

a committee to pursue legislation in the 1989 session of the Indiana General Assembly to correct the inequities of the Indiana Flood Control Act, and

WHEREAS, Representative John W. Donaldson of Lebanon, Indiana, and Senator Richard Thompson, of North Salem, Indiana, worked in conjunction with the citizens committee from the City of Lebanon to formulate a proposed bill for submission to the Indiana General Assembly during the 1989 session, which bill received considerable debate in both Houses of the legislature and received substantial support and testimony from the committee and citizens throughout the State of Indiana as well as Lebanon and which bill was subsequently vetoed by the Governor of Indiana, Evan Bayh, for reasons not associated with its content, and

WHEREAS, the 1990 session of the Indiana general assembly once again pursued the enactment of corrective legislation to the Indiana Flood control act entitled House Enrolled Act No. 1022, which bill was again introduced by Representative Donaldson in in the House and senator Thompson in the Senate and which bill was passed into law during the 1990 session of the Indiana General Assembly and contained therein language which permitted its effectiveness immediately due to the fact that an emergency exists, and

WHEREAS, a requirement of said House Enrolled Act NO. 1022 is that legislative bodies of municipalities affected by flood plains enact an ordinance to permit reconstruction or rebuilding of an abode or residence within those areas affected by the floodway in the State of Indiana as long as the requirements set forth in House Enrolled act No. 1022 are complied with.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, as follows:

Section 1. That the City of Lebanon hereby enacts this ordinance to permit the rebuilding or reconstruction of an abode or residence pursuant to the requirements of House Enrolled Act No. 1022 as passed by the Indiana General Assembly in the 1990 session which amends the Indiana Code, I. C. 13-2-22-13, et seq. This authority extends to those abodes or residences in the City of Lebanon which are destroyed by means other than the floodway which permit construction to begin within one year from the date of destruction and which must be completed within two years from the date of destruction. The same further requires a variance be obtained from the local Board of zoning Appeals for the lowest floor of an abode or residence which may be below the one hundred (100) year frequency flood elevation if the damage to the former abode or residence is less than one hundred percent (100%). In addition, the authority herein granted shall require that any such applicant who may be affected subsequent to the enactment of this ordinance otherwise comply with all of the statutory requirements as set forth in I. C. 13-2-22-13 as the same may be amended from time to time and the requirements from House Enrolled Act No. 1022.

Section 2. The legislative intent of House Enrolled act No. 1022 was expressed by a Lebanon resident, Representative John W. Donaldson, as being that the ordinance herein enacted is required to be in place and effective as soon as the municipality shall elect to pass the same in order to conform to the requirements of House Enrolled Act. No. 1022, as the same was enacted to law by the 1990 Indiana General assembly.

Section 3. This ordinance shall become effective from and after its passage.

ALL OF WHICH IS CONSIDERED AND PASSED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, this 14th day of May, 1990.

PRESIDING OFFICER:

Ann Garoffolo

ATTEST:

Helen M. Harman (Signed)
Helen M. Harman, Clerk-Treasurer

Presented by me to the Mayor of the city of Lebanon, Indiana, on this 14th day of May, 1990.

Helen M. Harman (Signed)
Helen M. Harman, Clerk-Treasurer

EXAMINED, APPROVED AND SIGNED by me on this 14th day of May, 1990.

Ann gAroffolo, Mayor