

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA
MONDAY, JULY 8, 2024**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions, in the Council Chamber of the City-County Building at 7:13 p.m. on Monday, July 8, 2024, with Councilor Osili presiding.

Councilor Carlino recognized Pastor Charles Neal, Re-Entry Pastor, Brookside Community Church, who led the opening prayer. Councilor Carlino then invited all to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

23 YEAS: Allen, Annee, Bain, Barth, Boots, Brown-J, Cahill, Carlino, Delaney, Dilk, Gibson, Graves, Hart, Jones, Lewis, Mascari, McCormick, Mowery, Nielsen, Osili, Perkins, Roberts, Robinson
2 ABSENT: Brown-A, Evans

A quorum of twenty-three members being present, the President called the meeting to order.

OFFICIAL COMMUNICATIONS

President Osili called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen:

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, July 8, 2024, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Vop Osili
President, City-County Council

June 14, 2023

TO PRESIDENT OSILI AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, June 21, 2024 a copy of a Notice of Public Hearing on Proposal No. 189, 2024, said hearing to be held on Monday, July 8, 2024, at 7:00 p.m. in the Public Assembly Room of the City-County Building.

Journal of the City-County Council

Respectfully,
s/Yulonda Winfield
Clerk of the City-County Council

June 27, 2023

TO PRESIDENT OSILI AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, July 5, 2024 a copy of a Notice of Public Hearing on Proposal Nos. 201 and 202, 2024, said hearing to be held on Monday, July 15, 2024, at 5:30 p.m. in the Public Assembly Room of the City-County Building.

Respectfully,
s/Yulonda Winfield
Clerk of the City-County Council

June 5, 2024

TO PRESIDENT OSILI AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Yulonda Winfield, the following ordinance:

FISCAL ORDINANCE NO. 1, 2024 – transfers existing appropriations from various city-county funds for use by various city-county departments and agencies and appropriates \$35,434,038 of funds not previously appropriated, including but not limited to additional grant awards

FISCAL ORDINANCE NO. 2, 2024 – transfers existing appropriations from various city-county funds for use by various city-county departments and agencies and appropriates \$43,703,000 of funds not previously appropriated, including, but not limited to, additional supplemental income tax revenue

GENERAL ORDINANCE NO. 16, 2024 – authorizes a speed limit reduction to 30 mph on Albany Street from Perkins Avenue to Emerson Avenue (District 19)

GENERAL ORDINANCE NO. 17, 2024 – authorizes a speed limit reduction to 25 mph in the area bounded by E. Brookside Avenue, Nowland Avenue, Brookside Parkway South Drive, N. Rural Street and E. 10th Street (District 13)

GENERAL ORDINANCE NO. 18, 2024 – authorizes a speed limit reduction to 25 mph within an area bounded by N. Rural Street, Brookside Parkway S. Drive, N. Sherman Drive and E. 10th Street (District 13)

GENERAL ORDINANCE NO. 19, 2024 – authorizes a speed limit reduction to 25 mph within an area bounded by E. 10th Street, N. Rural Street, E. Michigan Street and Tecumseh Street (District 13)

GENERAL ORDINANCE NO. 20, 2024 – authorizes a speed limit reduction to 25 mph in the Cottage Neighborhood (District 13)

GENERAL ORDINANCE NO. 21, 2024 – authorizes a speed limit reduction to 25 mph in an area bounded by N. Sherman Drive, E. Michigan Street, N. Emerson Avenue and E. New York Street (District 13)

SPECIAL ORDINANCE NO. 4, 2024 – renews the Marion County Health Department's Safe Syringe Access and Support Program and extends it for two years by adopting the declarations of the Director of the Marion County Public Health Department and approving the program

SPECIAL ORDINANCE NO. 5, 2024 – authorizes the city controller to amend the city-county deferred compensation plan and to amend the City of Indianapolis' Investment Policy to allow for advisory committees

GENERAL RESOLUTION NO. 16, 2024 – approves the statement of benefits of Calumet Specialty Products Partners, L.P., an applicant for tax abatement for property located in an economic revitalization area

GENERAL RESOLUTION NO. 17, 2024 – approves applicant's statement of benefits to allow tax abatement for Novartis Manufacturing LLC and Advanced Accelerator Applications USA, Inc. for property which is located in an economic revitalization allocation area defined by IC 36-7-15.1-26

July 8, 2024

GENERAL RESOLUTION NO. 18, 2024 – authorizes the lease of specified land by the Department of Parks and Recreation, specifically the Indy Soccer & Sports Center and Kuntz Memorial Stadium, to Riverside Sports Properties, LLC, who will provide significant capital investment into the renovation and rehabilitation of the property and assist in increasing utilization

GENERAL RESOLUTION NO. 19, 2024 – designates a portion of Capitol Avenue, from Maryland to South Street, as Reverend Charles R. Williams Memorial Way

GENERAL RESOLUTION NO. 20, 2024 – approves a declaratory resolution and development area plan of the Metropolitan Development Commission for the establishment of an additional Professional Sports Development Area

SPECIAL RESOLUTION NO. 17, 2024 – honors Commander Ida Williams for her 35 years of exemplary service with the Indianapolis Metropolitan Police Department

SPECIAL RESOLUTION NO. 18, 2024 - recognizes the June Celebration of LGBTQ+ Pride Month

s/Joseph H. Hogsett, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without further objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of June 3, 2024. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 188, 2024. The proposal, sponsored by Councilors Carlino, Roberts and J. Brown, recognizes FACE Low-Cost Animal Clinic. Councilor Carlino read the proposal and presented copies of the document and Council pins to representatives. Representatives thanked the Council for the recognition. Councilor Carlino moved, seconded by Councilor Nielsen, for adoption. Proposal No. 188, 2024 was adopted by a unanimous voice vote.

Proposal No. 188, 2024 was retitled SPECIAL RESOLUTION NO. 19, 2024, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 2024

A SPECIAL RESOLUTION recognizing FACE Low-Cost Animal Clinic.

WHEREAS, FACE low- Cost Animal Clinic (FACE) opened its doors in 1999. Since then, FACE has directly contributed to driving down the animal euthanasia rate in Marion County by completing more than 307,000 spay/neuter surgeries; and

WHEREAS, FACE is supported and sustained by a committed army of volunteers and funders, who are instrumental in making it possible for FACE’s dedicated team to do their work every day; and

WHEREAS, FACE exists to provide spay/neuter, vaccination, and wellness services for the Indianapolis community to prevent the unnecessary euthanasia of dogs and cats; and

WHEREAS, cats can have approximately 18 kittens in one year and dogs can have approximately 12 puppies per year. By these numbers, FACE has prevented more than 9 million animals from the risk of becoming strays, entering our city shelter, and burdening our neighborhoods; and

WHEREAS, FACE conducts ten “Spay Days” per year, where they provide spay/neuter and vaccination services to approximately 100 community cats, totaling more than 1,000 free community cat services each year; and

WHEREAS, to close the gaps in access to care, such as transportation and scheduling barriers, FACE periodically brings our vaccine clinic to public parks where they provide vaccine services to approximately 300 dogs and cats in a few hours; and

WHEREAS, from 2014 to 2022, FACE provided community cat services to 20,939 community cats; and since 2013, FACE has provided life-saving vaccines to 128,716 dogs and cats; and

WHEREAS, as a trusted community partner, FACE provides reduced cost spay/neuter surgeries to Indianapolis Animal Care Services. In 2023, FACE provided spay/neuter care to more than 400 shelter dogs and cats; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes FACE Low-Cost Animal Clinic.

SECTION 2. The Council congratulates FACE for their success in driving down the animal euthanasia rate in Marion County, and for their many accomplishments in providing low-cost animal health and care services for the residents for Indianapolis.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 226, 2024. The proposal, sponsored by Councilors Nielsen, Carlino, Barth and Jones, recognizes Noble, Inc. and their commitment to empowering individuals with disabilities to achieve their life-affirming dreams and goals. Councilors read the proposal and presented copies of the document and Council pins to representatives. Wade Wingler, Noble President and Chief Executive Officer, thanked the Council for the recognition. Councilor Nielsen moved, seconded by Councilor Barth, for adoption. Proposal No. 226, 2024 was adopted by a unanimous voice vote.

Proposal No. 226, 2024 was retitled SPECIAL RESOLUTION NO. 20, 2024, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 20, 2024

A SPECIAL RESOLUTION recognizing Noble, Inc.

WHEREAS, prior to the 1950s, individuals with disabilities were shunned from society, either institutionalized or hidden at home. However, a group of parents who rejected that advice came together on February 10, 1953 at the Indiana War Memorial with the goal to provide for their children with disabilities what society would not: an education; and

WHEREAS, on September 1, 1953, the Noble School was founded and welcomed its first class of 31 students. Named for its location within the historic Cole-Noble Arts District and because they felt that this was a Noble endeavor, Noble School flourished to serve school-age children. As these students grew up, families were determined to foster their continued growth and independence. In 1960, Noble opened a sheltered workshop for adults with disabilities, demonstrating their capabilities to the business community and their value as part of the workforce; and

WHEREAS, in 1966, the Marion County Commissioners and the Marion County Council, now the City-County Council, took the first step in extending public support to Noble. State legislation in the late 1960s provided the Council with the ability to support Noble even further and consistently ever since; and

WHEREAS, in 1973, following a federal mandate requiring public schools to include all children regardless of disability, Noble shifted its focus to babies and toddlers. The organization became the first in the state to provide vital Early Intervention Therapies to children with developmental delays in their homes rather than clinical environments; and

WHEREAS, in 1986, Noble launched the state's first Supported Employment service, providing adults with disabilities the opportunity to join our community's workforce as valuable employees in businesses throughout Central Indiana. Noble built on this service with the launch of Noble Employment and Workforce Services (NEWS) that provides

July 8, 2024

onsite teams to maximize the efficiency of local businesses and recently opened its new Career Center downtown to offer Career Exploration and training services; and

WHEREAS, Noble continues to expand its array of services to meet the changing needs of our community, including Summer Camps for school-age kids; Community Living residential services to help adults live more independently; Music, Behavior and Recreational Therapies for all ages; a variety of Employment Services that empower people to achieve their career goals; and its new 2Gen Family Support Services to bridge the generational gap and empower families of children with disabilities to achieve greater economic independence; and

WHEREAS, Noble continues its service in fulfilling the promise of its tagline by empowering people with disabilities to “Dream it. Live it.” now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1: The Indianapolis City-County Council proudly recognizes Noble, Inc.

SECTION 2: The Council appreciates and values Noble’s 70 years of partnership with local government and over 200 organizations and businesses to empower individuals with disabilities to achieve their life-affirming dreams and goals.

SECTION 3: The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4: This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 246, 2024. The proposal, sponsored by Councilors Evans, Boots and J. Brown, supports the allocation of funds in the 2025 City-County Budget for the preservation of urban forests. Councilor Boots made a statement regarding the need for this funding. Councilors then read the proposal and presented representatives with copies of the document and Council pins. Jeff Stant, Executive Director, Indiana Forest Alliance, thanked the Council for the recognition. Councilor Boots moved, seconded by Councilor Jones, for adoption. Proposal No. 246, 2024 was adopted by a unanimous voice vote.

Proposal No. 246, 2024 was retitled SPECIAL RESOLUTION NO. 21, 2024, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 21, 2024

PROPOSAL FOR A SPECIAL RESOLUTION to support the allocation in the 2025 City-County Budget of necessary costs needed to preserve urban forests in Indianapolis.

WHEREAS, living near green spaces is proven to make residents more physically active, have extended life spans, report reduced stress levels and greater overall well-being; and

WHEREAS, city trees, especially forests, cool summer heat and filter pollution in air and water; and

WHEREAS, urban forests are safe havens for sensitive plants and wildlife while increasing property values; and

WHEREAS, Indianapolis’ 4,300 forest areas (defined as one acre or more of trees) generate over \$260 million a year in public benefits, including flood control, air and water quality improvements, higher property values, enhanced quality of life; and

WHEREAS, four percent of Indianapolis city land is used for parks and recreation, far less than the national median of 15%; and

WHEREAS, only 9 out of Marion County’s 59 square miles of urban forests are currently protected in the parks system; and

WHEREAS, Mayor Hogsett has signed on for Indianapolis to become a “10 Minute Walk city,” but only 36% of Indianapolis residents live within a 10-minute walk of a park; which is far below the national urban average; and

WHEREAS, plans such as Thrive Indianapolis and the White River Vision Plan call for carbon mitigation, and the acquisition of forests as steps to make the city more resilient to the impacts of climate change; and

WHEREAS, Marion County ratepayers have spent \$2 Billion on the Dig Indy project to address the city's combined sewer overflow problem, and with concerns that climate change has created the need for an even bigger tunnel system, it is fiscally wise to preserve our urban forests as they are the best and least expensive way to absorb excessive stormwater run-off; and

WHEREAS, the Indiana Forest Alliance's "Forests for Indy" campaign has initially identified certain priority forest areas in Indianapolis, estimated to be valued at up to six million dollars, that are at risk of commercial development; and

WHEREAS, the current owners of at least four significant urban forests all indicate a desire to sell these forests to the city for conservation; and

WHEREAS, time is of the essence for the city to acquire these properties before they are lost to development; and

WHEREAS, the City Council passed Special Resolution No. 34, 2022 (Proposal No. 397, 2022,) Section 4, stating that the council supports "approaches to fund, acquire, and protect urban forests in Indianapolis;" now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council hereby commits to supporting the development of a land acquisition, preservation and maintenance plan and timeline that includes investigating local, state, and federal funding sources, investigating how this plan fits into the Comprehensive Plan of the Parks Department's and the Comprehensive Plan of the Metropolitan Planning Organization (MPO), and investigating the additional resources needed to accomplish the goals of this plan to begin no later than the second quarter of 2025.

SECTION 2. The Indianapolis City-County Council commits to reviewing the 2025 and future budgets for discretionary funding for equitably preserving, acquiring, and maintaining these urban forests as part of the city of Indianapolis' parks system, and supports allocating funds in the 2025 and future budgets for such forest land acquisition purposes.

SECTION 3. This resolution shall be in effect from and after its passage by the Council and in compliance with Indiana Code § 36-3-4-14.

Councilor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 139, 176, 196 and 197, 2024 on June 12, 2024. He asked for consent on these proposals together. Consent was given.

PROPOSAL NO. 139, 2024. The proposal, sponsored by Councilor Robinson, reappoints Katherine Wiles to the Assessment and Intervention Center (AIC) advisory Board. PROPOSAL NO. 176, 2024. The proposal, sponsored by Councilor Osili, appoints Ebony Chappel to the Alcoholic Beverage Board of Marion County. PROPOSAL NO. 196, 2024. The proposal, sponsored by Councilor Robinson, appoints Lieutenant Larry P. Adkins to the Domestic Violence Fatality Review Team. PROPOSAL NO. 197, 2024. The proposal, sponsored by Councilors Robinson and Carlino, appoints Kathleen Meek to the Juvenile Detention Center Advisory Board. By unanimous votes, the committee reported the proposals to the full Council with the recommendation that they do pass. Councilor Robinson moved, seconded by Councilor Carlino, for adoption. Proposal Nos. 139, 176, 196 and 197, 2024 were adopted on the following roll call vote; viz:

23 YEAS: Allen, Annee, Bain, Barth, Boots, Brown-J, Cahill, Carlino, Delaney, Dilk, Gibson, Graves, Hart, Jones, Lewis, Mascari, McCormick, Mowery, Nielsen, Osili, Perkins, Roberts, Robinson

2 ABSENT: Brown-A, Evans

July 8, 2024

Proposal No. 139, 2024 was retitled COUNCIL RESOLUTION NO. 47, 2024, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 47, 2024

A COUNCIL RESOLUTION reappointing Katherine Wiles to the Assessment and Intervention Center (AIC) Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Assessment and Intervention Center (AIC) Advisory Board, to fulfill the requirement of a professional provider of services for people experiencing homelessness, the Council reappoints:

Katherine Wiles

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2024. The person appointed by this resolution shall serve at the pleasure of the Council and until a successor is appointed and qualified, unless the duration of the holdover period for this office is limited by statute.

Proposal No. 176, 2024 was retitled COUNCIL RESOLUTION NO. 48, 2024, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 48, 2024

A COUNCIL RESOLUTION appointing Ebony Chappel to the Alcoholic Beverage Board of Marion County.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Alcoholic Beverage Board of Marion County, the Council appoints:

Ebony Chappel

SECTION 2. The reappointment made by this resolution is for a term ending June 2, 2025. The person appointed by this resolution shall serve at the pleasure of the Council and until his or her successor is appointed and qualifies, unless the duration of the holdover period for this office is limited by statute.

Proposal No. 196, 2024 was retitled COUNCIL RESOLUTION NO. 49, 2024, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 49, 2024

A COUNCIL RESOLUTION appointing Lieutenant Larry P. Adkins to the Domestic Violence Fatality Review Team.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Domestic Violence Fatality Review Team (fulfilling the requirement of a member of law enforcement), the Council appoints:

Lieutenant Larry P. Adkins

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2025. The person appointed by this resolution shall serve at the pleasure of the Council. Upon expiration of the term, the appointee may serve until his or her successor is appointed and qualifies, for a period not to exceed the holdover duration set by statute.

Proposal No. 197, 2024 was retitled COUNCIL RESOLUTION NO. 50, 2024, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 50, 2024

A COUNCIL RESOLUTION appointing Kathleen Meek to the Juvenile Detention Center Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Juvenile Detention Center Advisory Board, the Council appoints:

Kathleen Meek

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2026. The person appointed by this resolution shall serve at the pleasure of the Council. Upon expiration of the term, the appointee may serve until his or her successor is appointed and qualifies, for a period not to exceed the holdover duration set by statute.

PROPOSAL NO. 199, 2024. Councilor Carlino reported that the Municipal Corporations Committee heard Proposal No. 199, 2024 on June 5, 2024. The proposal, sponsored by Councilor Osili, appoints Abbe Hohman to the Indianapolis Public Transportation Corporation (IndyGo) Board of Trustees. By a 7-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councilor Carlino moved, seconded by Councilor Lewis, for adoption. Proposal No. 199, 2024 was adopted on the following roll call vote; viz:

23 YEAS: Allen, Annee, Bain, Barth, Boots, Brown-J, Cahill, Carlino, Delaney, Dilk, Gibson, Graves, Hart, Jones, Lewis, Mascari, McCormick, Mowery, Nielsen, Osili, Perkins, Roberts, Robinson
2 ABSENT: Brown-A, Evans

Proposal No. 199, 2024 was retitled COUNCIL RESOLUTION NO. 51, 2024, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 51, 2024

A COUNCIL RESOLUTION appointing Abbe Hohman to the Indianapolis Public Transportation Corporation (IndyGo) Board of Directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Public Transportation Corporation (IndyGo) Board of Directors, the Council appoints:

Abbe Hohman

SECTION 2. The appointment made by this resolution is for a term ending August 5, 2027. The person appointed by this resolution shall serve at the pleasure of the Council. Upon expiration of the term, the appointee may serve until his or her successor is appointed and qualifies, for a period not to exceed the holdover duration set by statute.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 201, 2024. Introduced by Councilors Osili, Lewis, Jones and Brown. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which repeals Chapter 121, Article X of the Code, the Mile Square Economic Enhancement District, and creates Chapter 121, Article

XI, entitled Economic Enhancement District"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 202, 2024. Introduced by Councilor Gibson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which amends a declaratory resolution and redevelopment plan of the Metropolitan Development Commission for the purpose of: 1) expanding the Greater Martindale Brightwood Housing Redevelopment Area to include an Enlarged Area; 2) designating the expanded area as the Expanded Greater Martindale Brightwood Housing Redevelopment Area; 3) establishing the Reagan Park Housing TIF Allocation Area as an allocation area for the purposes of capturing incremental assessed value as provided under Indiana Code 36-7-15.1; and 4) amending the Original Redevelopment Plan with the Amended Plan, as defined in the declaratory resolution"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 203, 2024. Introduced by Councilor Osili. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 202, Article IV, Office of Minority and Women Business Development, to create an office title change and tracking of local small business enterprise (SBE) firms for better market analysis and statistic for future program development"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 204, 2024. Introduced by Councilor Jones. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the statement of benefits of TWG Development, LLC, an applicant for tax abatement for property located in an economic revitalization area"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 205, 2024. Introduced by Councilor Jones. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to add Chapter 852, Indianapolis Short-Term Rental Permit Program"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 206, 2024. Introduced by Councilor Mascari. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which amends Special Ordinance No. 9, 2021, relating to the approval of the execution of a lease with the Indianapolis-Marion County Building Authority, for a new animal care shelter facility"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 207, 2024. Introduced by Councilors Roberts, Barth, Osili, Brown, Lewis, Jones, Gibson, Allen, Nielsen and Brown. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 531 of the Code, regarding Animals, to allow for the registry of unaltered dogs"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 208, 2024. Introduced by Councilor Brown. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves the issuance of general obligation bonds for the Indianapolis-Marion County Public Library in an original aggregate principal amount not to exceed \$6,350,000 for the Long-Term Capital Maintenance and Equipment Upgrade Project, to improve patron experience and provide better access to information "; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 209, 2024. Introduced by Councilor Brown. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves the appropriation of proceeds and investment earnings of the Indianapolis-Marion County Public Library General Obligation Bonds, in an original aggregate principal amount not to exceed \$6,350,000, for the purpose of financing all or any portion of the 2024 Long-Term Capital Maintenance and Equipment Update Project"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 210, 2024. Introduced by Councilor Robinson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which directs the Rules and Public Policy Committee to review and prepare a report pertaining to the fiscal impact statement associated with the IMPD/civilian AFSCME union agreement"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 211, 2024. Introduced by Councilor Hart. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which approves weight limit restrictions on Mitthoeffer Road, from East Washington Street to Prospect Street, and on Prospect Street, from South Post Road to South County Line Road 800 West (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 212, 2024. Introduced by Councilors Barth and Gibson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction to 25 mph along Delaware Street, from Penway Street to 40th Street (Districts 7, 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 213, 2024. Introduced by Councilor Boots. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction to 25 mph in the Heritage Park subdivision (District 3)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 214, 2024. Introduced by Councilor Mascari. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction to 25 mph along Redfern Drive, from Sherman Drive to 9th Avenue (District 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 215, 2024. Introduced by Councilor Annee. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction to 25 mph in the Rosebrock Estates subdivision (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 216, 2024. Introduced by Councilor Annee. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction to 25 mph in the Plantation Meadows subdivision (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 217, 2024. Introduced by Councilor Annee. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a request of the Department of Public Works to purchase certain real estate interests for the Bluff Road Reconstruction Project, which property is owned by Jerry Hornback"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 218, 2024. Introduced by Councilor Annee. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a request of the Department of Public Works to purchase certain real estate interests for the Bluff Road Reconstruction Project, which property is owned by Henry Arnold"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 219, 2024. Introduced by Councilor McCormick. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a request of the Department of Public Works to purchase certain real estate interests for the Girls School Road from Perimeter Road to 21st Street Project, which property is owned by Mahrtdt Family Properties II, LLC"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 220, 2024. Introduced by Councilor Evans. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a request of the Department of Public Works to purchase certain real estate interests for the Girls School Road from Perimeter Road to 21st Street Project, which property is owned by Eco-Bat Indiana, LLC"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 221, 2024. Introduced by Councilor Evans. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a request of the Department of Public Works to purchase certain real estate interests for the Girls School Road from Perimeter Road to 21st Street Project, which property is owned by Dayton Hudson, Corp."; and the President referred it to the Public Works Committee.

PROPOSAL NO. 222, 2024. Introduced by Councilor Allen. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a request of the Department of Public Works to purchase certain real estate interests for preservation of the floodplain and future habitat restoration work, which property is owned by Rudolph and Anna Rouhana "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 223, 2024. Introduced by Councilor McCormick. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a request of the Department of Public Works to purchase certain real estate interests for the Girls School Road from Perimeter Road to 21st Street Project, which property is owned by Button Habit, LLC"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 224, 2024. Introduced by Councilors Barth, Nielsen, Jones, Evans, Delaney, Brown, Cahill, Allen, Gibson and Carlino. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which establishes the commitment of the City and County to eliminate traffic injuries and fatalities; establishes a Vision Zero Task Force; and commits to developing, adopting and implementing a Vision Zero Action Plan"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 225, 2024. Introduced by Councilors Hart and Boots. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which extends the time for the previously established Commission on Artificial Intelligence to complete its work and draft its final recommendations"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 247, 2024. Introduced by Councilor Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Peggy Frame to the Greater Virginia

Avenue Corridor Economic Improvement District Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 248, 2024. Introduced by Councilor Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Kelli Mirgeaux to the Greater Virginia Avenue Corridor Economic Improvement District Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 249, 2024. Introduced by Councilor Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Michael Taft to the Greater Virginia Avenue Corridor Economic Improvement District Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 250, 2024. Introduced by Councilor Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Brad Vogelsmeier to the Greater Virginia Avenue Corridor Economic Improvement District Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 251, 2024. Introduced by Councilor Robinson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Wendy Tucker to the Early Intervention Planning Council"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 252, 2024. Introduced by Councilors Jones and Nielsen. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Leslie R. Schulte to the Board of Public Works"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS- PRIORITY BUSINESS

PROPOSAL NOS. 227-234, 2024 AND PROPOSAL NOS. 235-245, 2024. Introduced by Councilor Lewis. Proposal Nos. 227-234, 2024 and Proposal Nos. 235-245, 2024 are proposals for Rezoning Ordinances certified for approval by the Metropolitan Development Commission on June 10 and 26, 2024, respectfully. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 62-80, 2024, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 62, 2024.
2024-ZON-015
2053 Yandes Street (*Approximate Address*)
Center Township, Council District #13
Hollister Properties, LLC, by Kristin Hollister
Rezoning of 0.13 acres from the I-3 district to the D-8 district to provide for residential uses.

REZONING ORDINANCE NO. 63, 2024.
2024-ZON-023
3801 North Raceway Road (*Approximate Address*)
Pike Township, Council District #11
D.R. Horton – Indiana, LLC, by Brian J. Tuohy
Rezoning of 8.16 acres from the D-A district to the D-6 district to provide for a townhome development.

July 8, 2024

REZONING ORDINANCE NO. 64, 2024.

2024-ZON-028

5332 South Franklin Road (*Approximate Address*)

Franklin Township, Council District #25

Lennar Homes of Indiana, LLC., by Brian J. Tuohy

Rezoning of 75.3 acres from the D-A district to the D-4 district to provide for single-family residential development.

REZONING ORDINANCE NO. 65, 2024.

2024-ZON-035

1201 South Holt Road (*Approximate Address*)

Wayne Township, Council District #17

Badesha Bros, by Jamilah Mintze

Rezoning of 1.4 acres from the C-4 and I-3 districts to the C-4 district to provide for commercial uses.

REZONING ORDINANCE NO. 66, 2024.

2024-ZON-041

1110 Bates Street (*Approximate Address*)

Center Township, Council District #18

Daniel Paul Graf

Rezoning of 0.11-acre from the I-4 district to the D-8 district to legally establish residential uses.

REZONING ORDINANCE NO. 67, 2024.

2024-ZON-043

6240 Five Points Road (*Approximate Address*)

Franklin Township, Council District #25

James K. Butler, by Gregory J. Ilko

Rezoning of 2.9 acres from the D-A and D-2 districts to the D-2 district for single-family residential uses.

REZONING ORDINANCE NO. 68, 2024.

2024-ZON-045

635 South High School Road (*Approximate Address*)

Wayne Township, Council District #17

Vanderious L. Trice and Korteny Trice, by Joseph N. Sprunger

Rezoning of 0.46-acre from the SU-1 district to the D-3 district to legally establish a single-family dwelling.

REZONING ORDINANCE NO. 69, 2024.

2024-ZON-046

104 South College Avenue (*Approximate Address*)

Center Township, Council District #18

Indy City Barbell, LLC, by Brian J. Touhy

Rezoning of 0.66-acre from the I-4 (FF) (TOD) district to the CBD-2 (FF) (TOD) district to provide for a gymnasium, physical fitness, and training center.

REZONING ORDINANCE NO. 70, 2024.

2024-ZON-032

2255 North LaSalle Street and 3350 Roosevelt Avenue (*Approximate Addresses*)

Center Township, Council District #8

Heart Change Ministries, by Emily Duncan and David Kingen

Rezoning of 0.97-acre from the D-5 and C-1 districts to the SU-7 district to provide for training, education and housing related to a not-for-profit organization.

REZONING ORDINANCE NO. 71, 2024.

2024-ZON-036 (*Amended*)

365 South Franklin Road (*Approximate Address*)

Warren Township, Council District #20

Just Add Water, by Russell L. Brown and Elizabeth Bentz Williams

Rezoning of three acres from the D-2 district to the I-2 district to provide for light industrial uses including indoor storage of boats, trailers, and other recreational vehicles within a proposed 11,760-square foot storage building.

REZONING ORDINANCE NO. 72, 2024.

2024-ZON-047

5660 West Minnesota Street (*Approximate Address*)

Wayne Township, Council District #17

Jason Mansfield

Rezoning of 1.29 acres from the D-3 district to the I-2 district to provide for light industrial uses.

REZONING ORDINANCE NO. 73, 2024.

2024-ZON-048

425 East Walnut Street (*Approximate Address*)

Center Township, Council District #9

A and H Holdings Indy, LLC

Rezoning of 0.06 acre from the C-S district to the D-8 district to provide for residential uses.

REZONING ORDINANCE NO. 74, 2024.

2024-ZON-049

2514, 2534, 2548, 2614, 2618 and 2620 West 16th Street (*Approximate Addresses*)

Wayne Township, Council District #12

Benjamin Hughes, Randall Hughes and Speedway Body Shop, Inc, by S. Gregory Zubek

Rezoning of 2.013 acres from the D-5 (W-5), C-3 (W-5) and C-5 (W-5) districts to the C-4 (W-5) district to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 75, 2024.

2024-ZON-051

4822 East Edgewood Avenue (*Approximate Address*)

Perry Township, Council District #24

Edward P. Heeringa, by David A. Retherford

Rezoning of 1.746 acres from the D-A district to the D-S district.

REZONING ORDINANCE NO. 76, 2024.

2024-ZON-052

2809 and 2811 Shelby Street (*Approximate Address*)

Center Township, Council District #19

Renita Ingersoll, by William Ingersoll

Rezoning of 0.22-acre from the C-5 (TOD) district to the D-8 (TOD) district to provide for residential uses.

REZONING ORDINANCE NO. 77, 2024.

2024-ZON-053

5001 East Raymond Street (*Approximate Address*)

Center Township, Council District #19

City of Indianapolis, Department of Business and Neighborhood Services, by Michael Oberhausen

Rezoning of 25.25 acres from the D-2, D-3 (FF) (FW), D-6II (FF) (FW) and C-4 (FF) districts to the SU-9 (FF) (FW) district to provide for government buildings and services, including a 70,000 square-foot animal care center, two dog parks, a livestock barn and outdoor area, and an outdoor kennel area.

REZONING ORDINANCE NO. 78, 2024.

2024-ZON-054

818 South East Street (*Approximate Address*)

Center Township, Council District #18

1800 Blok LLC, by Paul J. Lambie

Rezoning of 0.11-acre from the C-3 district to the D-5 district.

REZONING ORDINANCE NO. 79, 2024.

2024-CZN-816

9521 Haver Way (*Approximate Address*)

Washington Township, Council District #2

McDonald's USA, LLC, by Timothy Ochs

Rezoning of 1.777 acres from the C-3, C-4 and C-S districts to the C-3 district.

July 8, 2024

REZONING ORDINANCE NO. 80, 2024.
2024-CZN-817
1103 and 1115 East 52nd Street (*Approximate Address*)
Washington Township, Council District #7
Fineberg and Solomon, Inc., by Russell Brown
Rezoning of 1.05 acres from the D-5 (W-5) district to the MU-2 (W-5) district to legally establish existing uses and to provide for a potential mixed-use development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 189, 2024. The proposal, sponsored by Councilor Lewis, is a rezoning ordinance for Center Township, District 18, 1170 Kentucky Avenue (2024-ZON-012) certified for APPROVAL by the Metropolitan Development Commission on May 21, 2024. At a meeting of the Full Council on June 3, 2024, Councilor Jones moved to schedule the rezoning for a public hearing. Councilor Jones made the following motion:

Mr. President:

I have received a statement from the petitioner in Rezoning Case 2024-ZON-012, Proposal No. 189, 2024, that indicates his wish to withdraw his rezoning petition and refile it asking for a zoning classification that is acceptable to both the petitioner and the remonstrator. DMD has accepted this request to withdraw and the withdrawal will be acknowledge by the MDC at its meeting on the July 17th. In the event this compromise falls through, I ask that we continue this hearing until our August meeting. If on the 17th the request to withdraw is accepted by the MDC, the matter will be considered resolved and no hearing will be needed at our August meeting. Now, if there are no questions or comments from my fellow councilors, I move that we continue the public hearing for Rezoning Case 2024-ZON-012, Proposal No. 189, 2024 until our August 12th meeting.

Councilor Lewis seconded the motion, and Proposal No. 189, 2024 was postponed by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 177, 2024. Councilor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 177, 2024 on June 10, 2024. The proposal, sponsored by Councilor Lewis, amends the Code adding a new Chapter 565 regarding flood damage prevention to comply with federal regulations. By an 8-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councilor Lewis moved, seconded by Councilor Graves, for adoption. Proposal No. 177, 2024 was adopted on the following roll call vote; viz:

23 YEAS: Allen, Annee, Bain, Barth, Boots, Brown-J, Cahill, Carlino, Delaney, Dilk, Gibson, Graves, Hart, Jones, Lewis, Mascari, McCormick, Mowery, Nielsen, Osili, Perkins, Roberts, Robinson
2 ABSENT: Brown-A, Evans

Proposal No. 177, 2024 was retitled GENERAL ORDINANCE NO. 22, 2024, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 22, 2024

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code of the Consolidated City of Indianapolis-Marion County by adding a new Chapter 565 regarding flood damage prevention.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The "Revised Code of the Consolidated City and County," is hereby amended by adding a new Chapter 565 – Flood Damage Prevention to read as follows:

Chapter 565 - FLOOD DAMAGE PREVENTION

Article 1. Statutory Authorization, Findings of Fact, Purpose, and Methods

Sec. 565-101. 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 Consolidated City of Indianapolis and Marion County (All Jurisdictions) does hereby adopt the following floodplain management regulations.

Sec. 565-102. Findings of Fact

The flood hazard areas of the Consolidated City of Indianapolis and Marion County (All Jurisdictions) are subject to periodic inundation that 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.

Sec. 565-103. 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:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
- F. 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.
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- H. Minimize the impact of development on adjacent properties within and near flood prone areas.
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained.
- J. Minimize the impact of development on the natural, beneficial values of the floodplain.
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible.
- L. Meet community participation requirements of the National Flood Insurance Program.

Sec. 565-104. Territorial Application

The provisions of this chapter shall be applicable throughout the Consolidated City of Indianapolis and Marion County and the Excluded Cities of Beech Grove, Lawrence, Southport, and Speedway. Usage of the Consolidated City of Indianapolis and Marion County throughout this chapter shall mean the Consolidated City of Indianapolis and Marion County and the Excluded Cities of Beech Grove, Lawrence, Southport, and Speedway.

Sec. 565-105. Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses that are dangerous to health, safety, and property due to water hazards, or that result in damaging increases in flood heights or velocities.
- B. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, that help accommodate or channel flood waters.
- D. Controlling filling, grading, dredging, excavating, and other development that may increase flood damage.
- E. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards in other areas.
- F. Make federal flood insurance available for structures and their contents in the Consolidated City of Indianapolis and Marion County by fulfilling the requirements of the National Flood Insurance Program.

Article 2. Definitions

Sec. 565-201. 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.

Accessory Structure means a subordinate structure, building or use that is customarily associated with, and is appropriately and clearly subordinate in use, size, bulk, area and height to the primary structure, building, and use with a floor area of 400 square feet or less that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

- A. Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.
- B. Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
- C. The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:
 - 1. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence.
 - 2. Structures used by the public, such as a place of employment or entertainment.
 - 3. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples include, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

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, that is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Administrator see Floodplain Administrator

Alteration is any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.

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 that may alter, impede, retard, or change the direction and/or velocity of the flow of water during conditions of the base flood.

Applicant is the owners, legal and equitable, of land within the territorial limits of the Consolidated City of Indianapolis and Marion County or persons authorized by the owner, who submit an application for land use or permit approval under the provisions of this ordinance.

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

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

As-built is the state of being of a structure or building immediately following its construction or placement.

Attached uninhabitable accessory enclosure means for purposes of flood control regulation, an enclosed area of a structure below the elevated first floor used solely for parking vehicles, building access or storage that satisfies all requirements for such a structure as set forth in this article.

Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood also known as the regulatory 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. The elevation of the one percent chance flood.

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

Best Available Flood Layer (BAFL) means for purposes of flood control regulation, information including but not limited to available topographic mapping, survey data, historic flood records, engineering studies, channel ratings, and engineering judgment, used by the Floodplain Administrator and/or designee. They also include floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provides 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 –Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls. Also see "Structure."

Carport means a roofed structure designed and intended to shelter the automotive vehicle of the premises' occupant or owner, with at least one side permanently open to the weather.

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

Condition is an official agreement between the municipality and the applicant concerning the use or development of the land as specified in the letter of grant of a petition, appeal, or special exception as signed by the Administrator or secretary of the applicable appointed land use body.

Construction activity means the conduct of land alterations, watercourse alterations, erection, construction, placement, repair, alteration, conversion, maintenance, moving, or remodeling of any new or existing building or structure or any part thereof, or the construction, installation, extension, repair, alteration, conversion, removal or maintenance of building or structure equipment.

Cost for purposes of flood control regulation means, the actual value of the work to be performed based on a method approved by FEMA.

Covenant is a private legal restriction on the use of land contained in the deed, plat and other legal documents pertaining to the property.

Critical facility means a facility for which even a slight chance of flooding might be too great. For purposes of flood control regulation, those facilities that: are critical to the community's public health and safety; are essential to the orderly functioning of a community; store or produce highly volatile, toxic or water reactive materials that must be protected to prevent further harm or house occupants that may be insufficiently mobile to avoid loss of life or injury. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

CRS Community Rating System is a program developed by the Federal Insurance Administration to provide incentives for those communities in the NFIP that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Designated enforcement entity is the Administrator, Inspector, Law Enforcement officer, or other person or agency, acting within their legal authority and jurisdiction, authorized by the Department of Business and Neighborhood Services.

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

- A. construction, reconstruction, or placement of a structure or any addition to a structure;
- B. installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than 180 days;
- C. installing utilities, erection of walls and fences, construction of roads, or similar projects;
- D. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- E. mining, dredging, filling, grading, excavation, or drilling operations;
- F. construction and/or reconstruction of boat lifts, docks, piers, and seawalls;
- G. construction and/or reconstruction of bridges or culverts;
- H. storage of materials; or
- I. any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting; re-roofing; resurfacing roads; or, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures. This definition does not include ordinary maintenance and repair conducted under Department of Public Works maintenance programs, such as mowing and activities required as part of necessary maintenance of drainage or flood control facilities so that the facilities will perform the function for which it was designed and constructed, provided that the maintenance of drainage or flood control facilities does not include any activities identified in subparagraphs 1 through 9 above.

Elevation Certificate means for purposes of flood control regulations, 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 and other information about the building. This information is necessary to verify compliance with the flood control ordinance and regulations as well as obtain flood insurance. The most recent version of the FEMA published form is required. Elevation Certificates require completion by a Professional Land Surveyor or Registered Professional Engineer.

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 that 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 that 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 that 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:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.
- C. Mudslides (i.e., mudflows) that 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 (1%) 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. The channel proper and the areas adjoining any wetland, lake, or watercourse that has been or may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe. (See "Flood")

Floodplain Administrator is an employee of the Division of Construction and Business Services at the Department of Business and Neighborhood Services authorized and directed to enforce the provisions of the Flood Damage Prevention Ordinance.

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 that control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

Floodproofing (dry floodproofing) is a method of protecting a nonresidential 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 developed by FEMA to certify compliance for non-residential structures as an alternative to elevating structures to or above the Flood Protection Grade (FPG).

Floodwater is the water of any lake or watercourse that is above the banks or outside the channel and banks of such watercourse.

Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel that are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream or other watercourse and the adjacent land. These areas must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than a designated height.

Freeboard means a factor of safety, usually expressed in feet above the BFE, that 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 regulatory floodplain lying outside the floodway.

Functionally dependent use means a use that 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.

Habitable space for purposes of flood control regulation, the enclosed area of any building used for living area including but not limited to bedrooms, bathrooms, kitchens, living rooms, family rooms, dining rooms, recreation rooms, utility rooms and workshops.

Hardship (as related to appeals of this ordinance) means the exceptional hardship that would result from a failure to grant the requested appeal. The Consolidated City of Indianapolis and Marion County requires that the appeal 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 an appeal, 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:

- A. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or
- D. individually listed on a local inventory of historic places in the Historic District plan of a locally designated Historic District 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.

IDNR means the Indiana Department of Natural Resources.

INRC means the Indiana Natural Resources Commission.

Inspector is an employee of the Department of Business and Neighborhood Services authorized to enter, examine, and survey all lands within the Consolidated City of Indianapolis and Marion County to accomplish the enforcement of all Codes and land use regulations of the Consolidated City of Indianapolis and Marion County.

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.

Land alteration for purposes of flood control regulation means any change in the topography of land caused by activities including but not limited to excavation, filling, deposit or stockpiling of materials and construction of ponds, dams, or levees outside of a watercourse. For purposes of flood control regulation, land alterations do not include the construction, placement of, or other activities involving buildings or nonbuilding structures or those activities that are defined as open land use in this article, or ordinary maintenance and repair of an IDNR approved land alteration.

Letter of Final Determination (LFD) means a letter issued by FEMA during the mapping update process that 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:

- A. **Conditional Letter of Map Revision (CLOMR)** means FEMA’s comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
- B. **Conditional Letter of Map Revision Based on Fill (CLOMR-F)** means a letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
- C. **Letter of Map Amendment (LOMA)** means an amendment by letter to the currently effective FEMA map that establishes that a building or area of land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
- D. **Letter of Map Amendment Out as Shown (LOMA-OAS)** means an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
- E. **Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
- F. **Letter of Map Revision Based on Fill (LOMR-F)** FEMA’s modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

Lowest adjacent grade for purposes of flood control regulation 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:

- A. The top of the lowest level or floor of a structure or building.
- B. The top of the basement floor.

- C. The top of the garage floor if the garage is connected to the building and is the lowest level of the structure or building.
- D. The top of the first floor of a structure elevated on pilings or pillars.
- E. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
 - 1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.
 - 2. At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.
 - 3. Such enclosed space shall be usable for the parking of vehicles and building access.
- F. The first floor of a building elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.

Manufactured (Mobile) home means a structure, transportable in one or more sections, that 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 (Mobile) home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value for purposes of flood control regulation means the market value of the structure itself, not including the associated land, landscaping or detached accessory structures. The market value must be determined by a method approved by FEMA and the Floodplain Administrator and/or designee. If an appraisal is used, the appraiser must have at least one of the following designations:

- A. Member of the American Institute of Real Estate Appraisers (MAI);
- B. Residential member of the American Institute of Real Estate Appraisers (RM);
- C. Senior real estate analyst of the Society of Real Estate Appraisers (SREA);
- D. Senior residential appraiser of the Society of Real Estate Appraisers (SREA);
- E. Senior real property appraiser of the Society of Real Estate Appraisers (SRPA);
- F. Senior member of the American Society of Appraisers (ASA);
- G. Accredited rural appraiser of the American Society of Farm Managers and Rural Appraisers (ARA); or
- H. Accredited appraiser of the Manufactured Housing Appraiser Society.

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 that 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.

NFIP means National Flood Insurance Program, a voluntary agreement between the federal government and participating communities in which the federal government offers subsidized flood insurance to communities that agree to adopt and enforce a flood ordinance that, at a minimum, meets the federal standards to reduce future flood risk to new construction in floodplains.

Nonbuilding structure for purposes of flood control regulation means structures other than buildings including but not limited to public utilities, on-site wastewater disposal systems, water supply systems, sanitary sewers, on-site wastewater treatment systems, lift stations, transmission towers, well pumps, electrical units, bridges, culverts, and any other structures determined by the Floodplain Administrator and/or designee to constitute a potential hazard to life, health, safety or property caused by exposure to floodwaters during the base flood.

Non-substantial addition for purposes of flood control regulation means a structural enlargement of a structure, the cost of which is less than 50% of the market value of the structure before the start of construction.

Non-substantial damage for purposes of flood control regulation means damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant whereby the cost of restoring the structure to its pre-damaged condition would be less than 50 % of the market value of the structure before the damage occurred. See related "substantial damage" and "substantial improvement."

Non-substantial improvement for purposes of flood control regulation means any structural improvement of a structure that does not consist of a structural enlargement or repair of damage, the cost of which is less than 50% of the market value of the structure before the start of construction of the improvement. This term does not include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions;
- B. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure" if appeal is approved.

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 that 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”.

Permit application means a complete application with all accompanying information required by the by the Department of Business and Neighborhood Services for a Floodplain Development Permit.

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.

Professional architect is an architect registered under 804 IAC 1 and regulated under IC 25-4-1.

Professional engineer is an engineer registered under 864 IAC 1 and regulated under IC 25-31-1.

Professional surveyor is a surveyor registered under 865 IAC 1 and regulated under IC 25-21.5.

Recreational vehicle means a vehicle including any associated transport trailer that may be motorized, non-motorized, designed and intended specifically for non-commercial use, such as temporary living, travel, and leisure activities. Examples include but not limited to boats, jet skis, race cars, all-terrain bikes, motor homes, travel trailers and camping trailers. For a trailer with a cargo holder measuring more than 12 feet in length to qualify as a recreational vehicle, it must be loaded with the watercraft or other recreational item it is used to transport.

For the purposes of this flood control regulation, a recreational vehicle is one that is:

- A. built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. designed to be self-propelled or permanently towable by a light duty truck; and
- D. designed primarily not for use as a permanent dwelling, but as temporary living 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 section 565-302 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.

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.

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

Standard flood insurance policy is the flood insurance policy issued by the federal insurance administrator, or an insurer pursuant to an arrangement with the federal insurance administrator pursuant to federal statutes and regulations.

Standard proctor for purposes of flood control regulation is the maximum dry density of a backfill material as determined by the methods set forth within ASTM D 698. The percent standard proctor density is a ratio of the in-place dry density of a backfill material, determined by those methods set forth within ASTM D 1556, to the

maximum dry density (determined by Test Method 698). The resulting quotient must be multiplied by 100, and the value obtained must meet or exceed the minimum values specified in the Zoning Ordinance.

Start of construction for purposes of flood control regulations, 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.

Stream is a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.

Stream bank is the sloping land that contains the stream channel and the normal flows of the stream.

Stream channel is part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.

Stream protection corridor is a vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal), offer flood water storage, provide habitat, and improve aesthetic value.

Structure means for purposes of flood control regulations, is anything that can be constructed, altered, repaired or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, gas or liquid storage tanks, cabins, manufactured homes. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls. It is a walled and roofed building, including a gas or liquid storage tank, that 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 addition for purposes of flood control regulations is a structural enlargement of the enclosed space of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction. See related "non-substantial addition."

Substantial damage for purposes of flood control regulations, means damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant, 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. See related "non-substantial damage" and "substantial improvement".

Substantial improvement for purposes of flood control regulations, 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. It also includes any improvements to repair, replace or reconstruct damage or demolition intentionally caused or inflicted by the owner or occupant. The term does not include:

- A. Improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions.
- B. Ordinary maintenance and repair as defined in this ordinance.

Violation means the failure of a structure or other development or use to be fully compliant with this ordinance. For purposes of flood control regulation, this includes a structure or use or development without the elevation certificate,

other certifications, or other evidence of required compliance with the flood control regulations 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, man-made ditches, reservoirs, ponds, retention or detention basins, drainage swales, or other topographic feature on or over which waters flow at least periodically. A watercourse is distinguished from overland flow, sheet flow, shallow swale flow, and storm sewer flow by the following characteristics that must be present to constitute a watercourse:

- A. Defined and distinguishable stream banks under natural conditions; and
- B. Regularity of flow in the channel evidenced by a distinguishable waterline vegetation limit or hydrologic characteristics.

Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watercourse alteration is any encroachment, diversion, relocation, impoundment, draining, damming, repair, construction, reconstruction, dredging, enclosing, widening, deepening, filling or other modification of a watercourse. Watercourse alteration does not include the clearing of dead or dying vegetation, debris or trash from the channel, nor does it include ordinary maintenance and repair of an IDNR approved watercourse alteration.

Wetland is those areas not influenced by tidal fluctuations, that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Article 3. General Provisions

Sec. 565-301. Lands to Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of the Consolidated City of Indianapolis and Marion County, Indiana as identified in section 565-302, including any additional areas of special flood hazard annexed by the Consolidated City of Indianapolis and Marion County, Indiana.

Sec. 565-302. Basis for Establishing the Areas of Special Flood Hazard

The flood boundaries have been established from hydrological data delineated on flood insurance rate maps provided by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study for Marion County, Indiana (All Jurisdictions)," dated April 19, 2016. Topographic-based floodplain maps that may be developed by the Consolidated City of Indianapolis and Marion and approved for use by FEMA may be used as best available data to supplement FEMA's flood insurance rate maps, in accordance with FEMA and IDNR procedures and regulations. These maps contain zone AE floodplain areas for which floodway boundaries and base flood elevations are provided, zone AH floodplain areas for which base flood elevations are provided, zone AO floodplain areas for which base flood elevations are not provided, and zone A floodplain areas for which floodway boundaries and base flood elevations are not provided. Each of those maps also contain shaded zone X floodplain areas that depict areas subject to flooding in the headwaters of a stream, the 500-year frequency floodplain collar outside of the 100-year frequency zone AE area, and land subject to shallow flood depths of less than one foot. The flood boundaries and base flood elevations for mapped areas shall be determined as follows:

- A. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the Consolidated City of Indianapolis and Marion County, Indiana (All Jurisdictions), delineated as an "AE Zone" on the Consolidated City of Indianapolis and Marion County, Indiana Flood Insurance Rate Map dated April 19, 2016 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of Marion County, Indiana (All Jurisdictions) and the corresponding Flood Insurance Rate Maps (FIRM) dated April 19, 2016 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.

- B. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the Consolidated City of Indianapolis and Marion, County, Indiana (All Jurisdictions), delineated as an "A Zone" on the Consolidated City of Indianapolis and Marion County, Indiana Flood Insurance Rate Map, dated April 19, 2016, 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.

Zone AH and Zone AO: In zone AH floodplain areas, the base flood elevation shown on the flood insurance rate map shall be used. In zone AO areas, the base flood elevation shall be determined by adding the depth number specified in feet on the flood insurance rate map (two feet, if no depth number is specified) to the highest ground elevation at the site.

Zone X: Zone X areas (shaded or unshaded) are not designated by FEMA as special flood hazard areas and are not regulated by this article.

- C. 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. In the event IDNR lacks sufficient data, the Floodplain Administrator and/or designee shall determine which type of flood delineation the site is located in and the appropriate flood protection grade and limitations applicable to that area. If the Floodplain Administrator and/or designee lack sufficient data to make this determination, the applicant for the floodplain development permit shall be required to submit a floodplain delineation boundary determination completed by a registered professional engineer. The procedures by which specific determinations flood boundaries are to be made and incorporated into revisions of the flood insurance rate maps are set forth in Article 4 Map Maintenance.
- D. Upon issuance of a Letter of Final Determination (LFD), the floodplain administrator and/or designee shall use 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.

Sec. 565-303. 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.

Sec. 565-304. Compliance

- A. 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.
- B. 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.
- C. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Sec. 565-305. 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.

Sec. 565-306. Discrepancy between Mapped Floodplain and Actual Ground Elevations

- A. 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 flood insurance study (FIS) base flood profiles or table of still water elevations shall govern.
- B. 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.
- C. If the natural grade elevation of the site in question is at or above the base flood elevation and 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.

Sec. 565-307. Interpretation

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

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 565-308. 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 the Consolidated City of Indianapolis and Marion County, Indiana, 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.

Sec. 565-309. 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 an appeal 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 Consolidated City of Indianapolis and Marion County, Indiana.

- A. A separate offense shall be deemed to occur for each day the violation continues to exist.
- B. The Floodplain Administrator and/or designee 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.
- C. Nothing herein shall prevent the Consolidated City of Indianapolis and Marion County, Indiana from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Article 4. Administration

Sec. 565-401. Designation of Administrator

An employee of the Division of Construction and Business Services with the Department of Business and Neighborhood Services shall administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

Sec. 565-402. Floodplain Development Permit and Certification Requirements

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. Ordinary maintenance and repair conducted under Department of Public Works maintenance programs is excluded, such as mowing and activities

required as part of necessary maintenance of drainage or flood control facilities so that the facilities will perform the function for which it was designed and constructed. An application for a floodplain development permit shall be made to the Floodplain Administrator and/or designee for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area.

A floodplain development permit shall not be issued for proposed activity in zone A or the BAFL until the floodway and floodway fringe boundaries and base flood elevation are established in accordance with this article or the Best Available Data Information.

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. The Floodplain Administrator and/or designee, during the review of floodplain development permit applications located in identified in a Special Flood Hazard Area, shall ensure that specifically, the following information is required:

- A. Application Stage. All development shall comply with all provisions of this ordinance. Application for a floodplain development permit shall be made on a form provided by the Floodplain Administrator and/or designee.
 1. A description of the proposed development.
 2. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
 3. A legal description of the property site.
 4. 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.
 5. A site development plan showing existing and proposed development locations and existing and proposed contours.
 6. A letter from a licensed professional surveyor or engineer noting that an elevation reference benchmark has been established or confirmed for those projects requiring elevations to be met.
 7. 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.
 8. The governing base flood elevation for the site (including the source of the base flood elevation value). Floodway and Floodway Fringe zones shall be delineated and labeled on the plans, primary plat, and the plat to be recorded. For Zone AE area, the plans and the plat must show the BFE topographic line the plan and plat must show the delineation study with the floodway and floodway fringe lines shown on the FIRM maps. Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AH, and AE. In Zone AO, plans must show the height of the top of the lowest floor above the highest adjacent grade. Elevation should be in NAVD 88. A flood protection grade denoted for each building pad and floor; volumetric calculations demonstrating compensatory storage; and, for each lot located in a Special Flood Hazard area, a plan note identifying the flood control zone in which it is located and the requirements and limitations.
 9. Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed.
 10. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade.
 11. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant. Plans for proposed activities requiring a specified flood protection grade that involve land or

watercourse alterations, or involve flood-proofing of a structure, shall be certified by a professional engineer, professional surveyor, or professional architect.

12. Plans showing how any proposed structure will be anchored to resist flotation or collapse.
 13. 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.
 14. 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 section 565-403(H) and section 565-405 for additional information.)
 15. Any additional information, as requested by the Floodplain Administrator and/or his designee, that may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.
 16. An application and permit fee shall be charged for the processing of a floodplain development permit application. A fee schedule shall be developed by the Floodplain Administrator and/or designee for categories of proposed activities sufficient to recover the cost of processing applications.
 17. A floodplain development permit shall not be issued for any proposed activity until all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including but not limited to Sec. 565- 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
 18. All national flood insurance program regulations (codified at 44 CFR, Part 60.3) pertaining to state and federal permits, subdivision review, building permit review, floodproofing nonresidential structures, mobile home tie-down standards, utility construction, recordkeeping (including lowest floor elevations), and watercourse alteration and maintenance have been met.
 19. The Floodplain Administrator and/or designee shall make all determinations and obtain all data in accordance with FEMA standards at 44 CFR 60.3. The permit applicant is responsible for supplying data to the Floodplain Administrator and/or designee that is required by FEMA.
 20. When applicable, the Floodplain Administrator and/or designee shall supply each applicant for a floodplain development permit with a blank NFIP elevation certificate or flood-proofing certificate during the floodplain permit review process. The permit applicant will be required to submit the applicable certificate as outlined within the provisions of this ordinance.
 21. A Floodplain Performance Surety as outlined within the General Standards must be provided to the Floodplain Administrator by the applicant prior to issuance of the Floodplain Development Permit when an Elevation Certificate or Floodproofing Certificate is required.
- B. Floodplain development permit validity, transfer, expiration.
1. The approval of a floodplain development plan by the Floodplain Administrator and/or designee shall be valid for a period of one year from the date such approval was granted, or until the floodplain development permit for which the plan was submitted was issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved floodplain development plan or circumstances that cause the floodplain development plan to be inaccurate or incomplete, then a new or corrected floodplain development plan shall be submitted to the department as a precondition for obtaining a floodplain development permit.
 2. Transferring a permit.
 - (a) A floodplain development permit may be transferred with the approval of the Floodplain Administrator and/or designee to a person, partnership or corporation that would be eligible to obtain such floodplain development permit in the first instance ("transferee"), after both the payment of a fee specified in the rules and procedures of the Commission and the execution and

filing of a form furnished by the Floodplain Administrator and/or designee. Such transfer form shall contain, in substance, the following certifications, release and agreement:

- (i) The person who obtained the original floodplain development permit or a person who is employed by and authorized to act for the obtainer ("transferor") shall:
 - (ii) Certify under penalties for perjury that such person is familiar with construction activity accomplished pursuant to the floodplain development permit; such person is familiar with the floodplain development standards and procedures applicable to the construction activity; and to the best of such person's knowledge, information, and belief the construction activity, to the extent performed, is in conformity with all floodplain development standards and procedures; and,
 - (iii) Sign a statement releasing all rights and privileges secured under the floodplain development permit to the transferee.
- (b) The transferee shall:
- (i) Certify that the transferee is familiar with the information contained in the original floodplain development permit application, the detailed plans and specifications, the plot plan and any other documents filed in support of the application for the original floodplain development permit;
 - (ii) Certify that the transferee is familiar with the present condition of the premises on which construction activity is to be accomplished pursuant to the floodplain development permit; and,
 - (iii) Agree to adopt and be bound by the information contained in the original application for the floodplain development permit, the detailed plans and specifications, the plot plan and other documents supporting the original floodplain development permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the Floodplain Administrator and/or designee for approval.
 - (iv) The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor and shall be subject to any written orders issued by the Floodplain Administrator and/or designee.
 - (v) A permit or design approval may not be transferred from the specified location to another location.
3. Expiration of floodplain development permits by operation of law.
- (a) If construction activity, other than activity involving the removal of all or part of a structure, has not been commenced within 180 days from the date of issuance of the floodplain development permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the Floodplain Administrator and/or designee may, for good cause shown in writing, extend the validity of any such permit for an additional period that is reasonable under the circumstances, but in no event shall the continuance exceed a period of 60 days. Such extension shall be confirmed in writing
 - (b) If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of 180 days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the Floodplain Administrator and/or designee may, for good cause shown in writing, extend the validity of any such permit for an additional period that is reasonable under the circumstances to allow construction activity to resume.

C. Construction Stage.

- 1. The Floodplain Administrator and/or designee shall require that two NFIP elevation certificates be completed accurately and without errors by a Professional Land Surveyor or Registered Professional

Engineer for each new structure, substantial addition, substantial improvement, or restoration of substantial damage located in a Special Flood Hazard Area (SFHA) as required by FEMA.

2. The applicant shall have a Professional Land Surveyor or Registered Professional Engineer complete the first of two required NFIP elevation certificates, showing the as-built floor elevation at flood protection grade and lowest adjacent grade to the structure, and other information required in the form. The applicant shall deliver a signed and completed NFIP elevation certificate to the Floodplain Administrator and/or designee within ten calendar days after completion of construction of the lowest floor grade.
 3. The Floodplain Administrator and/or designee shall review the elevation certificate and construction activity shall halt until this review is complete. Any deficiencies detected during the review shall be corrected by the applicant before proposed development is permitted to continue.
 4. Failure to submit the certificate or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.
- D. Finished Construction.
1. Upon completion of construction of any structure requiring certification of elevation, the second elevation certificate that depicts the "as-built" lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator within ten calendar days. The elevation certificate shall be prepared by a Professional Land Surveyor, Professional Registered Engineer and certified by the same.
 2. 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.
 3. Upon completion of construction of a floodproofing measure for a non-residential structure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by a registered professional engineer, surveyor or architect as outlined within the flood-proofing certificate instructions, and certified by same, showing the as-built floor elevation at flood protection grade as provided by the flood-proofing measures constructed, and other required information on the form.
 4. The Department of Business and Neighborhood Services shall not perform the final inspection of construction to a building requiring an elevation certificate or flood-proofing certificate until the Floodplain Administrator and/or designee has received and reviewed a properly completed elevation certificate or flood-proofing certificate.
 5. Failure to submit a properly completed and compliant elevation certificate or flood-proofing certificate when applicable result in the issuance of a stop work order on the project by the Floodplain Administrator and/or designee, revocation of the floodplain development permit by the Floodplain Administrator and/or designee, or both.

Sec. 565-403. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator and/or designated staff are hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance that are consistent with its spirit and purpose.

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

- A. Enforce the provisions of this ordinance.
- B. Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this ordinance have been satisfied.
- C. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

- D. 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.
- E. 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.
- F. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas, must meet the development standards of these regulations.
- G. 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:
 - 1. Verify and document the market value of the pre-damaged or pre-improved structure.
 - 2. 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.
 - 3. 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.
 - 4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in Article 5 of this ordinance are required.
- H. 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.
- I. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to section 565-501(A), section 565-501(C)(1), and section 565-501(D) of this ordinance. Maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
- J. Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if section 565-403(I) is applicable.
- K. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- L. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 565-402.
- M. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance section 565-402.
- N. Make on-site inspections of projects in accordance with section 565-404.
- O. 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.

- P. 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.
- Q. Provide information, testimony, or other evidence as needed during appeal hearings.
- R. Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with section 565-404.
- S. 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 section 565-404.
- T. Coordinate map maintenance activities and associated FEMA follow-up in accordance with section 565-405.
- U. 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.
- V. Request any additional information that may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.
- W. The Floodplain Administrator and/or designee will file the National Flood Insurance Program (NFIP) elevation certificate, and the floodproofing certificate if applicable, for each building and structure in the Special Flood Hazard Area with the floodplain development permit.
- X. The Floodplain Administrator and/or designee will make available to insurance agents and lenders, upon request, copies of the NFIP elevation certificate and the floodproofing certificate to assist in the actuarial rating of the structure for flood insurance purposes.

Sec. 565-404. Administrative Procedures

- A. Inspections of Work in Progress. As the work pursuant to a permit progresses, the floodplain administrator and/or designee 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 to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- B. Stop Work Orders.
 - 1. Upon notice from the floodplain administrator and/or designee, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
 - 2. 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.
- C. Revocation of Permits.
 - 1. The floodplain administrator and/or designee 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.
 - 2. The floodplain administrator may revoke a permit upon determination by the floodplain administrator and/or designee 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.

D. Floodplain Management Records.

1. 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, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance. The Floodplain Administrator and/or designee will maintain a file of all floodplain development permits issued and will make these floodplain development permits available to representatives of FEMA, IDNR and other interested parties.
2. These records shall be available for public inspection at the Department of Business & Neighborhood Services.

- E. Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator and/or designee to ensure compliance. The Floodplain Administrator and/or designee shall have a right 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.

Sec. 565-405. Map Maintenance Activities

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Consolidated City of Indianapolis and Marion County, Indiana (All Jurisdictions) flood maps, studies and other data identified in section 565-302 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

Procedures to change the floodway and floodway fringe district boundaries, with or without an accompanying base flood elevation change, may be initiated in certain circumstances, including but not limited to: Determination of original mapping error; physical change to the landscape such as filling, excavating or grading; modification of a channel or bridge that changes the hydraulic or hydrologic characteristics of the watercourse; availability of better topographic base mapping that more accurately depicts the floodplain limits; and development of detailed hydrological data for previously unstudied zone A areas. In addition, an owner or lessee of property who believes his or her property has been wrongly designated in a particular flood zone delineation may apply for a change in accordance with the Flood Damage Prevention Ordinance.

1. 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:
 - (a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries.
 - (b) 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.
 - (c) 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.
2. 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.

The Floodplain Administrator and/or designee of the Department of Business and Neighborhood Services shall review all LOMR and LOMA applications for completeness pursuant to FEMA regulations and procedures and verify that the subject project has satisfied the regulatory requirements of this article. Upon verification, the Floodplain Administrator and/or designee shall issue a signed community acknowledgement to the applicant as required by FEMA. If the LOMR or LOMA application is based on a channel improvement or other physical change to the floodplain that requires continual operation and maintenance as a condition of the issuance of the LOMR or LOMA by FEMA, the Floodplain Administrator and/or designee may require the applicant to enter into an agreement with the Floodplain Administrator and/or designee to provide such operation and maintenance.

The Floodplain Administrator and/or designee 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.

3. Floodplain development permits issued by the Floodplain Administrator and/or designee shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

B. Right to Submit New Technical Data

The Floodplain Administrator and/or designee 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 Board of Business and Neighborhood Services and may be submitted to FEMA at any time.

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator and/or designee shall notify FEMA in writing whenever the boundaries of the Consolidated City of Indianapolis and Marion County, Indiana 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 Consolidated City of Indianapolis and Marion County, Indiana and Incorporated Areas Flood Insurance Rate Map accurately represent the Consolidated City of Indianapolis and Marion County, Indiana boundaries, include within such notification a copy of a map of the Consolidated City of Indianapolis and Marion County, Indiana suitable for reproduction, clearly showing the new corporate limits or the new area that the Consolidated City of Indianapolis and Marion County, Indiana has assumed or relinquished floodplain management regulatory authority.

Sec. 565-406. Appeals of Administrator's Determination

- A. The Board of Business and Neighborhood Services shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator and/or designee in the enforcement or administration of this ordinance.
- B. The floodplain development permit applicant or property owner must submit written notice of appeal to the Floodplain Administrator either by registered or certified mail, return receipt requested, or by personal service with a signed receipt. If the notice is not delivered to the Floodplain Administrator within ten (10) calendar days of the date of the Floodplain Administrator's and/or designee decision, then the applicant shall forfeit the appeal.
- C. The Board shall review the appeal request at their next regularly scheduled board meeting. Written notification of the Board's determination to affirm or vacate the Floodplain Administrator's and/or designee decision shall be provided to the appellants within thirty (30) calendar days of the date of this meeting.
- D. In considering such appeals, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 1. the danger to life and property due to flooding or erosion damage.

2. the danger that materials may be swept onto other lands to the injury of others.
 3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 4. the importance of the services provided by the proposed facility to the community.
 5. the necessity to the facility of a waterfront location, where applicable.
 6. the compatibility of the proposed use with existing and anticipated development.
 7. the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
 8. the safety of access to the property in times of flood for ordinary and emergency vehicles.
 9. the expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site.
 10. 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.
- E. A written report addressing each of the above factors shall be submitted with the application for an appeal. An application for an appeal that does not include the report required by this subsection shall be deemed incomplete and will be treated as notice of the intent to request an appeal.
- F. When approving appeals, the board shall make positive findings of fact based on evidence submitted at the hearing for the following:
1. A showing of good and sufficient cause.
 2. A determination that failure to grant the appeal would result in exceptional hardship as defined in Article 2.
 3. A determination that the approval of the appeal 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.
- G. Appeals for residential uses within a floodway subject to section 565-501(A), section 565-501(C)(1), or section 565-501(D) of this ordinance may not be granted. If the Board approves such an appeal, a permit from the Indiana Department of Natural Resources is required.
- H. Any appeal approved in a floodway subject to section 565-501(A), section 565-501(C)(1), or section 565-501(D) will require a permit from the Indiana Department of Natural Resources. Appeals shall not be approved within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- I. Appeals to the Provisions for Flood Hazard Reduction of Article 5 may only be approved 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.
- J. Appeals concerning the repair or rehabilitation of “historic structures” may be approved upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a “historic structure” and the appeal is the minimum to preserve the historic character and design of the structure.
- K. Appeals may be approved for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.
- L. Upon consideration of the factors listed above and the purposes of this ordinance, the Board may attach such conditions to the granting of the appeal as it deems necessary to further the purposes of this ordinance.

- M. Any applicant to whom an appeal 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.
- N. The Floodplain Administrator and/or designee shall maintain written records of appeal actions and report any appeals to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

Article 5. Provisions for Flood Hazard Reduction

Sec. 565-501. Floodplain Status Standards

A. Floodways (Riverine)

Located within SFHAs, established in section 565-302, 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). The purpose of the floodway designation is to guide development in areas identified as a floodway. IDNR, under the authority of the INRC, exercises primary jurisdiction in the floodway area. 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. The Consolidated City of Indianapolis and Marion County may impose terms and conditions on any floodplain development permit it issues in a floodway that are more restrictive than those imposed by IDNR regulations. The following regulations shall apply to all land within the floodway. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

1. If the site is in a regulatory floodway as established in section 565-302, the Floodplain Administrator and/or designee shall require the applicant to apply to IDNR for a state permit for construction in a floodway and forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10). A floodplain development permit shall not be issued by the Floodplain Administrator and/or designee for the proposed activity until the IDNR has issued a certificate of approval of construction in a floodway or a letter stating that IDNR approval is not required, and the Floodplain Administrator and/or designee determines that the application complies with all other applicable requirements of this article.
2. No action shall be taken by the Floodplain Administrator and/or designee 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.
3. 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.
4. 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 section 565-405(A). 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.
5. 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.

6. For all projects involving channel modifications or fill (including levees) the Consolidated City of Indianapolis and Marion 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.
7. Permitted uses. The following uses shall be permitted in the Floodway subject to the development standards of this section 565-501.
 - (a) Open land uses;
 - (b) Land alterations and watercourse alterations;
 - (c) Nonbuilding structures;
 - (d) Accessory structures; and
 - (e) Improvements, additions, and restoration of damage to legally established nonconforming uses.
8. Development standards in the Floodway.
 - (a) Open land use. An open land use shall be allowed without a floodplain development permit provided that the open land use does not constitute or involve any structure, obstruction, deposit, construction, excavation, or filling in a floodway in accordance with IDNR regulations. Otherwise, proposed open land uses shall require a floodplain development permit in accordance with this ordinance.
 - (b) Land and watercourse alterations. Land alterations and watercourse alterations as defined in this article shall not result in any new or additional public or private expense for flood protection; shall assure that the flood carrying capacity is maintained and shall not increase flood elevations, velocities, or erosion upstream, downstream or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment. In addition, no floodplain development permit shall be issued for land alterations or watercourse alterations in a floodway unless a certificate of approval for construction in a floodway is first issued by IDNR for the proposed activity, if required pursuant to IC 14-28-1.
 - (c) Prohibition of garbage, trash, and junk. No use shall involve the storage, accumulation, spreading, dismantling or processing of garbage, trash, junk, or any other similar discarded or waste material.

B. Fringe (Riverine)

The purpose of the Floodway Fringe is to guide development in areas subject to potential flood damage, but outside a floodway. 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 and/or designee may issue the local Floodplain Development Permit provided the provisions contained in this article have been met. The following regulations shall apply to all land within the Floodway Fringe. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

Permitted uses. All uses permitted in the applicable primary zoning district shall be those uses permitted in the Floodway Fringe, unless otherwise prohibited (prohibited uses), and provided no other secondary zoning district prohibits the use.

1. Prohibited uses. The following critical facilities are prohibited from newly locating in the Floodway Fringe:

- (a) Jails;
 - (b) Hospitals;
 - (c) Assisted living facilities;
 - (d) Nursing homes;
 - (e) Laboratories;
 - (f) Elementary, Middle or High Schools;
 - (g) Daycare facilities;
 - (h) Fire stations;
 - (i) Emergency operation centers;
 - (j) Police facilities;
 - (k) Truck, train, or bus terminal, storage or maintenance facility;
 - (l) Wrecking or salvage facility;
 - (m) Gas, oil or propane storage facility;
 - (n) Industrial laundry;
 - (o) Hazardous waste handling or storage facility; and
 - (p) Other public equipment storage facilities.
2. Development standards in the Floodway Fringe
- (a) Flood protection grade required. Except as specifically provided in this section, no building shall be erected, reconstructed, expanded, structurally altered, converted, used, relocated, restored, or improved unless the lowest floor elevation including any basement is provided and maintained at a flood protection grade of at least two feet above the base flood elevation.
 - (b) Flood-proofing. This flood protection grade may be achieved for nonresidential structures by structural flood-proofing. The design and construction shall be certified on a flood-proofing certificate by a professional engineer or professional architect registered in the state of Indiana as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.
 - (c) Open land use. All open land uses as defined in this article shall be allowed in a Floodway Fringe without a floodplain development permit.
 - (d) Land and watercourse alterations. Land alterations and watercourse alterations in a Floodway Fringe shall not result in any new or additional public or private expense for flood protection; shall not increase flood elevations or reduce flood carrying capacity; shall not increase velocities or erosion upstream, downstream, or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment.
3. Draining of land; altering of watercourses; construction of ponds, lakes, levee, dams.
- No draining or reclamation of land; altering, widening, deepening or filling of watercourses or drainage channels or ways; construction of ponds, lakes, levees, or dams; or any other changes or improvements of watercourses or drainage channels or ways shall be undertaken in the Floodway Fringe unless first approved by the IDNR, if applicable, and any other local, state or federal agencies having jurisdiction over such activity.

4. Construction of new access roads.

If the proposed activity includes the construction of a new access road between proposed buildings to be located in the Floodway Fringe and a public road, and the public road at the intersection with the proposed access road is at or above the base flood elevation, then the proposed access road must also be at or above the base flood elevation along the entire length between any proposed building and the public road. If there is more than one access road between the public road and any proposed building, only one must provide access at or above the base flood elevation.

5. Compensatory storage required.

- (a) Whenever any portion of the SFHA is authorized for use, the volume of space that will be occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by an equivalent volume of excavation taken below the base flood elevation. 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.
- (b) The excavation shall take place in the floodplain and on the same property that the authorized fill or structure is located.
- (c) 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 base flood elevation, will be in the same property that the authorized fill or structure is located, will be accessible to the base flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.
- (d) The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.
- (e) The fill or structure shall not obstruct a drainage way leading to the floodplain.
- (f) The grading around the excavation shall be such that the excavated area is accessible to the base flood water.
- (g) 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.
- (h) The compensatory storage area shall be outside the stream protection corridor ([Section 744-205](#)).
- (i) The compensatory storage requirement excludes interior drainage behind accredited floodplain protection structures.
- (j) 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 and/or designee a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

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

1. 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 and/or designee 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 and/or designee 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 and/or designee 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.

2. 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 and/or designee 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 and/or designee may issue the local Floodplain Development Permit, provided the provisions contained in this article have been met.

D. SFHAs not Identified on a Map

1. If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator and/or designee 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 and/or designee 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.
2. No action shall be taken by the Floodplain Administrator and/or designee 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.
3. Once the Floodplain Administrator and/or designee 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.

Sec. 565-502. General Standards

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

- A. 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 resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
- C. New construction and substantial improvements must incorporate methods and practices that minimize flood damage.
- D. 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.

- E. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. 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.
- I. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), that is greater than fifty (50) lots or five (5) acres, whichever is less.
- J. 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. The development will be designed with the lowest floor elevation including any basement provided and maintained at or above flood protection grade of at least two feet above the base flood elevation.
- K. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes in areas of shallow flooding, designated as Zone AO or Zone AH on the FIRM.
- L. 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.
- M. 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.
- N. 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.
- O. Floodplain performance surety. The following standards shall apply to all floodplain performance surety.
 - 1. The surety must be either a performance bond or letter of credit on the approved Department of Business and Neighborhood Services forms.
 - 2. The amount of the surety must equal one percent of the total cost of all proposed improvements but in no case be less than \$2,000.00 per building on the site
 - 3. The surety must be valid, without expiration, until released by the Floodplain Administrator and/or designee.
 - 4. To obtain the release of the floodplain performance surety, the Floodplain Administrator and/or designee shall determine if the required certificates are completed accurately and without errors.
 - 5. The Floodplain Administrator may utilize the floodplain performance surety to obtain the required certificate should the applicant fail to provide one.
- P. General regulations applicable to all Special Flood Hazard Areas. The following regulations shall apply to all land within any Special Flood Hazard Area:
 - 1. From and after October 4, 1971:

- (a) No land, watercourse, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this article.
 - (b) No land, watercourse, building, structure, premises, use or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed, relocated, altered, improved, or repaired except in conformity with these regulations and for uses permitted by the Flood Damage Prevention Ordinance.
2. No land alteration, watercourse alteration, open land use, legally established nonconforming use, or structure as defined in this article shall be constructed, erected, placed, converted, enlarged, extended, reconstructed, improved, repaired, restored, or relocated until a floodplain development permit is issued for the proposed activity as required by the Flood Damage Prevention Ordinance.
- Q. Fencing must be designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section are perpendicular to the flow path, and placement of nonbuilding structures away from the area of greater depth or velocities.

Sec. 565-503. Specific Standards

In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in section 565-302, the following provisions are required:

Building Protection Requirement. In addition to the general standards described in section 565-302, structures to be located in the SFHA shall be protected from flood damage below the FPG.

- A. This building protection requirement applies to the following situations:
 - 1. Construction or placement of a residential structure.
 - 2. Construction or placement of a non-residential structure.
 - 3. 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.
 - 4. 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).
 - 5. Calculating 50% limit. In the Special Flood Hazard Area, the maximum amount of work allowed in or on a legally established nonconforming use before the work is not eligible for the special allowances provided for restoration of non-substantial damage, non-substantial improvements and non-substantial additions as provided herein. The proposed work shown on an application for a floodplain development permit in or on a legally established nonconforming use shall be evaluated to determine whether the 50% limit has been exceeded by taking the ratio of the projected cost of the work divided by the market value of the structure upon which the work is to be accomplished before the start of construction of the legally established nonconforming use (excluding the value of the land or detached structures) as a percentage.

$$\text{Amount of work} = \frac{\text{Projected cost of the work}}{\text{Market value of the structure upon which the work is to be accomplished}} \times 100 = \%$$

6. Installing a manufactured home on a new site or a new manufactured home on an existing site.

Manufactured homes and mobile dwellings that are placed or undergo substantial improvements or substantial additions on sites outside of a mobile dwelling project, in a new mobile dwelling project or

subdivision, in an expansion to an existing mobile dwelling project or subdivision, or in an existing mobile dwelling project or subdivision that a manufactured home or mobile dwelling has incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home or mobile dwelling is elevated with a flood protection grade at least two feet above the base flood and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

6. Installing a travel trailer or recreational vehicle on a site for more than 180 days shall be subject to the requirements for manufactured homes and mobile dwellings. Recreational vehicles placed on sites in the Floodway Fringe shall not be subject to requirements for manufactured homes and mobile dwellings and shall not require a Floodplain Development Permit if the recreational vehicle is either placed on the site for fewer than 180 consecutive days or is fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is 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.
7. Reconstruction or repairs made to a repetitive loss structure.
8. Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance.

B. Residential Construction

1. New construction or substantial improvement of any residential structures shall meet the provisions described in section 565-501 and applicable general standards described in section 565-502.
2. 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 section 565-503(B)(5). Should fill be used to elevate a structure, the standards of section 565-503(B)(6) must be met.
3. In **Zone AH**, 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 section 565-503(B)(5). Should fill be used to elevate a structure, the standards of section 565-503(B)(6) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.
4. In **Zone AO**, new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet (2') greater than the flood depth specified on the FIRM above the highest adjacent grade. If no flood depth is specified, the community shall use two feet as the minimum depth. 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 section 565-503(B)(5). Should fill be used to elevate a structure, the standards of section 565-503(B)(6) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.
5. **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:
 - (a) 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:
 - (i) Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the

requirement for flood openings in exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

- (ii) 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.
 - (iii) If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
 - (iv) 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.
 - (v) Doors and windows do not qualify as openings.
 - (vi) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (vii) 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.
- (b) The floor of such enclosed area must be at or above grade on at least one side.
6. A residential structure may be constructed on a fill in accordance with the following:
- (a) 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.
 - (b) Fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE. This is a minimum distance that may need to be increased by the designer based on-site conditions.
 - (c) 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. The method must be approved by the Floodplain Administrator and/or designee of the Department of Business and Neighborhood Services.
 - (d) Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - (e) Fill shall be composed of clean granular or earthen material.
7. A residential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

C. Non-Residential Construction

1. New construction or substantial improvement of any non-residential structures (excludes accessory structures) shall meet provisions described in section 565-501 and applicable general standards described in section 565-502.
2. 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, 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 section 565-503(C)(5). Should fill be used to elevate a structure, the standards of section 565-503(C)(6) must be met.

3. In **Zone AH**, new construction or substantial improvement of any non-residential structure (excludes accessory structures) shall have the lowest floor, including basement, elevated at least to 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 section 565-503(C)(5). Should fill be used to elevate a structure, the standards of section 565-503(C)(6) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.
4. In **Zone AO**, new non-residential construction or substantial improvements of any non-residential structure (excludes accessory structures) shall either:
 - (a) Have the lowest floor, including basement, elevated at least two feet (2') greater than the flood depth number specified on the FIRM (If no flood depth number is specified, two feet shall be used as the flood depth.) above the highest adjacent grade. 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 section 565-503(C)(5). Should fill be used to elevate a structure, the standards of section 565-503(C)(6) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes; or
 - (b) Be floodproofed to an elevation at least two (2') greater than the flood depth number specified on the FIRM (If no flood depth number is specified, two feet shall be used as the flood depth.) above the highest adjacent grade.
5. **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:
 - (a) 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:

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). Designs for meeting this requirement must meet the following minimum criteria.

 - (i) A minimum of one square inch of net open area for each one square foot of enclosed area for non-engineered openings or a minimum of one engineered inch for each one square foot of enclosed area for an engineered opening.
 - (ii) The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
 - (A) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without reliance on human or electrical activation.
 - (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.
 - (b) The floor of such enclosed area must be at or above grade on at least one side.
6. A nonresidential structure may be constructed on **fill** in accordance with the following:
- (a) 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.
 - (b) Shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.
 - (c) 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.
 - (d) Shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - (e) Shall be composed of clean granular or earthen material.
7. A nonresidential structure may be **floodproofed** in accordance with the following:
- (a) 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 and/or designee.
 - (b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
8. 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.
9. If the damage to a nonresidential structure is such that the nonresidential structure including the foundation is destroyed, the nonresidential structure must be rebuilt upon the same area of the original foundation and have substantially the same configuration as the destroyed structure, unless the rebuilt nonresidential structure is proposed to be placed on a site less vulnerable to flood hazards as determined by the Floodplain Administrator and/or designee;
10. The damage was not intentionally caused by the owner or occupant; and
11. The restoration of the structure is begun within one year and completed within two years following the date that the damage occurred.

D. Manufactured Homes and Recreational Vehicles

- a. These requirements apply to all manufactured homes to be placed on a site in the SFHA:
 - 1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - 2. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to

automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in section 565-503(B)(5).

3. 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:
 - (a) 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
 - (b) Meet the requirements for “manufactured homes” as stated earlier in this section.

E. 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 and is constructed or placed on the same lot as the existing primary residential structure and is operated and maintained under the same ownership. The structure is customarily incidental, accessory and subordinate to, and commonly associated with the operation of the primary use of the lot. The detached structure is no larger than 75 percent of the size of the existing primary residential structure.
- b. Use shall be limited to parking of vehicles and limited storage. The detached structure is not used for the storage of any substance or chemical that is dangerous or would become dangerous if mixed with water.
- c. Shall not be used for human habitation.
- d. Shall be constructed of flood resistant materials. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
- e. Shall be firmly anchored to prevent flotation.
- f. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
- g. 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 section 565-503(C)(3). Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.
- h. As a condition to allowing construction of a detached residential accessory structure, the Floodplain Administrator and/or designee may first require the owner to record a statement, in a form approved by the Floodplain Administrator and/or designee, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

F. 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.

G. 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 section 565-503(C).

Sec. 565-504. Standards for Subdivision and Other New Developments

- A. All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.
- B. 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.
- C. All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than fifty (50) lots or five (5) acres, whichever is less.
- E. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- F. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
- G. 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.

SECTION 2. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason after having taken effect, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 3. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14, but only after the preconditions stated in Section 1(a) above have been satisfied.

PROPOSAL NO. 178, 2024. Councilor Jones reported that the Public Works Committee heard Proposal No. 178, 2024 on June 13, 2024. The proposal, sponsored by Councilor Jones, directs the Public Works Committee to review the Complete Streets Annual Report. Councilor Jones said that this reporting is required by Revised Code, Sec. 431-807(b). The committee reviewed the annual report, as presented by Department of Public Works staff. No vote for recommendation was needed by the Committee. President Osili stated that no vote is needed by the full Council, and the report is noted as having been received by Council members.

Councilor Jones reported that the Public Works Committee heard Proposal Nos. 179-186, 2024 on June 13, 2024.

PROPOSAL NO. 179, 2024. The proposal sponsored by Councilor Annee, approves a request of the Department of Public Works to purchase certain real estate interests for the Bluff Road

Reconstruction Project, which property is owned by William J. Sanders, Sr. By a 7-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councilor Jones moved, seconded by Councilor McCormick, for adoption. Proposal No. 179, 2024 was adopted on the following roll call vote; viz:

23 YEAS: Allen, Annee, Bain, Barth, Boots, Brown-J, Cahill, Carlino, Delaney, Dilk, Gibson, Graves, Hart, Jones, Lewis, Mascari, McCormick, Mowery, Nielsen, Osili, Perkins, Roberts, Robinson
2 ABSENT: Brown-A, Evans

Proposal No. 179, 2024 was retitled GENERAL RESOLUTION NO. 21, 2024, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 21, 2024

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana (the "City") is the fiscal body of the City pursuant to IC 36-1-2-6; and

WHEREAS, pursuant to IC 36-1-10.5-1, *et seq.*, the City may purchase interests in land for a total price exceeding twenty-five thousand dollars (\$25,000) only after the City-County Council, as the fiscal body, passes a resolution to the effect that it is interested in making a purchase of the specified land; and

WHEREAS, the City, through its Department of Public Works ("DPW"), wishes to purchase fee simple title to the real estate described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein (the "Real Estate"); and

WHEREAS, acquisition of the Real Estate is needed for the construction and maintenance of DPW Project Number SD-22-103; the Bluff Road Reconstruction Project; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby establishes that it has an interest in acquiring the Real Estate described in Exhibit "A" attached to and incorporated into the official copy of this Resolution on file with the Clerk of the Council.

SECTION 2. For purposes of Revised Code Sec. 151-66, the Real Estate is owned by William J. Sanders, Sr.

SECTION 3. DPW is directed to appoint two (2) appraisers to appraise the fair market value of the Real Estate and to provide a copy of both appraisals to the Chair of the Public Works Committee of the City-County-Council.

SECTION 4. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 180, 2024. The proposal sponsored by Councilor Annee, approves a request of the Department of Public Works to purchase certain real estate interests for the Bluff Road Reconstruction Project, which property is owned by Gary and Carla M. Seibert. By a 7-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councilor Jones moved, seconded by Councilor Carlino, for adoption. Proposal No. 180, 2024 was adopted on the following roll call vote; viz:

July 8, 2024

23 YEAS: Allen, Annee, Bain, Barth, Boots, Brown-J, Cahill, Carlino, Delaney, Dilk, Gibson, Graves, Hart, Jones, Lewis, Mascari, McCormick, Mowery, Nielsen, Osili, Perkins, Roberts, Robinson
2 ABSENT: Brown-A, Evans

Proposal No. 180, 2024 was retitled GENERAL RESOLUTION NO. 22, 2024, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 22, 2024

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana (the "City") is the fiscal body of the City pursuant to IC 36-1-2-6; and

WHEREAS, pursuant to IC 36-1-10.5-1, *et seq.*, the City may purchase interests in land for a total price exceeding twenty-five thousand dollars (\$25,000) only after the City-County Council, as the fiscal body, passes a resolution to the effect that it is interested in making a purchase of the specified land; and

WHEREAS, the City, through its Department of Public Works ("DPW"), wishes to purchase fee simple title to the real estate described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein (the "Real Estate"); and

WHEREAS, acquisition of the Real Estate is needed for the construction and maintenance of DPW Project Number SD-22-103; the Bluff Road Reconstruction Project; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby establishes that it has an interest in acquiring the Real Estate described in Exhibit "A" attached to and incorporated into the official copy of this Resolution on file with the Clerk of the Council.

SECTION 2. For purposes of Revised Code Sec. 151-66, the Real Estate is owned by Gary & Carla M. Seibert.

SECTION 3. DPW is directed to appoint two (2) appraisers to appraise the fair market value of the Real Estate and to provide a copy of both appraisals to the Chair of the Public Works Committee of the City-County-Council.

SECTION 4. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 181, 2024. The proposal sponsored by Councilor Annee, approves a request of the Department of Public Works to purchase certain real estate interests for the Bluff Road Reconstruction Project, which property is owned by Scott G. and Elizabeth M. Holloway. By a 7-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councilor Jones moved, seconded by Councilor Carlino, for adoption. Proposal No. 181, 2024 was adopted on the following roll call vote; viz:

23 YEAS: Allen, Annee, Bain, Barth, Boots, Brown-J, Cahill, Carlino, Delaney, Dilk, Gibson, Graves, Hart, Jones, Lewis, Mascari, McCormick, Mowery, Nielsen, Osili, Perkins, Roberts, Robinson
2 ABSENT: Brown-A, Evans

Proposal No. 181, 2024 was retitled GENERAL RESOLUTION NO. 23, 2024, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 23, 2024

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana (the “City”) is the fiscal body of the City pursuant to IC 36-1-2-6; and

WHEREAS, pursuant to IC 36-1-10.5-1, *et seq.*, the City may purchase interests in land for a total price exceeding twenty-five thousand dollars (\$25,000) only after the City-County Council, as the fiscal body, passes a resolution to the effect that it is interested in making a purchase of the specified land; and

WHEREAS, the City, through its Department of Public Works (“DPW”), wishes to purchase fee simple title to the real estate described in Exhibit “A” and depicted in Exhibit “B” attached hereto and incorporated herein (the “Real Estate”); and

WHEREAS, acquisition of the Real Estate is needed for the construction and maintenance of DPW Project Number SD-22-103; the Bluff Road Reconstruction Project; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby establishes that it has an interest in acquiring the Real Estate described in Exhibit “A” attached to and incorporated into the official copy of this Resolution on file with the Clerk of the Council.

SECTION 2. For purposes of Revised Code Sec. 151-66, the Real Estate is owned by Scott G. & Elizabeth M. Holloway.

SECTION 3. DPW is directed to appoint two (2) appraisers to appraise the fair market value of the Real Estate and to provide a copy of both appraisals to the Chair of the Public Works Committee of the City-County-Council.

SECTION 4. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 182, 2024. The proposal sponsored by Councilor Annee, approves a request of the Department of Public Works to purchase certain real estate interests for the Bluff Road Reconstruction Project, which property is owned by Benjamin Angelo Kundick, III. By a 7-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councilor Jones moved, seconded by Councilor Boots, for adoption. Proposal No. 182, 2024 was adopted on the following roll call vote; viz:

23 YEAS: Allen, Annee, Bain, Barth, Boots, Brown-J, Cahill, Carlino, Delaney, Dilk, Gibson, Graves, Hart, Jones, Lewis, Mascari, McCormick, Mowery, Nielsen, Osili, Perkins, Roberts, Robinson
2 ABSENT: Brown-A, Evans

Proposal No. 182, 2024 was retitled GENERAL RESOLUTION NO. 24, 2024, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 24, 2024

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana (the “City”) is the fiscal body of the City pursuant to IC 36-1-2-6; and

July 8, 2024

WHEREAS, pursuant to IC 36-1-10.5-1, *et seq.*, the City may purchase interests in land for a total price exceeding twenty-five thousand dollars (\$25,000) only after the City-County Council, as the fiscal body, passes a resolution to the effect that it is interested in making a purchase of the specified land; and

WHEREAS, the City, through its Department of Public Works (“DPW”), wishes to purchase fee simple title to the real estate described in Exhibit “A” and depicted in Exhibit “B” attached hereto and incorporated herein (the “Real Estate”); and

WHEREAS, acquisition of the Real Estate is needed for the construction and maintenance of DPW Project Number SD-22-103; the Bluff Road Reconstruction Project; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby establishes that it has an interest in acquiring the Real Estate described in Exhibit “A” attached to and incorporated into the official copy of this Resolution on file with the Clerk of the Council.

SECTION 2. For purposes of Revised Code Sec. 151-66, the Real Estate is owned by Benjamin Angelo Kundick, III.

SECTION 3. DPW is directed to appoint two (2) appraisers to appraise the fair market value of the Real Estate and to provide a copy of both appraisals to the Chair of the Public Works Committee of the City-County-Council.

SECTION 4. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 183, 2024. The proposal sponsored by Councilor Annee, approves a request of the Department of Public Works to purchase certain real estate interests for the Bluff Road Reconstruction Project, which property is owned by Andy Warren. By a 7-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass.

Councilor Annee said that this body has been approving parcel purchases for several meetings now to support this project, and he appreciates both the staff and his Council colleagues for their support.

Councilor Jones moved, seconded by Councilor McCormick, for adoption. Proposal No. 183, 2024 was adopted on the following roll call vote; viz:

23 YEAS: Allen, Annee, Bain, Barth, Boots, Brown-J, Cahill, Carlino, Delaney, Dilk, Gibson, Graves, Hart, Jones, Lewis, Mascari, McCormick, Mowery, Nielsen, Osili, Perkins, Roberts, Robinson
2 ABSENT: Brown-A, Evans

Proposal No. 183, 2024 was retitled GENERAL RESOLUTION NO. 25, 2024, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 25, 2024

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana (the “City”) is the fiscal body of the City pursuant to IC 36-1-2-6; and

WHEREAS, pursuant to IC 36-1-10.5-1, *et seq.*, the City may purchase interests in land for a total price exceeding twenty-five thousand dollars (\$25,000) only after the City-County Council, as the fiscal body, passes a resolution to the effect that it is interested in making a purchase of the specified land; and

WHEREAS, the City, through its Department of Public Works (“DPW”), wishes to purchase fee simple title to the real estate described in Exhibit “A” and depicted in Exhibit “B” attached hereto and incorporated herein (the “Real Estate”); and

WHEREAS, acquisition of the Real Estate is needed for the construction and maintenance of DPW Project Number SD-22-103; the Bluff Road Reconstruction Project; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby establishes that it has an interest in acquiring the Real Estate described in Exhibit “A” attached to and incorporated into the official copy of this Resolution on file with the Clerk of the Council.

SECTION 2. For purposes of Revised Code Sec. 151-66, the Real Estate is owned by Mr. Andy Warren.

SECTION 3. DPW is directed to appoint two (2) appraisers to appraise the fair market value of the Real Estate and to provide a copy of both appraisals to the Chair of the Public Works Committee of the City-County-Council.

SECTION 4. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 184, 2024. The proposal sponsored by Councilor Annee, approves a request of the Department of Public Works to purchase certain real estate interests for the Bluff Road Reconstruction Project, which property is owned by David O. Fishburn. By a 7-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councilor Jones moved, seconded by Councilor McCormick, for adoption. Proposal No. 184, 2024 was adopted on the following roll call vote; viz:

23 YEAS: Allen, Annee, Bain, Barth, Boots, Brown-J, Cahill, Carlino, Delaney, Dilk, Gibson, Graves, Hart, Jones, Lewis, Mascari, McCormick, Mowery, Nielsen, Osili, Perkins, Roberts, Robinson
2 ABSENT: Brown-A, Evans

Proposal No. 184, 2024 was retitled GENERAL RESOLUTION NO. 26, 2024, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 26, 2024

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana (the “City”) is the fiscal body of the City pursuant to IC 36-1-2-6; and

WHEREAS, pursuant to IC 36-1-10.5-1, *et seq.*, the City may purchase interests in land for a total price exceeding twenty-five thousand dollars (\$25,000) only after the City-County Council, as the fiscal body, passes a resolution to the effect that it is interested in making a purchase of the specified land; and

WHEREAS, the City, through its Department of Public Works (“DPW”), wishes to purchase fee simple title to the real estate described in Exhibit “A” and depicted in Exhibit “B” attached hereto and incorporated herein (the “Real Estate”); and

July 8, 2024

WHEREAS, acquisition of the Real Estate is needed for the construction and maintenance of DPW Project Number SD-22-103; the Bluff Road Reconstruction Project; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby establishes that it has an interest in acquiring the Real Estate described in Exhibit "A" attached to and incorporated into the official copy of this Resolution on file with the Clerk of the Council.

SECTION 2. For purposes of Revised Code Sec. 151-66, the Real Estate is owned by Mr. David O. Fishburn.

SECTION 3. DPW is directed to appoint two (2) appraisers to appraise the fair market value of the Real Estate and to provide a copy of both appraisals to the Chair of the Public Works Committee of the City-County-Council.

SECTION 4. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 185, 2024. The proposal sponsored by Councilor Cahill, approves a request of the Department of Public Works to purchase certain real estate interests for the Rosedale Hills Drainage Improvement Project, which property is owned by the Bishop and Council of the Protestant Episcopal Church of the Diocese of Indianapolis. By a 7-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councilor Jones moved, seconded by Councilor McCormick, for adoption. Proposal No. 185, 2024 was adopted on the following roll call vote; viz:

23 YEAS: Allen, Annee, Bain, Barth, Boots, Brown-J, Cahill, Carlino, Delaney, Dilk, Gibson, Graves, Hart, Jones, Lewis, Mascari, McCormick, Mowery, Nielsen, Osili, Perkins, Roberts, Robinson
2 ABSENT: Brown-A, Evans

Proposal No. 185, 2024 was retitled GENERAL RESOLUTION NO. 27, 2024, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 27, 2024

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana (the "City") is the fiscal body of the City pursuant to IC 36-1-2-6; and

WHEREAS, pursuant to IC 36-1-10.5-1, *et seq.*, the City may purchase interests in land for a total price exceeding twenty-five thousand dollars (\$25,000) only after the City-County Council, as the fiscal body, passes a resolution to the effect that it is interested in making a purchase of the specified land; and

WHEREAS, the City, through its Department of Public Works ("DPW"), wishes to purchase fee simple title to the real estate described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein (the "Real Estate"); and

WHEREAS, acquisition of the Real Estate is needed for the construction and maintenance of DPW Project Number SD-39-062; the Rosedale Hills Drainage Improvement Project; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby establishes that it has an interest in acquiring the Real Estate described in Exhibit "A" attached to and incorporated into the official copy of this Resolution on file with the Clerk of the Council.

SECTION 2. For purposes of Revised Code Sec. 151-66, the Real Estate is owned by the Bishop and Council of the Protestant Episcopal Church of the Diocese of Indianapolis.

SECTION 3. DPW is directed to appoint two (2) appraisers to appraise the fair market value of the Real Estate and to provide a copy of both appraisals to the Chair of the Public Works Committee of the City-County-Council.

SECTION 4. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 186, 2024. The proposal sponsored by Councilors Jones, J. Brown, Nielsen, McCormick, Barth and Gibson, authorizes various traffic control changes to Chapters 441 and 621 of the Revised Code in support of a public transportation project being carried out by the Indianapolis Public Transportation Corporation (IndyGo) in accordance with IC 8-25 and IC 36-9-4. By a 7-1 vote, the committee reported the proposal to the full Council with the recommendation that it do pass as amended. Councilor Jones moved, seconded by Councilor Delaney, for adoption. Proposal No. 186, 2024 was adopted on the following roll call vote; viz:

17 YEAS: Allen, Barth, Boots, Brown-J, Carlino, Delaney, Gibson, Graves, Jones, Lewis, Mascari, McCormick, Nielsen, Osili, Perkins, Roberts, Robinson
6 NAYS: Annee, Bain, Cahill, Dilk, Hart, Mowery,
2 ABSENT: Brown-A, Evans

Proposal No. 186, 2024 was retitled GENERAL ORDINANCE NO. 23, 2024, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 23, 2024

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code to make various changes to Chapter 621, Parking, Standing and Stopping Restricted; and Chapter 441, Traffic, in support of a public transportation project being carried out by the Indianapolis Public Transportation Corporation in accordance with IC 8-25 and IC 36-9-4.

WHEREAS, Senate Enrolled Act 176 (2014) enacted by the Indiana General Assembly provided an opportunity for the citizens of Marion County to vote by referendum in a general election on whether to fund county-based public transportation improvements through a local income tax not to exceed 0.25 percent; and,

WHEREAS, pursuant to IC 8-25-2-1, the City-County Council ("Council") authorized a referendum to fund public transportation improvements to be placed on the November 2016 general election ballot for Marion County voters; and,

WHEREAS, pursuant to IC 8-25-2-3, the referendum question was as follows: "Shall Marion County have the ability to impose a county economic development income tax rate, not to exceed a rate of 0.25%, to pay for improving or establishing public transportation service in the county through a public transportation project that will create a connected network of buses and rapid transit lines; increase service frequency; extend operational hours; and implement three new rapid transit lines?"; and,

WHEREAS, at the November 8, 2016 general election, the voters of Marion County approved this local public question by a vote of 191,989 in favor (59.36%) to 131,426 against (40.64%); and,

WHEREAS, pursuant to IC 6-3.6-7-27 and IC 8-25-3-1, the Council adopted Fiscal Ordinance No. 001-2017 to impose an additional local income tax rate for the public transportation project; and,

WHEREAS, pursuant to IC 6-3.6-3-3(b), the new tax rate took effect on October 1, 2017; and,

July 8, 2024

WHEREAS, pursuant to IC 8-25-3-7 and IC 6-3.6-7-27, the local income tax revenues attributable to the new additional tax rate “may be used only to purchase, establish, operate, repair, or maintain a public transportation project authorized under [IC 8-25]”; and,

WHEREAS, IC 8-25-4-2 provides that the City-County Council “may adopt an ordinance authorizing a public transportation corporation to carry out a public transportation project in accordance with the powers granted to the public transportation corporation under IC 36-9-4,” subject to the Council’s appropriating power and any other powers reserved for the Council; and,

WHEREAS, the Indianapolis Public Transportation Board of Directors adopted the Marion County Transit Plan at the Board’s meeting held on March 24, 2016; and,

WHEREAS, the Indianapolis Public Transportation Board of Directors adopted Resolution 2015 – 03 Supporting the Purple Line and Blue Line Bus Rapid Transit Service and Grant Application for Federal Transit Administration Small Starts Funding on March 11, 2024; and,

WHEREAS, the Purple Line and Blue Line design plans include permanent stations to be constructed in the public right-of-way; and,

WHEREAS, the Purple Line and Blue Line design plans include dedicated bus-only lanes on segments of North Post Road, East 38th Street, West Washington Street, West Maryland Street, East Maryland Street, and East Washington Street; and,

WHEREAS, these Purple Line and Blue Line stations and dedicated bus-only lanes will require new traffic signals, changes to parking, and new traffic management measures; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 621-121(b) of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 621-121. – Parking prohibited at all times on certain streets.

(b) The streets or portions of streets to which the prohibition contained in subsection (a) shall apply are as follows:

Washington Street, on both sides, from East Street to Edmondson Avenue

Washington Street, on both sides, from East Street to Southeastern Avenue

Washington Street, on the south side, from Harris Avenue to Hancock Avenue;

Washington Street, on the south side, from Belmont Avenue to Elder Avenue;

SECTION 2. Section 621-122 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 621-122. – Stopping, standing or parking prohibited at all times on certain designated streets.

It shall be unlawful for the owner, driver or operator of any vehicle to park or stop such vehicle or to permit such vehicle to be parked or to stand at any time, without exception, upon any of the following designated portions of streets in the city:

Washington Street, on both sides, from Southeastern Avenue to Layman Avenue

Washington Street, on south side, from Layman Avenue to 80’ east of Audubon Road

Washington Street, on both sides, from 80’ east of Audubon Road to Edmondson Avenue;

SECTION 3. Section 441-336 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, subsections (1) and (2), are hereby amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 441-336. – Left-turns prohibited at enumerated locations.

Left turn prohibited from either street or direction. At the following intersections, a left turn shall be prohibited at the intersection from either street and approaching from any direction:

Washington Street and Rochester Avenue;

Washington Street and Berwick Avenue;

Washington Street and Alton Avenue;

Washington Street and Central Greens Boulevard;

Washington Street and Addison Street;

Washington Street and Mount Street;

Washington Street and Belleview Place;

Washington Street and Pershing Avenue;

Washington Street and Traub Avenue;

Washington Street and Neal Avenue;

Washington Street and Richland Street;

Washington Street and Reisner Street;

Washington Street and Koehne Street;

Washington Street and Cleveland Street;

Washington Street and McKim Avenue;

Washington Street and Summit Street;

Washington Street and Walcott Street;

Washington Street and Parkview Avenue;

Washington Street and Jefferson Avenue;

Washington Street and Kowebe Lane;

Washington Street and Beville Avenue;

Washington Street and Keystone Avenue;

Washington Street and Forest Avenue;

Washington Street and Tacoma Avenue;

Washington Street and Temple Avenue;

Washington Street and Eastern Avenue;

July 8, 2024

Washington Street and Oxford Street;

Washington Street and Parker Avenue;

Washington Street and Oakland Avenue;

Washington Street and Gray Street;

Washington Street and Dearborn Street;

Washington Street and Tuxedo Street;

Washington Street and Gale Street;

Washington Street and Ewing Street;

Washington Street and Kealing Avenue;

Washington Street and Bradley Avenue;

Washington Street and Denny Street;

Washington Street and Chester Avenue;

Washington Street and Gladstone Avenue;

Washington Street and Colorado Avenue;

Washington Street and Euclid Avenue;

Washington Street and Drexel Avenue;

Washington Street and Jenny Lane;

Washington Street and Bosart Avenue;

Washington Street and Bankers Lane;

Washington Street and Wallace Lane;

Washington Street and Dequincy Street;

Washington Street and Riley Avenue;

Washington Street and Pleasant Run Parkway North Drive;

Washington Street and Butler Avenue;

Washington Street and South Hawthorne Lane;

Washington Street and North Hawthorne Lane;

Washington Street and Downey Avenue;

Washington Street and Irvington Avenue;

Washington Street and Whittier Place;

Washington Street and Johnson Avenue;

Washington Street and Layman Avenue;

Washington Street and Bolton Avenue;

Washington Street and Campbell Avenue;

Washington Street and Webster Avenue;

Washington Street and Catherwood Avenue;

Washington Street and Kenmore Road;

Washington Street and Kenyon Street;

Washington Street and Pasadena Street;

Washington Street and Woodside Avenue;

(1) *Left turns prohibited from specified street or direction.* At the following intersections, a left turn shall be prohibited at the specified intersection when approaching it on the designated street from the designated direction:

AT ANY TIME

Street Vehicle Traveling Upon	Prohibited Intersection and Turn
<u>Washington Street, eastbound</u>	<u>Elder Avenue, northbound</u>
<u>Washington Street, westbound</u>	<u>An alley, being the first east of Shelby Street, from Southeast Avenue to Washington Street</u>
<u>Washington Street, westbound</u>	<u>Arsenal Avenue, southbound</u>

SECTION 4. Section 441-338 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by adding the language that is underlined, to read as follows:

Sec. 441-338. – Required right turn.

All vehicles traveling on the following streets or portions of streets shall make a right turn at the location designated:

...

- From northbound Rochester Avenue to eastbound Washington Street;
- From southbound Berwick Avenue to westbound Washington Street;
- From southbound Alton Avenue to westbound Washington Street;
- From southbound Central Greens Boulevard to westbound Washington Street;
- From northbound Addison Street to eastbound Washington Street;
- From southbound Addison Street to westbound Washington Street;
- From northbound Belleview Place to eastbound Washington Street;
- From southbound Belleview Place to westbound Washington Street;
- From northbound Mount Street to eastbound Washington Street;
- From southbound Mount Street to westbound Washington Street;
- From southbound Pershing Avenue to westbound Washington Street;
- From southbound Traub Avenue to westbound Washington Street;
- From southbound Elder Avenue to westbound Washington Street;
- From northbound Neal Avenue to eastbound Washington Street;
- From southbound Richland Street to westbound Washington Street;
- From southbound Reisner Street to westbound Washington Street;
- From southbound Koehne Street to westbound Washington Street;
- From southbound Cleveland Street to westbound Washington Street;
- From northbound McKim Avenue to eastbound Washington Street;
- From northbound Summit Street to eastbound Washington Street;
- From southbound Randolph Street to westbound Washington Street;
- From southbound Hendricks Place to westbound Washington Street;
- From southbound Jefferson Avenue to westbound Washington Street;
- From northbound Kowebe Lane to eastbound Washington Street;

July 8, 2024

From northbound Beville Avenue to eastbound Washington Street;
From southbound Beville Avenue to westbound Washington Street;
From northbound Keystone Avenue to eastbound Washington Street;
From southbound Keystone Avenue to westbound Washington Street;
From northbound Forest Avenue to eastbound Washington Street;
From southbound Forest Avenue to westbound Washington Street;
From northbound Tacoma Avenue to eastbound Washington Street;
From southbound Tacoma Avenue to westbound Washington Street;
From northbound Temple Avenue to eastbound Washington Street;
From southbound Temple Avenue to westbound Washington Street;
From southbound Eastern Avenue to westbound Washington Street;
From northbound Oxford Street to eastbound Washington Street;
From southbound Oxford Street to westbound Washington Street;
From northbound Parker Avenue to eastbound Washington Street;
From southbound Oakland Avenue to westbound Washington Street;
From northbound Gray Street to eastbound Washington Street;
From northbound Dearborn Street to westbound Washington Street;
From southbound Dearborn Street to westbound Washington Street;
From southbound Gale Street to westbound Washington Street;
From southbound Woodland Drive to westbound Washington Street;
From northbound Ewing Street to eastbound Washington Street;
From southbound Ewing Street to westbound Washington Street;
From southbound Kealing Avenue to westbound Washington Street;
From northbound Bradley Avenue to eastbound Washington Street;
From southbound Bradley Avenue to westbound Washington Street;
From northbound Denny Street to eastbound Washington Street;
From southbound Denny Street to westbound Washington Street;
From northbound Chester Avenue to eastbound Washington Street;
From southbound Chester Avenue to westbound Washington Street;
From northbound Gladstone Avenue to eastbound Washington Street;
From southbound Gladstone Avenue to westbound Washington Street;
From northbound Colorado Avenue to eastbound Washington Street;
From northbound Euclid Avenue to eastbound Washington Street;
From southbound Euclid Avenue to westbound Washington Street;
From northbound Drexel Avenue to eastbound Washington Street;
From southbound Drexel Avenue to westbound Washington Street;
From northbound Jenny Lane to eastbound Washington Street;
From southbound Bosart Avenue to westbound Washington Street;
From northbound Bankers Lane to eastbound Washington Street;
From northbound Wallace Lane to eastbound Washington Street;
From southbound Wallace Lane to westbound Washington Street;
From northbound Dequincy Street to eastbound Washington Street;
From southbound Riley Avenue to westbound Washington Street;
From northbound Pleasant Run Parkway North Drive to eastbound Washington Street;
From southbound Pleasant Run Parkway North Drive to westbound Washington Street;
From northbound Spencer Avenue to eastbound Washington Street;
From southbound Butler Avenue to westbound Washington Street;
From northbound Hawthorne Lane to eastbound Washington Street;
From southbound Hawthorne Lane to westbound Washington Street;
From northbound Irvington Avenue to eastbound Washington Street;
From southbound Irvington Avenue to westbound Washington Street;
From southbound Whittier Place to westbound Washington Street;
From southbound Layman Avenue to westbound Washington Street;
From northbound Bolton Avenue to eastbound Washington Street;
From southbound Bolton Avenue to westbound Washington Street;
From southbound Campbell Avenue to westbound Washington Street;
From northbound Webster Avenue to eastbound Washington Street;
From southbound Webster Avenue to westbound Washington Street;
From northbound Catherwood Avenue to eastbound Washington Street;
From southbound Catherwood Avenue to westbound Washington Street;
From southbound Kenmore Road to westbound Washington Street;

From northbound Kenyon Street to eastbound Washington Street;
From southbound Kenyon Street to westbound Washington Street;
From southbound Pasadena Street to westbound Washington Street;
From southbound Woodside Avenue to westbound Washington Street;

SECTION 5. Section 441-342 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by adding the language that is underlined, to read as follows:

Sec. 441-342. – One-way streets and alleys designated.

Upon those streets and part of streets and in those alleys hereinafter enumerated, vehicular traffic shall move in the indicated direction when signs indicating such direction are erected and maintained at every intersection on the portions of any such street where movement in the opposite direction is prohibited:

SOUTHBOUND

An alley, being the first east of Shelby Street, from Southeastern Avenue to Washington Street;

SECTION 6. Section 441-382 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by adding the language that is underlined, to read as follows:

Sec. 441-382. – Bus-only and bus-and-turn lanes.

(c) The Purple Line Bus Rapid Transit shall include the following bus-only and bus-and-turn (BAT) lanes:

- (2) Left-lane BAT in the following roadway segments:
East and Westbound East 38th Street between Meridian Street and Coliseum Avenue
- (4) Center-running, bi-directional bus-only lanes in the following roadway segments:
East- and Westbound 38th Street between ~~Guilford Avenue~~ Coliseum Avenue and Fall Creek Parkway North Drive

(e) The Blue Line Bus Rapid Transit shall include the following bus-only and bus-and-turn (BAT) lanes:

- ~~(1)~~ Left-lane BAT in the following roadway segments:
East- and Westbound Washington Street between ~~Harris Avenue~~ North Tibbs Avenue and Harding Street
East- and Westbound Washington Street between White River Parkway West Drive and Park Avenue
East- and Westbound Maryland Street between Schumacher Way and New Jersey Street
East- and Westbound Washington Street between Shortridge ~~Drive Road~~ and Mitchner Avenue
- ~~(2)~~ Center-running, dedicated bus-only lanes in the following roadway segments:
East- and Westbound Washington Street between Park Avenue and Southeastern Avenue
East- and Westbound Washington Street between Highland Avenue and ~~Kitley Avenue~~ Ridgeview Drive.
- ~~(3)~~ Center-running, bi-directional bus-only lanes in the following roadway segments:
East- and Westbound Washington Street between Harding Street and White River Parkway West Drive
East- and Westbound Washington Street between Southeastern Avenue and Highland Avenue

SECTION 7. Section 441-416 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 441-416 – Schedule of intersection controls.

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
24	Washington Street Central Green Parkway	Washington Street	Stop
24	<u>Washington Street</u> <u>Central Green Parkway</u>	<u>None</u>	<u>Signal</u>
24	Washington Street Bellevue Place	None	Signal

24	<u>Washington Street</u> <u>Belleview Place</u>	<u>Washington Street</u>	<u>Stop</u>
25	Washington Street Park Avenue	Washington Street <u>None</u>	Stop <u>Signal</u>
25	Washington Street Highland Avenue	Washington Street <u>None</u>	Stop <u>Signal</u>
25	Washington Street Hamilton Avenue	Washington Street	Stop
25	<u>Washington Street</u> <u>Hamilton Avenue</u>	<u>None</u>	<u>Signal</u>
25	Washington Street Keystone Avenue	None	Signal
25	<u>Washington Street</u> <u>Keystone Avenue</u>	<u>Washington Street</u>	<u>Stop</u>
26	Washington Street Grant Avenue	Washington Street <u>None</u>	Stop <u>Signal</u>
<u>26</u>	Washington Street Wallace Avenue	None	Signal
<u>26</u>	<u>Washington Street</u> <u>Wallace Avenue</u>	<u>Washington Street</u>	<u>Stop</u>
<u>26</u>	Washington Street Hawthorne Lane	None	Signal
26	<u>Washington Street</u> <u>Hawthorne Lane</u>	<u>Washington Street</u>	<u>Stop</u>

SECTION 8. Section 621-402(c) of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 621-402 – Bus stop and trolley stop zones.

(c) Schedule of bus or trolley stop zones. The zones established pursuant to this subsection shall be established at the following locations:

Bus Stop Zones

Washington Street, along the centerline, from a point 100 feet east of the east curb line of Holt Road (north approach) to a point 175 feet east of the east curb line of Holt Road (north approach);

Washington Street, along the centerline, from a point 62 feet east of the east curb line of Central Green Boulevard (north approach) to a point 137 feet east of the east curb line of Central Green Boulevard (north approach);

Washington Street, along the centerline, from a point 122 feet west of the west curb of Belleview Place (south approach) to a point 47 feet west of the west curb of Belleview Place (south approach);

Washington Street, along the centerline, from a point 77 feet east of the east curb of Belmont Avenue (north approach) to a point 152 feet east of the east curb of Belmont Avenue (north approach);

Washington Street, along the centerline, from a point 181 feet west of the west curb of Harding Street (south approach) to a point 106 west of the west curb of Harding Street (south approach);

Washington Street, along the centerline, from a point 56 feet east of the east curb of White River Parkway West Drive (north approach) to a point 131 feet east of the east curb of White River Parkway West Drive (north approach);

Maryland Street, along the centerline, from a point 61 feet east of the east curb of West Street (north approach) to a point 111 feet east of the east curb of West Street (north approach);

Maryland Street, along the centerline, from a point 144 feet west of the west curb of Capitol Avenue (north approach) to a point 94 feet west of the west curb of Capitol Avenue (north approach);

Washington Street, along the centerline, from a point 86 feet east of the east curb of West Street (south approach) to a point 136 feet east of the east curb of West Street (south approach);

Washington Street, along the centerline, from a point 49 feet west of the west curb of Capitol Avenue (north approach) to a point 99 feet west of the west curb of Capitol Avenue (north approach);

Washington Street, along the centerline, from a point 46 feet east of the east curb of Park Avenue (north approach) to a point 121 feet east of the east curb of Park Avenue (north approach);

Washington Street, along the centerline, from a point 158 feet west of the west curb of Southeastern Avenue (south approach) to a point 83 feet west of the west curb of Southeastern Avenue (south approach);

Washington Street, along the centerline, from a point 225 feet west of the west curb of Arsenal Avenue (south approach) to a point 150 west of the west curb of Arsenal Avenue (south approach);

Washington Street, along the centerline, from a point 175 feet east of the east curb of Hamilton Avenue (south approach) to the point 100 east of the east curb of Hamilton Avenue (south approach);

Washington Street, along the centerline, from a point 92 feet east of the east curb of Rural Street (south approach) to a point 167 east of the east curb of Rural Street (south approach);

Washington Street, along the centerline, from a point 61 feet west of the west curb of LaSalle Street (north approach) to a point 136 feet west of the west curb of LaSalle Street (north approach);

Washington Street, along the centerline, from a point 124 feet west of the west curb of Sherman Drive (south approach) to a point 49 feet west of the west curb of Sherman Drive (south approach);

Washington Street, along the centerline, from a point 122 feet west of the west curb of Linwood Avenue (south approach) to a point 47 feet west of the west curb of Linwood Avenue (south approach);

Washington Street, along the centerline, from a point 65 feet west of the west curb of Emerson Avenue (north approach) to a point 141 feet west of the west curb of Emerson Avenue (north approach);

Washington Street, along the centerline, from a point 155 feet west of the west curb of Ritter Avenue (south approach) to a point 80 feet west of the west curb of Ritter Avenue (south approach);

Washington Street, along the centerline, from a point 98 feet east of the east curb of Arlington Avenue (south approach) to a point 173 feet east of the east curb of Arlington Avenue (south approach);

Washington Street, along the centerline, from a point 85 feet west of the west curb of Ridgeview Drive (north approach) to a point 160 feet west of the west curb of Ridgeview Drive (north approach);

Washington Street, along the centerline, from a point 69 feet east of the east curb of Sadlier Drive (north approach) to a point 144 feet east of the east curb of Sadlier Drive (north approach);

Washington Street, along the centerline, from a point 80 feet east of the east curb of Franklin Road (south approach) to a point 155 feet east of the east curb of Franklin Road (south approach);

July 8, 2024

Washington Street, along the centerline, from a point 127 feet west of the west curb of Fenton Avenue (south approach) to a point 52 feet west of the west curb of Fenton Avenue (south approach);

Washington Street, along the centerline, from a point 70 feet west of the west curb of Post Road (north approach) to a point 145 feet west of the west curb of Post Road (north approach);

Washington Street, along the centerline, from a point 80 feet east of the east curb of Cherry Tree Plaza (south approach) to a point 155 feet east of the east curb of Cherry Tree Plaza (south approach);

Washington Street, along the centerline, from a point 144 feet east of the east curb of Washington Square Mall (north approach) to a point 69 feet east of the east curb of Washington Square Mall (north approach);

Washington Street, along the centerline, from a point 86 feet east of the east curb of Walmart Drive (south approach) to a point 161 feet east of the east curb of Walmart Drive (south approach);

SECTION 9. Section 441-323 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 441-323 – Alteration of prima facie speed limits

Pursuant to the provisions of this division, the following speed limits are hereby established on the following designated streets, or portions thereof, and it shall be prima facie unlawful for any person to drive a motor vehicle thereon at a speed in excess of the speed limits so established, when signs are placed at said locations giving notice thereof:

Thirty-eighth Street, from ~~Massachusetts Avenue~~ Post Road to East County Line Road, 40 mph.

~~Thirty-eighth Street, from Fall Creek Parkway to Sherman Drive, 35 mph.~~

Thirty-eighth Street, from Meridian Street to Arlington Avenue, 30 mph.

Thirty-eighth Street, from Arlington Avenue to Post Road, 35 mph.

~~Thirty-eighth Street, from Sherman Drive to Massachusetts Avenue, 40 mph.~~

Post Road, from Washington Street to ~~Pendleton Pike~~ Thirty-eighth Street, 40 mph.

Post Road, from Thirty-eighth Street to Pendleton Pike, 35 mph.

Washington Street, from Holt Road to Belmont Avenue, 30 mph

Washington Street, from Belmont Avenue to North White River Parkway Drive, 30 mph

Washington Street, from Interstate 65 / Interstate 70 interchange to Kitley Avenue, 30 mph

Washington Street, from Kitley Avenue to Mitchner Avenue, 30 mph

SECTION 10. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 11. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 12. This ordinance shall be in effect from and after its passage by the Council and compliance with IC § 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councilor Mowery stated that he had been asked to offer the following motions for adjournment:

by Councilor Osili in memory of Thomas Ridley, James Toler, Wayne Schmidt, John Gentry, Jr., James Amenechi, Robert Ransom, George Levy Sutton, and Jewel Larue.

by Councilor Roberts in memory of Gizzy Ganapini, Oke Carlson and Vader Roberts.

by Councilor Mowery in memory of Michael Tibbetts and Larry Hanni.

Councilor Mowery moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Thomas Ridley, James Toler, Wayne Schmidt, John Gentry, Jr., James Amenechi, Robert Ransom, George Levy Sutton, Jewel Larue, Gizzy Ganapini, Oke Carlson, Vader Roberts, Michael Tibbetts and Larry Hanni. He respectfully asked the support of fellow Councilors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:11 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 8th day of July, 2024.

In Witness Whereof, we have hereunto subscribed our signatures, caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)