced this ordinance on February 12, 2024; and

Whereas, the Indiana Department of Local Government Finance may, under Indiana law, adjust the County's maximum tax rate for the Cumulative Bridge Fund based on trending and reassessment of taxable property located in the County, and the proposed tax increase is subject to approval by the Department; and

Whereas, the Commissioners have a purpose for which the funds can be spent, specifically the construction, repair, maintenance and inspection of bridges, and desire to reestablish the tax rate of the Cumulative Bridge Fund at the proposed rate of \$0.075 per \$100 assessed valuation; and

Whereas, the Commissioners find that the Cumulative Bridge Fund should be re-established and that the tax rate for the Cumulative Bridge Fund should be \$0.075 per \$100 assessed valuation.

It is therefore ordained that the Montgomery County Board of Commissioners enact:

Section 1. Cumulative Bridge Fund Re-Establishment. The Montgomery County Board of Commissioners hereby re-establishes the Cumulative Bridge Fund pursuant to Indiana Code §6-1.1-41, to be used for the purposes allowed and set forth in Indiana Code §8-16-3, including the construction, repair, maintenance and inspection of bridges, and now establish the rate to be \$0.075 per \$100 assessed valuation on all taxable real property and personal property in Montgomery County, Indiana.

Section 2. Tax Rate. The County Board of Commissioners now levies a tax on all real and personal property in Montgomery County to provide funds to the Cumulative Bridge Fund. The property tax will not exceed \$0.075 on each \$100 of assessed valuation. This tax rate will be levied beginning with taxes for 2024, due and payable in 2025.

Section 3. DLGF Approval. The County Board of Commissioners directs the County Auditor to submit, to the Indiana Department of Local Government Finance, all proofs of publication of the notices to taxpayers and the Commissioner's public hearing held on February 26, 2024 and a certified copy of this ordinance, as provided by Indiana Code § 6-1.1-41-4, as the County's proposal for re-establishing the Cumulative Bridge Fund and imposing a tax levy by the County to be approved by the Department of Local Government Finance. This proposal must be submitted to the Indiana Department of Local Government Finance before May 31, 2024, in accordance with Indiana Code § 6-1.1-41-4. This ordinance is subject to the approval of the Indiana Department of Local Government Finance.

Section 4. Publication of Notice of Adoption. The Auditor shall publish notice of adoption of this ordinance within thirty (30) days of the adoption of this ordinance.

Section 5. Advertisement. The Auditor shall annually advertise this tax levy in the same manner as other tax levies are advertised.

Section 5. Repeal of Conflicting Ordinances. The provisions of all other County ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 6. Duration and Effective Date. The provisions of this Ordinance shall become effective immediately and remain in full force and effect until repealed by ordinance.

Adopted this 26th day of February, 2024.

Montgomery County, Indiana
Board of Commissioners

Voting Yes:

Voting No:

John Frey, President

James D. Fulwider, Vice President

Dan Guard, Member

Attest:

Mindy Byers, Auditor

Introduction Ordinance 2024-6: Creating the 2023 Election Security Local Grant Fund

Friday, February 2, 2024 10:55 AM

Montgomery County Board of Commissioners

Ordinance 2024-6

AN ORDINANCE CREATING THE 2023 ELECTION SECURITY LOCAL GRANT FUND

Whereas, the Montgomery County Clerk has been approved by the Indiana Secretary of State to receive a grant in the amount of \$64,240 for the purchase of scanners with ballot boxes; barcode scanners; hardware and training as detailed in the grant agreement; and

Whereas, the use of funds from the grant award may be used by the Montgomery County Clerk consistent with the terms and conditions of the grant award and grant agreement; and

Whereas, the Montgomery County Board of Commissioners finds that a new fund, the 2023 Election Security Local Grant Fund, should be created in order to receive the funds from the Indiana Secretary of State's Office and to provide a mechanism for appropriation and accounting for the funds used.

Therefore, it is ordained that a new section, Section 35.____ of the Montgomery County Code, is hereby added to the County Code and that this new section shall read as follows:

“§ 35. ___ 2023 Election Security Local Grant Fund

(A) *Source of Funds.* The Montgomery County Board of Commissioners hereby establishes the 2023 Election Security Grant Fund. The fund shall consist of monies received by the Secretary of State to improve the voting process and the outreach of our citizens.

(B) *Use of Funds.* All money of the 2023 Election Security Grant Fund will be used consistent with the grant award to provide specifically the purchase of \$50,800-(8) Open Elect Freedom Vote Scanner (FVS) Units with Ballot Box; \$10,170-(3) Freedom Vote with Barcode Scanner (FVT) Units; \$1,695 (1) Hardware Acceptance and Training; and \$1,574 for shipping of equipment in a form and manner consistent with the award.

(C) *Non-Reverting Fund.* This is a Non-Reverting Fund.”

It is further ordained that this ordinance shall be effective upon adoption.

It is further ordained that all other provisions of the Montgomery County Code of Ordinances which are not specifically amended by this ordinance shall remain in full force and effect.

Adopted this ___ day of February 2024.

Montgomery County Board of Commissioners:

John E. Frey, President

Jim Fulwider, Vice President

Dan Guard, Member

Attest:

Mindy Byers, Auditor

Introduction Ordinance 2024-7: Creating 2024 Well Water Testing Grant Fund

Friday, February 2, 2024 3:14 PM

Montgomery County Board of Commissioners

Ordinance 2024-7

AN ORDINANCE CREATING THE 2024 WELL WATER TESTING GRANT FUND

Whereas, the Montgomery County Health Department has been approved by the Indiana State Department of Health to receive a grant in the amount of \$2,000 for expenses related to well water testing as detailed in the grant agreement; and

Whereas, the use of funds from the grant award may be used by the Montgomery County Health Department consistent with the terms and conditions of the grant award and grant agreement; and

Whereas, the Montgomery County Board of Commissioners finds that a new fund, the 2023 Well Water Testing Grant Fund, should be created in order to receive the funds from the Indiana Department of Health and to provide a mechanism for appropriation and accounting for the funds used.

Therefore, it is ordained that a new section, Section 35.____ of the Montgomery County Code, is hereby added to the County Code and that this new section shall read as follows:

"§ 35.____ 2024 Well Water Testing Grant Fund

"§ 35. ___ 2024 Well Water Testing Grant Fund

(A) *Source of Funds.* The Montgomery County Board of Commissioners hereby establishes the 2024 Well Water Testing Grant Fund. The fund shall consist of monies received by the Indiana State Department of Health for expenses related to well water testing.

(B) *Use of Funds.* All money of the 2024 Well Water Testing Grant Fund will be used consistent with the grant award to provide specifically for supplies related to well water testing of equipment in a form and manner consistent with the award.

(C) *Non-Reverting Fund.* This is a Non-Reverting Fund."

It is further ordained that this ordinance shall be effective upon adoption.

It is further ordained that all other provisions of the Montgomery County Code of Ordinances which are not specifically amended by this ordinance shall remain in full force and effect.

Adopted this ____ day of February 2024.

Montgomery County Board of Commissioners:

John E. Frey, President

Jim Fulwider, Vice President

Dan Guard, Member

Attest:

Mindv Bvers. Auditor

Mindy Byers, Auditor

Introduction Ordinance 2024-8: Amending Chapter 151: Flood Damage Prevention

Wednesday, February 7, 2024 10:02 AM

Printout

Thursday, February 8, 2024 3:20 PM

CHAPTER 151: FLOOD DAMAGE PREVENTION

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

- 151.01 Statutory Authorization
- 151.02 Findings of Fact
- 151.03 Statement of Purpose
- 151.04 Methods of Reducing Flood Loss

Definitions

151.05

General Provisions

- 151.06 Lands to Which This Ordinance Applies
- 151.07 Basis for Establishing the Areas of Special Flood Hazard
- 151.08 Establishment of Floodplain Development Permit
- 151.09 Compliance
- 151.10 Abrogation and Greater Restrictions
- 151.11. Discrepancy between Mapped Floodplain and Actual Ground Elevations
- 151.12 Interpretation
- 151.13 Warning and Disclaimer of Liability
- 151.14 Penalties for Violation

ADMINISTRATION

- 151.15 Designation of Administrator
- 151.16 Floodplain Development Permit and Certification Requirements
- 151.17 Duties and Responsibilities of the Administrator
- 151.18 Administrative Procedures
- 151.19 Map Maintenance Activities
- 151.20 Variance Procedures

PROVISIONS FOR FLOOD HAZARD REDUCTION

- 151.21 Floodplain Status Standards
 - 151.21.1 Standards for Identified Floodways
 - 151.21.2 Standards for Identified Fringe
 - 151.21.3 Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringe
 - 151.21.4 Standards for SFHAs not Identified on a Map
- 151.22 General Standards
- 151.23 Specific Standards
 - 151.23.1 Building Protection Requirement
 - 151.23.2 Residential Construction (excluding manufactured homes)
 - 151.23.3 Non-Residential Construction
 - 151.23.4 Manufactured Homes and Recreational Vehicles
 - 151.23.5 Accessory Structures
 - 151.23.6 Pavilions, Gazebos, Decks, Carports, and Similar Development
 - 151.23.7 Above Ground Gas or Liquid Storage Tanks
- 151.24 Standards for Subdivision Proposals
- 151.25 Standards for Critical Facilities

LEGAL STATUS PROVISIONS

- 151.26 Severability

FLOOD DAMAGE PREVENTION

Statutory Authorization, Findings of Fact, Purpose, and Methods

§151.01 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 Board of Commissioners of Montgomery County does hereby adopt the following floodplain management regulations.

§151.02 Findings of Fact

The flood hazard areas of Montgomery County 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.

§151.03 Statement of Purpose

It is the purpose of this ordinance 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; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

§151.04 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; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

§151.05 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.

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.

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.

- (1) Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.
- (2) 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.

- (3) 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:
- a. 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;
 - b. Structures used by the public, such as a place of employment or entertainment; and,
 - c. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples includes, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

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.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance, a request for a variance, or a challenge of a board decision.

Area of special flood hazard is the land within a community subject to a one (1) percent or greater chance of being flooded in any given year.

Base flood means the flood having a one percent 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.

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.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

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.

Building – See "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

Development means, for floodplain management purposes, any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) 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;
- (3) installing utilities, erection of 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 and/or reconstruction of boat lifts, docks, piers, and seawalls;
- (7) construction and/or reconstruction of, bridges or culverts;
- (8) storage of materials; or
- (9) 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.

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.

Enclosed area (enclosure) is an area of a structure enclosed by walls on all sides.

Enclosure below the lowest floor. See "Lowest Floor" and "Enclosed Area."

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.

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).

FEMA means the Federal Emergency Management Agency.

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.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (3) 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.

Flood hazard area means areas subject to the one percent annual chance flood. (See “Special Flood Hazard Area”)

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).

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.

Flood prone area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See “Floodplain”)

Flood Protection Grade (FPG) is the BFE plus two (2) feet at any given location in the SFHA. (See “Freeboard”)

Floodplain or flood prone area means any land area susceptible to being inundated by water from any source. (See “Flood”)

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.

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.

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.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG.

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 cumulatively increasing the water surface elevation more than a designated height.

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.

Fringe or Flood Fringe is the portion of the floodplain lying outside the floodway.

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.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Montgomery County 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.

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.

Historic structure means any structure that is:

- (1) 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;
- (2) 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;
- (3) 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
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

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.

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.

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.

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:

- (1) **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.
- (2) **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.
- (3) **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.
- (4) **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.
- (5) **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.
- (6) **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.

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.

Lowest floor means, for floodplain management purposes, the lowest elevation described among the following:

- (1) The lowest floor of a building.
- (2) The basement floor.

- (3) The garage floor if the garage is connected to the building.
- (4) The first floor of a structure elevated on pilings or pillars.
- (5) 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:
 - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.
 - b. 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.
- (6) 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.

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."

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.

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.

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.

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.

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.

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.

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.

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".

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.

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.

Principally above ground means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Recreational vehicle means 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) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

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 151.07 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA), synonymous with "areas of special flood hazard" and floodplain, means those lands within the jurisdiction of the county subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, as Zones A, AE, 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.

Solid waste disposal facility means any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.

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.

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.

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.

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 "repetitive loss" or "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.

Variance is a grant of relief from the requirements of this ordinance consistent with the variance conditions herein.

Violation means the failure of a structure or other development to be fully compliant with this ordinance.

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.

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.

General Provisions

§151.06 Lands to Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of Montgomery County, Indiana as identified in 151.07, including any additional areas of special flood hazard annexed by Montgomery County, Indiana.

§151.07 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 Montgomery County, delineated as an "AE Zone" on the Montgomery County, Indiana and Incorporated Areas Flood Insurance Rate Map dated February 2, 2012 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of Montgomery County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Maps (FIRM) dated February 2, 2012 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 Montgomery County, delineated as an "A Zone" on the Montgomery County, Indiana and Incorporated Areas Flood Insurance Rate Map, dated February 2, 2012, 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.

§151.08 Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

§151.09 Compliance

- (1) No structure shall hereafter be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this ordinance 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 ordinance 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 ordinance and other applicable regulations.

§151.10 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§151.11 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.

§151.12 Interpretation

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

§151.13 Warning and 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 Montgomery County, the 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 thereunder.

§151.14 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 ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Montgomery County. All violations shall be punishable by a fine not exceeding \$500.00.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Montgomery County Building Administration 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 county from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Administration.

§151.15 Designation of Administrator

The Board of County Commissioners of Montgomery County hereby appoints the Building Administrator to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

§151.16 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. A letter from a licensed professional surveyor or engineering noting that an elevation reference benchmark has been established or confirmed for those projects requiring elevations to be met.
- g. 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.
- h. 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;
- i. Plans showing elevation (in NAVD 88) to which any non-residential structure will be flood-proofed;
- j. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade;
- k. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant;
- l. Plans showing how any proposed structure will be anchored to resist flotation or collapse;
- m. 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;
- n. 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 151.17 (8) AND 151.19 for additional information.)
- o. 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 ordinance.

(2) Construction Stage

- a. Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator shall review the elevation certificate. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(3) Finished Construction.

- a. Upon completion of construction of any structure requiring certification of elevation, an elevation certificate 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.

§151.17 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 ordinance. The administrator is further authorized to render interpretations of this ordinance, 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 ordinance.
- (2) Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this ordinance 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 151.21.1 through 151.25 of this ordinance 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 151.21.1, 151.21.3 and 151.21.4 of this ordinance. 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 151.17 (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 151.16.
- (13) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with 151.16.
- (14) Make on-site inspections of projects in accordance with 151.18.

- (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 151.18.
- (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 ordinance in accordance with 151.18.
- (20) Coordinate map maintenance activities and associated FEMA follow-up in accordance with 151.19.
- (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 ordinance.

§151.18 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 ordinance 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 ordinance, 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 ordinance.

(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 ordinance 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 ordinance; 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 ordinance.
- b. These records shall be available for public inspection at the Montgomery County Building Department located at 1580 Constitution Row, Crawfordsville, IN 47933.

- (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.

§151.19 Map Maintenance Activities

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Montgomery County's flood maps, studies and other data identified in 151.07 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:
 - i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - ii. 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;

- iii. 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 County Commissioner President of Montgomery County 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 Montgomery County 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 Montgomery County, Indiana and Incorporated Areas flood Insurance Rate Map accurately represent the Montgomery County boundaries, include within such notification a copy of a map of the Montgomery County suitable for reproduction, clearly showing the new corporate limits or the new area for which the Montgomery County has assumed or relinquished floodplain management regulatory authority.

§151.20 Variance Procedures

- (1) The Montgomery County Floodplain Commission (the board) as established by the Board of County Commissioners shall hear and decide appeals and requests for variances from requirements of this ordinance.
- (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 ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Circuit Court of Montgomery County.
- (3) In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, 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 ordinance 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 151.05
 - 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 151.21.1, 151.21.3 (a) or 151.21.4 of this ordinance may be granted.
- (7) Any variance granted in a floodway subject to 151.21.1, 151.21.3 (a) or 151.21.4 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 151.21.1 through 151.25 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 ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (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 floor 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 of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

Provisions for Flood Hazard Reduction

§151.21 Floodplain Status Standards

(1) Floodways (Riverine)

Located within SFHAs, established in 151.07, 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 151.07, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and speci-

fications, 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 a 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 151.19 (1). A Conditional Letter of 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 county 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.

(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.

(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 this article have been met.

§151.22 General Standards

In all areas of special flood hazard, the following provisions are required:

- (1) All new construction, reconstruction or repairs made to a repetitive loss structure, 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 ordinance shall meet the requirements of "new construction" as contained in this ordinance;
- (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 ordinance 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.
- (12) Non-conversion agreements shall be required for all new or substantially improved elevated structures with an enclosure beneath the elevated floor, accessory structures, and open-sided shelters.

- (13) Construction of new solid waste disposal facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in areas of special flood hazard; and
- (14) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
- a. The excavation shall take place in the same floodplain on the same property on which the authorized fill or structure is located, provided sufficient space exists. If sufficient space does not exist on the same property, the excavation shall take place in the same floodplain no further than 1000' from the site of the authorized fill or structure, provided authorization/permission has been granted by the owners of any property where the excavation is proposed.
 - b. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory floodwater, will not be subject to ponding when not inundated by floodwater, and that it shall not be refilled.
 - c. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by floodwater.
 - d. The excavation shall be sufficiently stabilized and compacted to remain firm and resist erosion.
 - e. A restrictive covenant which states the approved compensatory cut area (excavation) shall not be altered without approval from the Floodplain Administrator shall be executed and recorded in the County Recorder's Office that runs with the property.
 - f. The fill or structure shall not obstruct a drainage way leading to the floodplain.
 - g. The grading around the excavation shall be such that the excavated area is accessible to the regulatory floodwater.
 - h. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement. When a structure is placed on fill it shall follow additional requirements of 151.23.2 (d) and 151.23.3(d).
 - i. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

§151.23 Specific Standards

In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in 151.07, the following provisions are required:

- (1) Building Protection Requirement. In addition to the general standards described in 151.22, 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 an 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;
- g. Reconstruction or repairs made to a repetitive loss structure; and
- h. Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance.

(2) Residential Construction.

- a. New construction or substantial improvement of any residential structures shall meet provisions described in 151.21 and applicable general standards described in 151.22
- 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 151.23 (c). Should fill be used to elevate a structure, the standards of 151.23.2 (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:
 - i. 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.

- 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;
 - G. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- ii. 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 fill in accordance with the following
 - i. 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;
 - ii. Fill shall extend at least ten feet beyond the foundation of the structure before sloping below the BFE;
 - iii. 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;
 - iv. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties;
 - v. Fill shall be composed of clean granular or earthen material.
 - 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 back-filled 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 151.21.1 through 151.21.4 and applicable general standards described in 151.22.
- 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 151.23.3 (c). Should fill be used to elevate a structure, the standards of 151.23.3 (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:
 - i. 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 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. Doors and windows do not qualify as openings;
 - D. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
 - E. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
 - ii. 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:
 - i. 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;

- ii. Shall extend at least ten feet beyond the foundation of the structure before sloping below the BFE;
 - iii. 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;
 - iv. Shall not adversely affect the flow of surface drainage from or onto neighboring properties;
 - v. Shall be composed of clean granular or earthen material.
- e. A nonresidential structure may be floodproofed in accordance with the following:
- i. 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 of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.
 - ii. 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:
- i. 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.
 - ii. 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 151.23.2 (c).
 - iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- b. Recreational vehicles placed on a site in the SFHA shall either:
- i. 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

- ii. 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 151.23.3 (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 151.23.3.

§151.24 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 area 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.
- (5) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- (6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
- (7) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

§151.25 Standards for Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

Legal Status Provisions

§151.26 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. 1997-4, passed 4-15-97; Am. Ord. 2022-16, passed 5-9-22).

Resolution 2024-2: Establishing the Intent to Conduct A Commissioner's Sale to Sell Tax Sale Certificates for Properties That Are Severely Delinquent in Payment of Property Taxes

Friday, February 2, 2024 10:54 AM

MONTGOMERY COUNTY COMMISSIONERS

RESOLUTION 2024-3

A RESOLUTION ESTABLISHING THE INTENT TO CONDUCT A COMMISSIONER'S SALE TO SELL TAX SALE CERTIFICATES FOR PROPERTIES THAT ARE SEVERELY DELINQUENT IN PAYMENT OF PROPERTY TAXES

WHEREAS, there are several properties in Montgomery County that are severely delinquent in the payment of property taxes, having been offered for tax sales and which received no bids equal to or in excess of minimum sale price. The parcel numbers of those properties being attached to this resolution as **'Exhibit A'**, and

WHEREAS, there is an assessed value associated with these properties for taxation purposes, but no taxes are being collected, therefore causing a lower than expected tax distribution to those taxing units and taxing districts within which the properties are located, and

WHEREAS, the Montgomery County Commissioners desire to have these properties back on the tax rolls with taxes being collected, and

WHEREAS, Indiana Statute, IC 6-1.1-24-6 through IC 6-1.1-24-6.4 allows for the County Commissioners to acquire a lien on those delinquent properties and receive issuance of the tax sale certificates for those properties, without taking title to the properties, therefore limiting the liability and cost normally associated with taking title,

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners that the County Executive shall acquire liens and receive tax sale certificates of the properties listed on **'Exhibit A'** that are severely delinquent and sell said certificates at a properly advertised Commissioner Tax Certificate sale.

Adopted this ____ day of February 2024.

MONTGOMERY COUNTY BOARD OF COMMISSIONERS

Commissioner John E. Frey

Commissioner Jim Fulwider

Commissioner Dan Guard

ATTEST: _____
Mindy Byers, Montgomery County Auditor

EXHIBIT A

Not Sold Properties Listing FOR MONTGOMERY COUNTY

PRINTED: 10/2/2023

Section 4 Report 1:

Page 1 of 1

<u>STATUS:</u>	<u>PROPERTY ID:</u>	<u>SALE ID:</u>	<u>OWNER NAME:</u>	<u>LEGAL DESCRIPTION:</u>	<u>AMOUNT DUE DURING SALE:</u>
COUNTY	54-02-08-334-049.000-017	542300042	Bush Kimberla F	PT EH SWQ 8-20-4 0.251 A	\$912.76
<i>Redeemed</i> COUNTY	54-12-23-444-056.000-019	542300043	Hodges Chris & Marie	LOT 5 BLK 10 OP ALAMO & ADJ VACATED ALL	\$602.02
COUNTY	54-10-02-300-016.001-025	542300052	317 Realty Group Llc	PT SWQ 2-18-4 1A	\$307.47
COUNTY	54-10-19-111-001.059-025	542300057	Brookstone Builders Llc	BROOKSTONE SUBDIVISION DETENTION PON	\$856.12
COUNTY	54-06-35-400-034.000-027	542300067	Bush Jason K	PT EH NEQ 35-19-5 .49 A	\$301.83
COUNTY	54-07-32-444-070.000-030	542300087	Dreyer Samuel Willis	PT LOTS 11 & 12 LEES ADD	\$2,446.77
<i>Redeemed</i> COUNTY	54-10-05-112-082.000-030	542300089	Stevens Rusty Alan & Erin Marie H/w	PT LOT 16 JOHN WILSONS OUTLOTS	\$8,221.40
TOTAL NUMBER OF PROPERTIES				TOTAL AMOUNT DUE	\$11,648.37
<i>5</i>					<i>4,824.95</i>

912.76+
 307.47+
 856.12+
 301.83+
 2,446.77+
 005
 4,824.95+
 0.*

Resolution 2024-3: Declaring Property as Surplus

Friday, February 2, 2024 3:08 PM

MONTGOMERY COUNTY BOARD OF COMMISSIONERS

RESOLUTION 2024-3

A RESOLUTION DECLARING PROPERTY AS SURPLUS

WHEREAS, the Montgomery County Probation Department has determined that the miscellaneous IT equipment on Attachment A is no longer useful to the department.

AND WHEREAS, the Probation Department is recommending that the equipment listed on Attachment A of this Resolution be declared as surplus property.

IT IS, THEREFORE, RESOLVED that Montgomery County Board of Commissioners declare the equipment listed on Attachment A as surplus property and authorizes the Probation Department to dispose of the equipment per the requirements of State Law.

THIS RESOLUTION is hereby approved on this ____ day of February 2024.

MONTGOMERY COUNTY BOARD OF COMMISSIONERS

John E. Frey, President

Jim Fulwider, Vice President

Dan Guard, Member

Attest:

Mindy Byers, Auditor

2024 Surplus Items

<u>Mouse</u>	
Brand: Microsoft Surface (RO)	Brand: Microsoft Surface (EC)
Serial # 5010026002486	Serial # 5072025029486
Model # 1791	Model # 1791
<u>Laptop</u>	
Brand: HP ProBook 6450b	Brand: Lenovo ThinkPad
Serial # CNU02538MF	Serial # MP-4XN47
Model # P6450bUi335MQ4MX320NBNNCN237a	Model # 3347-6UU
Brand: Dell Latitude E8450	Brand: Lenovo ThinkPad
Serial # 9QNQVF2	Serial # MP-2YFW0
Model # D42G3 A02	Model # 3347-2GU
Brand: Lenovo ThinkPad	Brand: Microsoft Surface Book 2 13" (FG)
Serial # MP-4XN42	Serial # 41441793857
Model # 3347-6UU	Model # 1832
Brand: HP	
Serial # BDAEBOBCP5M77T	
Model # SK-2880	
<u>Keyboard</u>	
Brand: Gear Head	Brand: Microsoft Wireless Keyboard 2000 (JY)
Serial # 121433-109363	Serial # 356104045023
Model # KB5165W	Model # 03561-545-0450237-41825
Brand: Dell (JY)	Brand: Microsoft Surface (BP)
Serial # CN-0644G3-71616-65P-1DDH-A03	Type: Ergonomic Keyboard
Model # KB216t	Color: Silver
<u>Monitor</u>	
Brand: Acer (LV)	Brand: HP LE1901wm (EC)
Serial # MMT0EAA002510025628512	Serial # 3CQ0290ZM3
Model # K222HQL	Model # NP446A
Brand: Acer (FM)	Brand: HP 19" LCD Color Monitor (BP)
Serial # MMT0EAA002510025738512	Serial # 3CQ91830CF
Model # K222HQL	Model # LE1901wm
Brand: HP 19" LCD Color Monitor (NL/BAM)	Brand: HP 23.8" LCD Monitor (MB)
Serial # 3CQ0290ZK9	Serial # 6CM0141NL3
Model # LE1901wm	Model # HSTND-9731-L
Brand: HP 23.8" LCD Monitor (MB)	
Serial # 6CM0141P4P	
Model # HSTND-9731-L	
<u>3 Hole Punch</u>	
	Type: Master Products MP50 (front office)
<u>Scanner</u>	
Brand: Fujitsu fi-7160	Brand: APC (KS)
Serial # C10A144804	Serial # 3B0938X36618
Model # P3670E	Model # BE650G
<u>Battery Backup</u>	
<u>Tower</u>	
Brand: HP Compaq Elite 8300 (MB)	Brand: Fellowes (LV)
Serial # MXL35218BS	Type: 60Cs
Model # TPC-F026-SF	Color: Black
<u>Shredder</u>	