

## **IC 14-30-2**

### **Chapter 2. Maumee River Basin Commission**

#### **IC 14-30-2-1**

##### **"Basin" defined**

Sec. 1. As used in this chapter, "basin" refers to the Maumee River basin.

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-2-2**

##### **"Commission" defined**

Sec. 2. As used in this chapter, "commission" refers to the Maumee River basin commission established by this chapter.

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-2-3**

##### **"Maumee River basin" defined**

Sec. 3. As used in this chapter, "Maumee River basin" means the area in Indiana drained by the Maumee River and the tributaries of the Maumee River.

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-2-4**

##### **"Participating county" defined**

Sec. 4. As used in this chapter, "participating county" refers to a county that joins the commission under section 7 of this chapter.

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-2-5**

##### **"Plan" defined**

Sec. 5. As used in this chapter, "plan" refers to a plan described in section 14(1) of this chapter.

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-2-6**

##### **Separate municipal corporation**

Sec. 6. The Maumee River basin commission is established as a separate municipal corporation.

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-2-7**

##### **Participating county; designation**

Sec. 7. The executive of a county that includes territory in the Maumee River basin may do the following:

- (1) Elect to participate in the commission by designating the county as a participating county.
- (2) Revoke the designation.

*As added by P.L.1-1995, SEC.23.*

### **IC 14-30-2-8**

#### **Voting members**

Sec. 8. The following shall serve as voting members of the commission:

- (1) Each member of the county executive for a participating county.
- (2) The executive director or, if a county does not have an executive director, the chairman of a soil and water conservation district that:
  - (A) is subject to IC 14-32;
  - (B) includes territory in a participating county; and
  - (C) includes territory in the basin.
- (3) The county surveyor of each participating county.

*As added by P.L.1-1995, SEC.23. Amended by P.L.142-1997, SEC.1.*

### **IC 14-30-2-9**

#### **Repealed**

*(Repealed by P.L.142-1997, SEC.3.)*

### **IC 14-30-2-10**

#### **Member designation and revocation**

Sec. 10. (a) A member of the commission may:

- (1) designate another individual to perform the duties of the member on the commission; and
- (2) revoke the designation.

(b) A designation or a revocation of a designation under this section must be filed with the commission to be effective.

*As added by P.L.1-1995, SEC.23.*

### **IC 14-30-2-11**

#### **Officers**

Sec. 11. (a) The commission shall annually elect from among the voting members the following officers:

- (1) A chairperson.
- (2) A vice chairperson.
- (3) A secretary.
- (4) A treasurer.

(b) The officers elected under subsection (a) shall be elected and shall perform the duties specified in the commission's bylaws.

(c) The commission may establish other offices and determine the means of filling the offices.

*As added by P.L.1-1995, SEC.23.*

### **IC 14-30-2-12**

#### **Travel expenses and salary per diem**

Sec. 12. (a) Each member of the commission is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana

department of administration and approved by the budget agency. Money paid under this section may be paid only from the money available to the commission.

(b) A county may pay members of the commission the salary per diem provided by IC 4-10-11-2.1(b) for the performance of the member's duties on the commission.

*As added by P.L.1-1995, SEC.23. Amended by P.L.142-1997, SEC.2.*

#### **IC 14-30-2-13**

##### **Powers of commission**

Sec. 13. (a) The commission may do the following:

- (1) Sue and be sued.
- (2) Manage the commission's internal affairs.
- (3) Employ staff.
- (4) Enter into contracts to implement a cooperative agreement described in section 14 of this chapter.
- (5) Exercise the powers of a political subdivision specified in a cooperative agreement described in section 14 of this chapter.

(b) This section does not exempt the commission from any statute.

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-2-14**

##### **Cooperative agreement between political subdivision and other legal entity**

Sec. 14. A political subdivision in a participating county may under IC 36-1-7 enter into a cooperative agreement with the commission and at least one (1) other legal entity to authorize the commission to:

- (1) develop a plan to control flooding in that part of the basin that is described in the cooperative agreement;
- (2) exercise any of the other powers of the political subdivision to regulate water courses in the basin; or
- (3) develop and promote good soil and water conservation practices and procedures.

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-2-15**

##### **Flood control**

Sec. 15. In developing the plan, the commission shall determine the best method and manner of establishing flood control, giving consideration to the following:

- (1) The reservoir method.
- (2) The channel improvement method.
- (3) The levee method.
- (4) Flood plain regulation.
- (5) All nonstructural methods.

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-2-16**

**Public participation**

Sec. 16. The commission shall give the public an opportunity to participate in the development of the plan.

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-17****State approval**

Sec. 17. Before the plan is implemented by a political subdivision, the plan must be approved by the state in accordance with IC 14-25 through IC 14-29.

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-18****Appropriations to carry out commission's responsibilities under cooperative agreement**

Sec. 18. A political subdivision in a participating county may appropriate money to the commission to carry out any of the commission's responsibilities under a cooperative agreement described in section 14 of this chapter. Money appropriated to the commission that remains at the end of a year does not revert to the political subdivision appropriating the money.

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-19****Annual budget**

Sec. 19. The commission shall prepare an annual budget for the commission's operation and other expenditures under IC 6-1.1-17. However, the annual budget is not subject to review and modification by the county board of tax adjustment of any county. Notwithstanding any other law, the budget of the commission shall be treated for all other purposes as if the appropriate county board of tax adjustment had approved the budget.

*As added by P.L.1-1995, SEC.23. Amended by P.L.224-2007, SEC.104; P.L.146-2008, SEC.426.*

**IC 14-30-2-20****Rules**

Sec. 20. The commission may adopt rules to do the following:

- (1) Require that increased water runoff resulting from new construction be impounded on the construction site.
- (2) Permit the waiver of requirements of onsite water impoundment on payment of a reasonable fee by the developer of the new construction.

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-2-21****Advisory committees**

Sec. 21. The commission may appoint advisory committees consisting of individuals whose experience, training, or interest in the

program enables the committees to assist the commission. A member of an advisory committee is not entitled to compensation for the member's services.

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-2-22**

##### **Powers pertaining to property**

Sec. 22. (a) For the purposes of this chapter, the commission may do the following:

- (1) Acquire by grant, gift, purchase, or devise and dispose of conservation easements under IC 32-23-5 in land within the one hundred (100) year flood plains and the wetlands in the basin.
- (2) Acquire by grant, gift, purchase, or devise improvements within the one hundred (100) year flood plains of the basin for the purpose of removal of those improvements.
- (3) Adopt rules under IC 4-22-2 that restrict construction within the one hundred (100) year flood plains of the basin.
- (4) Acquire, dispose, hold, use, improve, maintain, operate, own, manage, or lease real or personal property by grant, gift, purchase, or devise.

(b) The commission may exercise the powers granted by this section as follows:

- (1) For purposes of IC 32-23-5.
- (2) To contribute to the following:
  - (A) Flood control.
  - (B) Flood damage reduction.
  - (C) Improvements in water quality.
  - (D) Soil conservation.

*As added by P.L.1-1995, SEC.23. Amended by P.L.2-2002, SEC.63.*

#### **IC 14-30-2-23**

##### **Right of entry**

Sec. 23. (a) The commission, board of directors, employees, or authorized representatives of the commission acting under this chapter may:

- (1) enter the land lying within the one hundred (100) year flood plain of any watercourse; and
- (2) enter nonflood plain land to gain access to the flood plain land;

to investigate, examine, survey, or investigate suspected violations of the Indiana flood control laws.

(b) The commission must give twenty-one (21) days written notice to:

- (1) an affected landowner;
- (2) a contract purchaser; or
- (3) for a municipality, the executive of the municipality;

before exercising the right of entry granted in this section. The notice must state the purpose of the entry and that there is a right of appeal under this section.

(c) An affected landowner may, within the twenty-one (21) day notice period under subsection (b), appeal to the commission the proposed necessity for entry. If an appeal is made, the commission shall hold a hearing on the necessity for right of entry before the right of entry is exercised.

(d) A person acting under this section must use due care to avoid damage to crops, fences, buildings, or other structures.

(e) The commission, board of directors, employees, or authorized representative of the commission acting under this chapter does not commit criminal trespass under IC 35-43-2-2.

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-2-24**

##### **Exemptions**

Sec. 24. (a) This section does not apply to the following:

- (1) The adoption of rules restricting construction within the one hundred (100) year flood plain.
- (2) The acquisition of conservation easements under IC 32-23-5.
- (3) The investigation of alleged violations of the Indiana flood control laws.

(b) A power of the commission may not be exercised upon any of the following:

- (1) A river included in the natural, scenic, or recreational river system under IC 14-29-6 or the river's associated one hundred (100) year flood plain.
- (2) A nature preserve under IC 14-31-1.

*As added by P.L.1-1995, SEC.23. Amended by P.L.2-2002, SEC.64.*