

# **WHITLEY COUNTY, INDIANA**

## **CODE OF ORDINANCES**

The 2022 S-11 Supplement contains local legislation current through Ordinance 2021-11, passed 10-18-21; and state legislation current through Indiana Legislative Service, 2022 Acts, Pamphlet No. 3

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**ORDINANCE NO. 2003-01**

**AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR WHITLEY COUNTY, INDIANA, AND REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF WHITLEY COUNTY, INDIANA DEALING WITH SUBJECTS CONTAINED IN SUCH CODE OF ORDINANCES**

**WHEREAS**, applicable statutes of the State of Indiana require that Whitley County, Indiana (“County”) collect, revise, arrange, and codify all ordinances adopted from time to time by the Board of Commissioners of the County (“Commissioners”);

**WHEREAS**, the present Whitley County Code and the ordinances included therein are inadequately arranged and classified and are insufficient in form and substance to implement the same in a manner that preserves properly the public peace, health, safety, and general welfare of the County, and allows for the proper conduct of its affairs;

**WHEREAS**, the Commissioners previously authorized American Legal Publishing Corporation (“American”) to revise the current version of the Whitley County Code and to compile and codify ordinances adopted since the current version thereof was adopted, and to provide for publication of such ordinances in book form; and

**WHEREAS**, the County has received the final version of the Code of Ordinances for adoption;

NOW, THEREFORE, be it ordained by the Commissioners on behalf of the County as follows:

Section 1. The general ordinances of the County as revised, amended, restated, codified, and compiled in book form by American are hereby adopted as, and shall constitute, the “Whitley County, Indiana Code of Ordinances”, and may also be referred to as the “Whitley County Code”, or the “Code of Ordinances”.

Section 2. The Code of Ordinances, as hereby adopted, shall consist of the following titles:

**TITLE I GENERAL PROVISIONS**

Chapter 10. General Provisions

**TITLE III ADMINISTRATION**

Chapter 30. Government

Chapter 31. Departments, Boards, Commissions and Authorities

Chapter 32. County Policies

Chapter 33. Personnel

Chapter 34. Elections

Chapter 35. Taxation, Finance and Funds

**Whitley County - Adopting Ordinance**

TITLE V	PUBLIC WORKS
	Chapter 50. Waste Disposal
	Chapter 51. Water Wells
	Chapter 52. Sewage Disposal Systems
TITLE VII	TRAFFIC CODE
	Chapter 70. Traffic Regulations
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TITLE IX	GENERAL REGULATIONS
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	Chapter 93. Fair Housing
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	Chapter 110. General Business Regulations
	Chapter 111. Tattoo Parlors
TITLE XIII	GENERAL OFFENSES
	[Reserved]
TITLE XV	LAND USAGE
	Chapter 150. Building Regulations
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	Chapter 152. Subdivision Regulations
	Chapter 153. Zoning Code
TABLES OF SPECIAL ORDINANCES	
	Table I. Franchises
	Table II. County Highway System
	Table III. Vacations
	Table IV. Zoning Changes

Section 3. All prior ordinances pertaining to the subjects covered in the Code of Ordinances hereby adopted shall be deemed repealed from and after the effective date of this Ordinance, except as the same may be included or reordained, in whole or in part, in the Code of Ordinances hereby adopted;

provided, however, that such repeal shall not in any way affect any offense committed or penalty incurred or any right established prior to the effective date of this Ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money or pledging ad valorem taxes to the payment thereof, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in, or covered by, the Code hereby adopted. In particular, this Ordinance does not affect any rights or liabilities accrued, penalties incurred, violations committed or proceedings begun before the date of its adoption. Those rights, liabilities, penalties, violations, and proceedings continue and shall be imposed and enforced under prior laws as if this Ordinance had not been adopted.

Section 4. The Auditor of Whitley County is directed to publish this Ordinance as provided by law, and this Ordinance shall be effective upon such publication as provided by applicable law.

ADOPTED this 21st day of January, 2003.

BOARD OF COMMISSIONERS OF WHITLEY  
COUNTY, INDIANA

James Pettigrew /s/  
James Pettigrew, Chairman

Tom Rethlake /s/  
Thomas Rethlake, Vice Chairman

Douglas C. Eber /s/  
Douglas C. Eber, Member

ATTEST:

Linda J. Glassley /s/  
Linda Glassley, Whitley County Auditor



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## CHAPTER 10: GENERAL PROVISIONS

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### **§ 10.01 TITLE OF CODE.**

All ordinances of a permanent and general nature of the county, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “Whitley County Code,” for which designation “Code of Ordinances,” “Codified Ordinances” or “Code” may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.

### **§ 10.02 INTERPRETATION.**

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

**§ 10.03 APPLICATION TO FUTURE ORDINANCES.**

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

**§ 10.04 CONSTRUCTION OF CODE.**

(A) This code is a codification of previously existing laws, amendments thereto, and newly enacted laws. Any previously existing law or amendment thereto reenacted by this code shall continue in operation and effect, as if it had not been repealed by this code. All rules and regulations adopted under laws reenacted in this code shall remain in full force and effect unless repealed or amended subsequent to the enactment of this code.

(B) Any appropriation repealed and reenacted by this code is continued only for the period designated in the original enactment of that appropriation.

(C) The numerical order and position of sections in this code does not resolve a conflict between two or more sections.

(D) Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally enacted. The section most recently enacted supersedes any conflicting section or subsection.

(E) All references within a section of this code to any section of previously existing laws refer to the numbers in the original enactment.

(F) (1) The numerical designations and descriptive headings assigned to the various titles, chapters, subchapters or sections of this code, as originally enacted, or as added by amendment, are not law, and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only, and do not affect the meaning, application, or construction of the law they precede.

(2) Each note following a section of this code is for reference purposes only and is not a part of the section.

(G) All references to any section of this code refer to all subsequent amendments to that section, unless otherwise provided.

(I.C. 1-1-1-5)

**§ 10.05 RULES OF INTERPRETATION; DEFINITIONS.**

(A) *Rules of interpretation.* This code shall be construed by the following rules unless such construction is plainly repugnant to the legislative intent or context of the provision.

(1) Words and phrases shall be taken in their plain, ordinary, and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(2) Words imputing joint authority to three or more persons shall be construed as imputing authority to a majority of such persons, unless otherwise declared in the section giving such authority.

(3) Where a section requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.

(4) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(B) *Definitions.* For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COUNCIL.** The County Council.

**COUNTY.** Whitley County, Indiana.

**HIGHWAY.** Includes bridges, roads, and streets, unless otherwise expressly provided.

**MONTH.** One calendar month.

**PERSON.** Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

**PRECEDING** and **FOLLOWING.** When referring to sections or divisions in this code, refer to the sections or divisions next following or next preceding that in which the words occur, unless some other section is designated.

**WRITTEN** and **IN WRITING.** Include printing, lithographing, or other modes of representing words and letters. Where the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

**YEAR.** One calendar year, unless otherwise expressly provided.  
(I.C. 1-1-4-5)

**§ 10.06 SEVERABILITY.**

(A) If any section of this code now enacted or subsequently amended or its application to any person or circumstances is held invalid, the invalidity does not affect other sections that can be given effect without the invalid section or application.

(B) (1) Except in the case of a section or amendment to this code containing a nonseverability provision, each division or part of every section is severable. If any portion or application of a section is held invalid, the invalidity does not affect the remainder of the section unless:

(a) The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or

(b) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

(2) This section applies to every section of this code regardless of whether a section was enacted before or after the passage of this code.

(C) The repeal of a section stating that the provisions of an act are severable as provided in division (B) of this section does not affect the operation of division (B) of this section with respect to that act.

(I.C. 1-1-1-8)

**§ 10.07 REFERENCE TO OTHER SECTIONS.**

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

**§ 10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS.**

(A) *Reference to offices.* Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(B) *Name designations.* Whenever any ordinance or resolution of the Council refers to any board, bureau, commission, division, department, officer, agency, authority, or instrumentality of any government, and that name designation is incorrectly stated; or at the time of the effective date of that ordinance or subsequent thereto, the rights, powers, duties, or liabilities placed with that entity are or were transferred to a different entity; then such named board, bureau, commission, department, division, officer, agency, authority or instrumentality, whether correctly named in the ordinance at its effective date or not, means that correctly named entity, or the entity to which such duties, liabilities, powers, and rights were transferred. (I.C. 1-1-6-1)

**§ 10.09 ERRORS AND OMISSIONS.**

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

**§ 10.10 REASONABLE TIME.**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be a Saturday, Sunday, or a state holiday, it shall be excluded.

**§ 10.11 REPEAL OR MODIFICATION OF CODE SECTION.**

When a section of this code is repealed which repealed a former section or law adopted prior to the enactment of this code, the former section or law is not revived unless it so expressly provides. The repeal of any section shall not extinguish or release any penalty, forfeiture, or liability incurred under such section, unless the repealing section so expressly provides. Such section shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

(I.C. 1-1-5-1)

**§ 10.12 LIMITATION PERIODS.**

The running of any period of limitations or any requirement of notice contained in any law, whether applicable to civil causes or proceedings, to the prosecution of offenses or for the recovery of penalties and forfeitures contained in a law repealed and reenacted by this code shall not be affected by the repeal and reenactment; but all suits, proceedings, and prosecutions for causes arising or acts committed prior to the effective date of this code may be commenced and prosecuted with the same effect as if this code had not been enacted.

***Statutory reference:***

*Periods of limitation, see I.C. 1-1-1-7*

**§ 10.13 ORDINANCES UNAFFECTED.**

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

**§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.**

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

**§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES.**

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute.

Example: (I.C. 36-5-2-2) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

**§ 39.01 PUBLIC RECORDS AVAILABLE.**

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

***Statutory reference:***

*For provisions concerning the inspection of public records, see I.C. 5-14-3-1 et seq.*

**§ 10.16 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.**

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or



liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

**§ 10.99 GENERAL PENALTY.**

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

***Cross-reference:***

*Civil penalties, see § 31.89*

***Statutory reference:***

*Power to prescribe fines up to \$2,500 granted, see I.C. 36-1-3-8(a)(10)*



**TITLE III: ADMINISTRATION**

Chapter

**30. COUNTY GOVERNMENT**

**31. DEPARTMENTS, BOARDS, COMMISSIONS  
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## CHAPTER 30: COUNTY GOVERNMENT

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### § 30.01 DISTRICTS.

The county shall be divided into the following three County Commissioner election districts:

(A) District One shall be composed of the following territory:

- (1) Cleveland Township;
- (2) Etna-Troy Township;
- (3) Richland Township;

(B) District Two is composed of the following territory:

- (1) Columbia Township;
- (2) Thorncreek Township;
- (3) Washington Township;

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(C) District Three is composed of the following territory:

(1) Jefferson Township;

(2) Smith Township;

(3) Union Township.

(^86 Code, § 36-2-2-4) (Ord. passed 6-26-1838; Am. Ord. O-91-0, passed 12-9-91; Am. Ord. O-93-5, passed 2-1-93; Am. Ord. 2003-20, passed 11-17-03)

**Statutory reference:**

*Division of county into districts; criteria for single member districts, see I.C. 36-2-2-4*

**§ 30.02 MEETINGS.**

The Commissioners shall begin all their regular meetings at 1:00 p.m. on the first and third Monday of every month. Whenever that Monday falls on a holiday, the meeting will be held on the next day.

(^86 Code, § 36-2-2-6) (Ord. passed 3-3-75; Am. Ord. O-93-5, passed 2-1-93)

**Statutory reference:**

*Meetings, see I.C. 36-2-2-6*

**§ 30.03 BUSINESS HOURS.**

(A) All county offices except the Highway Department and the Sheriff's Department are open for business during the following hours:

Monday through Friday, inclusive:	8:00 a.m. to 4:30 p.m.
Saturday and Sunday:	Closed.

(B) The County Highway Department are open for business during the following hours:

Monday through Friday, inclusive:	7:00 a.m. to 4:00 p.m.
Saturday and Sunday:	Closed.

(^86 Code, § 36-2-2-10) (Ord. 85-1, passed 2-3-86; Am. Ord. O-93-5, passed 2-1-93)

**Statutory reference:**

*Business hours, see I.C. 36-2-2-10*

**§ 30.04 COUNTY FISCAL BODY.**

The following County Council election districts are established:

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(A) District One:

- (1) Smith Township;
- (2) Union Township;
- (3) Columbia Northeast Precinct;

(B) District Two:

- (1) Etna-Troy Township;
- (2) Richland Township;
- (3) Thorncreek Township;

(C) District Three: Columbia Township, except Columbia Northeast and Columbia South Precincts;

(D) District Four:

- (1) Cleveland Township;
- (2) Jefferson Township;
- (3) Washington Township;
- (4) Columbia South Precinct.

(^86 Code, § 36-2-3-4) (Ord. passed 5-3-1899; Am. Ord. 91-10, passed 12-9-91; Am. Ord. O-93-5, passed 2-1-93; Am. Ord. 2003-21, passed 11-17-03)

**Statutory reference:**

*Election of fiscal body; division of county into districts; criteria for single member districts, see I.C.*

*36-2-3-4*

**§ 30.05 COUNTY SEAL.**

The Board adopts as its common seal a device described as follows: a circle, with a beaded ring lying within the circle; between the top half of the beaded ring and the edge of the circle, the words "Board of Commissioners Of;" between the bottom half of the beaded ring and the edge of the circle, the words "Whitley County, Ind.;" within the beaded ring, a bound sheaf of wheat, planted in a plow share sitting in a field.

(^86 Code, § 36-2-4-11) (Ord. passed 1-4-1841; Am. Ord. passed 6-1-1863)

**Statutory reference:**

*Seal, see I.C. 36-2-4-11*

### § 30.06 SALARY AND WAGE PAYMENTS.

The Board authorizes the biweekly payment of salaries of all county employees. (86 Code, § 36-2-8-2) (Ord. 85-1, passed 2-3-86; Am. Ord. O-93-5, passed 2-1-93)

**Statutory reference:**

*Salary and wage periods; waiver of payment, see I.C. 36-2-8-2*

### § 30.07 TOWNSHIPS.

(A) The Board establishes the following townships within the county:

(1) Cleveland: all of Township 30 North, Range 8 East and Sections 25 through 36, inclusive, of Township 31 North, Range 8 East;

(2) Columbia: all of Township 31 North, Range 9 East;

(3) Etna-Troy: Sections 1 through 24, inclusive, of Township 32 North, Range 8 East and Sections 25 through 36, inclusive, of Township 33 North, Range 8 East;

(4) Jefferson: all of Township 30 North, Range 10 East;

(5) Richland: Sections 1 through 24, inclusive, of Township 31 North; Range 8 East and Sections 25 through 36, inclusive, of Township 32 North, Range 8 East;

(6) Smith: all of Township 32 North, Range 10 East;

(7) Thorncreek: all of Township 32 North, Range 9 East;

(8) Union: all of Township 31 North, Range 10 East;

(9) Washington: All of Township 30 North, Range 9 East.

(B) If any part of the county has not been described as included in one of the townships described in this section, it is included in that township which is contiguous to that part and contains the least population of all townships contiguous to that part according to the most recent federal decennial census.

(C) If any part of the county has been described in this section as being in more than one township, it is included in that township that is one of the townships in which that part is listed in this section, is contiguous to that part and contains the least population according to the most recent federal decennial census.

(86 Code, § 36-6-1-2) (Ord. passed 5-7-1838; Am. Ord. passed 5-6-1839; Am. Ord. passed 5-5-1840; Am. Ord. passed 9-8-1840; Am. Ord. passed 9-13-1860; Am. Ord. passed 12-11-1868; Am. Ord. passed 6-11-1869; Am. Ord. passed 1-27-50)  
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**§ 30.08 HOME RULE.**

(A) The Board adopts the county "Home Rule" ordinance pursuant to I.C. 36-1-3-1 *et seq.*

(B) The county, by and through its Board, may exercise any power or perform any function necessary to the public interest in the conduct of its county or internal affairs, which is not prohibited by the State Constitution or the United States Constitution or denied or preempted by any other law or is not vested by any other law in a city, county or state entity, special purpose district or municipal or school corporation.

(<sup>1</sup>86 Code, § 36-1-3-1) (Ord. passed 1-3-84)

***Statutory reference:***

*Application of home rule, see I.C. 36-1-3-1*

**§ 30.09 MEMBERSHIP DUES.**

(A) The Board may budget and the County Council may appropriate funds from the General Fund or from other funds to provide membership for the county and for the elected and appointed officials and members of the county's boards, council, departments or agencies in local, regional, state and national associations of a civic, educational or governmental nature, which are for the betterment and improvement of county government operations.

(B) The Board may budget and the County Council may appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the county belongs.

(<sup>1</sup>86 Code, § 36-1-3-2) (Ord. O-82-2, passed 7-19-82)

***Statutory reference:***

*Membership dues, see I.C. 36-1-3-2*

**§ 30.10 SMALL CLAIMS REFEREE.**

The position of small claims referee for the Whitley County Superior Court is established.

(<sup>1</sup>86 Code, § 33-5-50-11) (Ord. O-93-5, passed 2-1-93)

**§ 30.11 COUNTY SEAT.**

The regular and usual place for conducting the affairs of government of the county is in the County Courthouse and related offices in Columbia City.

(<sup>1</sup>86 Code, § 4-1-4-2) (Ord. passed 11-16-1839; Am. Ord. passed 1-9-1840; Am. Ord. 93-5, passed 2-1-93)

**§ 30.12 COUNTY COURTHOUSE.**

(A) No person shall park any vehicle at any place on the Courthouse Square where official signs prohibit public parking and designate the space for parking by officials or courthouse employees in the performance of their duties.

(B) No person shall place any commercial or advertising sign of any size or shape upon the courthouse square.

(C) The Board authorizes the displaying of the United States flag on the courthouse flagpole during business hours and on all national holidays.

(<sup>86</sup> Code, § 36-2-2-24) (Ord. passed 1-4-67; Am. Ord. passed 7-3-70)

***Statutory reference:***

*County courthouse, see I.C. 36-2-2-24*

**§ 30.13 PROSECUTING ATTORNEY'S COMPENSATION.**

Professional dues and related expenses are authorized and may be included in the Prosecuting Attorney's budget, as provided in Ord. 86-1.

(<sup>86</sup> Code, § 33-14-7-20) (Ord. 86-1, passed 4-21-86; Am. Ord. O-93-5, passed 2-1-93)

## CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES

### Section

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- 31.01 Community Corrections Advisory Board
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**BOARDS****§ 31.01 COMMUNITY CORRECTIONS ADVISORY BOARD.**

(A) A community corrections program is established under I.C. 11-12-1-1(a).

(B) The Board of Commissioners establishes a Community Corrections Advisory Board, consisting of the members mandated in I.C. 11-12-2-2(a) and for the terms mandated in I.C. 11-12-2-2(b).

(<sup>86</sup> Code, § 11-12-2-2) (Res. 90-02, passed 2-13-90; Am. Ord. O-93-5, passed 2-1-93)

**Statutory reference:**

*Community Corrections Advisory Board, see I.C. 11-12-2-2*

**§ 31.02 COUNTY HOSPITAL BOARD.**

(A) The County Memorial Hospital is established under I.C. 16-22.

(B) The Trustees of the County Memorial Hospital are authorized by the Commissioners to elect their own Treasurer, who shall not also serve as the County Treasurer.

(C) The professional office building on the Whitley County Memorial Hospital campus is named the Lehmborg Medical Building.

(<sup>86</sup> Code, § 16-12.1-2-3) (Res. passed 10-8-68; Am. Res. passed 5-2-88; Am. Ord. O-93-5, passed 2-1-93)

**Statutory reference:**

*County Hospital Board, see I.C. 16-22-2*

**§ 31.03 COUNTY PUBLIC DEFENDER BOARD.**

(A) There is established a County Public Defender Board consisting of three members, one of whom shall be appointed by the Board of Commissioners and two of whom shall be appointed by the Judges of the Circuit Court and the Superior Court by majority vote.

(B) Each member of the Board serves a three year term beginning with date of the member's appointment and shall fully comply with the duties and responsibilities of the office.

(C) The Board of Commissioners may terminate the County Public Defender Board in a manner provided for by state law.

(<sup>86</sup> Code, § 33-9-15-3) (Ord. 92-07, passed 9-8-92; Am. Ord. O-93-5, passed 2-1-93)

**§ 31.04 COUNTY SHERIFF'S RESERVE BOARD.**

(A) There is created the Sheriff's Reserve of Whitley County, Indiana.

(B) The maximum number of reserve members is 25 members.

(C) The Sheriff's Reserve members will receive no compensation for their services, will provide their own uniforms, and shall be provided training by the County Sheriff or the Sheriff's designee.

(D) The County Sheriff's Merit Board shall be periodically informed by the County Sheriff as to the activities of the Sheriff's Reserve.

(E) All members of the Sheriff's Reserve shall be appointed and terminated at the discretion of the County Sheriff.

(F) There is created the Whitley County Sheriff's Reserve Board, which shall adopt rules and regulations for the operation and administration of the Sheriff's Reserve. Members of the Sheriff's Reserve Board shall be the County Sheriff, the Chief Deputy, the Sheriff's Detective, the Jail Commander, the Chief of Communications and two Deputy Sheriffs appointed by the Sheriff.

(G) Sheriff's Reserve members may not be members of the regular Sheriff's Department and shall not be eligible to participate in any pension program provided for regular members of the Sheriff's Department.

(H) A Sheriff's Reserve member may not be appointed until he or she has completed the training and probationary period specified by rules and regulations of the Sheriff's Reserve Board.

(<sup>86</sup> Code, § 36-8-3-20) (Ord. 91-08, passed 9-16-91; Am. Ord. O-93-5, passed 2-1-93; Am. Ord. 2008-07, passed 8-4-08)

**COMMISSIONS AND COMMITTEES****§ 31.15 REDEVELOPMENT COMMISSION.**

(A) A department of redevelopment is established. The department shall be known as the "Whitley County Redevelopment Commission."

(B) The County Redevelopment Commission shall operate with all the powers, obligations and privileges authorized under I.C. 36-7-14-1 *et seq.* as the same is presently in force and effect or as it may be amended.

(C) The county accepts all the obligations and responsibilities set forth according to I.C. 36-7-14.

(D) The County Redevelopment Commission shall annually report at the first regularly scheduled meeting in January of each year to the Board of County Commissioners and the County Council.  
(86 Code, § 36-7-14-1) (Ord. 0-93-11, passed 6-7-93; Am. Ord. 97- , passed - -97)

**Statutory reference:**

*County Redevelopment Commission, see I.C. 36-7-14-1*

**AUTHORITIES****§ 31.30 COUNTY BUILDING AUTHORITY.**

The Commissioners establish the Columbia City - Whitley County Building Authority for the purpose of acquiring, financing, constructing, equipping, operating and leasing lands or buildings for public or governmental use.

(86 Code, § 36-9-13-5) (Res. passed 9-4-84; Ord. 0-93-5, passed 2-1-93)

**Cross-reference:**

*Building regulations, see Ch. 150*

**Statutory reference:**

*Procedure for establishment of building authority; notice and hearing, see I.C. 36-9-13-5*

**§ 31.31 REDEVELOPMENT AUTHORITY.**

(A) The county creates a Redevelopment Authority under I.C. 36-7.14.5 to be known as the Whitley County Redevelopment Authority ("the Authority") as a separate body corporate and politic and as an instrumentality of the county.

(B) The Authority is organized for the following purposes:

(1) Financing, constructing and leasing local public improvements to the County Redevelopment Commission;

(2) Financing and constructing additional improvements to local public improvements owned by the Authority and leasing them to the Commission;

(3) Acquiring all or a portion of one or more local public improvements from the Commission by purchase or lease and leasing these local public improvements back to the Commission with any additional improvements that may be made to them;

(4) Acquiring all or a portion of one or more local public improvements from the Commission by purchase or lease to fund or refund indebtedness incurred on account of those local public improvements to enable the Commission to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the Commission considers to be unduly burdensome;

(5) Any other purposes permitted by I.C. 36-7-14.5, including the issuance of bonds to finance local public improvements.

(C) The Board of Directors of the Authority shall be composed of three members who are residents of the county and shall be appointed by the Board of Commissioners for three year terms. (86 Code, § 36-7-14.5-1) (Ord. 0-94-11, passed 10-3-94; Am. Ord. 97- , passed - -97)

**Statutory reference:**

*Redevelopment authority, see I.C. 36-7-14.5-1*

**§ 31.32 HOSPITAL AUTHORITY.**

The Board creates the Whitley County Hospital Authority, hereinafter designated the County Hospital Authority, which shall be a body corporate and politic for the purpose of financing, acquiring, constructing, equipping and leasing projects to participating hospitals located in the county or refunding outstanding indebtedness of participating hospitals located in the county.

(86 Code, § 5-1-4-4) (Res. passed 9-30-74)

**Statutory reference:**

*Hospital bonding authority, see I.C. 5-1-4-4*

**§ 31.33 COUNTY DEVELOPMENT AUTHORITY.**

(A) *Title.* This section is entitled the "Whitley County Development Authority Ordinance."

(B) *Purpose.* The 2015 Indiana General Assembly enacted HB 1403 which allows each county and qualified city to join with one or more counties and/or qualified cities in order to establish a Development Authority. The County Council of Whitley County has determined that it would be in the best interest of the citizens of Whitley County to establish the Northeast Indiana Regional Development Authority with the other Indiana counties listed in Exhibit "A", which is attached to Ordinance No. 2015-08, and is hereby adopted by reference as if set out in full.





(C) *Establishment.* Pursuant to I.C. 36-7.6-2-3, Whitley County, jointly with the other Indiana counties listed in Exhibit "A" of this Whitley County Development Authority Ordinance, hereby establishes the Northeast Indiana Regional Development Authority ("Authority"). The Authority shall consist of the entire area located within the legal boundaries of Whitley County including incorporated and unincorporated territory, as well as the territory of the other counties, cities, and towns that are or will become members ("Members") of the Authority.

(D) *Membership period.* Whitley County shall be a Member of the Authority for a period commencing immediately upon the enactment of Whitley County Development Authority Ordinance and ending on June 30, 2023.

(E) *Organization; powers.* The Authority shall be managed by a Development Board ("Board") consisting of five board members ("Board Members"). The nomination and appointment of the Board, the organization of the Authority, the scope of the powers to be exercised by the Board, the manner in which such powers are to be exercised, and all of the other functions of the Board shall be as set forth in I.C. 36-7.6-1; et seq. and all acts amendatory and supplemental thereto, as well as any other applicable laws of the state.  
(Ord. 2015-08, passed 6-2-2015)

**COUNTY HEALTH DEPARTMENT**

**§ 31.45 DEPARTMENT ESTABLISHED.**

The Board establishes a full-time County Health Department.  
(86 Code, § 16-1-7-5) (Res. passed 7-2-57)

**Statutory reference:**

*Authority to establish county health department, see I.C. 16-20-2-2*

**§ 31.46 FEE SCHEDULE.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BOARD OF HEALTH.** The County Board of Health provided for in I.C. 16-20-2-3.

**HEALTH OFFICER.** The County Health Officer provided for in I.C. 16-20-2-16.

(B) *Establishment and collection of fees.* The Board of Health shall establish and collect fees for all services it provides in accordance with this section. The County Health Officer or his or her agent may, if bearing proper credentials and identification, enter upon all properties at any reasonable and proper time to inspect, observe, measure, sample and test to carry out the necessary enforcement of this section.

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(C) *Fees for services.* The Board of Health shall charge a fee for providing any person with the following services. The fee shall not exceed the cost to the Board of Health for providing the service. The Health Department may waive any fee under this section for supplying information to any school corporation:

(1) For services provided by the County Health Department in supplying a copy of a certificate of birth, death or stillborn registration as authorized by I.C. 16-20-1-17;

(2) For services provided in the inspection of public eating and drinking establishments, retail food markets, itinerant food stands and semi-public food service establishments to obtain a permit or license for food markets and eating and drinking establishments in the county;

(3) For supervision and inspection of sanitary installations as required by 410 I.A.C. 6-8-1 to 6-8-15 and this Code; and

(4) Other technical services developed and offered by the County Health Department with the approval of the Board of Health.

(D) *Collection accounting and disposition.*

(1) *Collection of fees.* The Board of Health shall collect the fees established by this section in accordance with division (E) of this section.

(2) *Accounting for fees.* All fees collected by the Board of Health shall be accounted for in detail for each program service area.

(3) *Disposition of fees.* All fees collected by the Board of Health shall be transferred to the County Health Fund. The monies collected in accordance with this section shall be used only for the maintenance or future expansion of the County Health Department.

(4) *Health service, fees; other county health jurisdictions.* Fees collected for health services provided to individuals in other county health jurisdictions and involving payment from county tax revenue shall be collected in accordance with agreements entered into pursuant to I.C. 16-20-1-8.

(5) *Mortgage inspection requests and payment.* The Department shall charge a fee for all mortgage inspections conducted at the request of any person. This fee shall be due and payable upon the delivery of the inspection report to that person.

(E) *Fee schedule.* The following fee schedule is established:

(1) *Environmental health services.*

Food service establishment:	
1 – 5 employees	\$25
6 – 9 employees	\$35
10 – 40 employees	\$50
41 employees and over	\$75
Temporary food service establishments / day	\$5
Mobile food unit	\$25
Retail food stores:	
Up to 3000 sq. ft. floor space	\$25
3000 to 20,000 sq. ft. floor space	\$50
20,001 to 40,000 sq. ft. floor space	\$75
over 40,000 sq. ft. floor space	\$100
Septic – new:	
0 – 1,000 square feet	\$75
1,001 – 2,000 square feet	\$100
2,001 – 3,000 square feet	\$125
3,001 + square feet	\$150
Reconnect/repair	
Subdivision review per lot	\$10
Installer registration	\$30
Tattoo parlor:	
Establishment	\$300
Artist/piercer	\$75
Well permits	\$10

(2) *Vital records.*

Birth certificate (regular and wallet size-combo)	\$10
Death certificate	\$10

(^86 Code, § 16-1-4-24) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1961, passed 1-2-62; Am. Ord. 85-7, passed 9-3-85; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 85-1, passed 2-3-86; Am. Ord. O-93-5, passed 2-1-93; Am. Ord. 2004-01, passed 1-20-04; Am. Ord. 2011-01, passed 2-7-11)

**Statutory reference:**

*Fee schedule, see I.C. 16-20-1-7*

**COUNTY DEPARTMENT OF AVIATION****§ 31.60 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AVIATION BOARD.** The County Board of Aviation Commissioners.

**CITY.** The City of Columbia City, Indiana.

**DEPARTMENT.** The County Department of Aviation.  
(<sup>86</sup> Code, § 8-22-2-1) (Ord. passed 8-13-45)

**§ 31.61 ESTABLISHED.**

The Board establishes the Department.  
(<sup>86</sup> Code, § 8-22-2-1) (Ord. passed 8-13-45)

**Statutory reference:**

*Local boards of aviation, see I.C. 8-22-2-1*

**§ 31.62 COMPOSITION.**

The Department shall be composed of a Board of four members designated the Aviation Board. Two members of the Aviation Board shall be appointed by the Board of County Commissioners and two of the members shall be appointed by the Mayor of the city. The members of the Department shall serve without compensation but shall be paid their actual expenses not to exceed \$600 per annum for the entire Aviation Board, which expenses shall be borne jointly and equally between the county and the city. Each member of the Aviation Board, before entering upon his or her duties, shall take and subscribe the usual oath of office to be endorsed upon the certificate of his or her appointment, which certificates of appointment shall be filed with the County Auditor and the City Clerk-Treasurer.  
(<sup>86</sup> Code, § 8-22-2-1) (Ord. passed 8-13-45)

**§ 31.63 OFFICERS.**

The Aviation Board shall authorize and elect officers as provided by I.C. 8-22-2. The Aviation Board shall have exclusive power on behalf of the county and city to acquire, establish, construct, improve, equip, maintain, control, lease and regulate the airport and landing fields provided for in this section to be owned and operated jointly by the county and the city. The Board shall have all the rights and powers conferred upon it under and by virtue of I.C. 8-22-2, as amended.  
(<sup>86</sup> Code, § 8-22-2-1) (Ord. passed 8-13-45)

*DEPARTMENT OF ENGINEERING*

**§ 31.75 ESTABLISHED.**

The Board establishes the Department of County Engineering. The Department shall be supervised and directed by the County Highway Engineer, who may from time to time serve under a contract with the Board.

(`86 Code, § 8-17-5-13) (Ord. passed 12-21-73)

***Statutory reference:***

*County engineering department; establishment, see I.C. 8-17-5-13*

**§ 31.76 SUPERVISION OF ENGINEERING SERVICES.**

The Department shall supervise and direct engineering services in the following areas:

- (A) Highway bridges and streets;
- (B) Traffic safety;
- (C) Sanitation control;
- (D) Pollution control;
- (E) Subdivision development control;
- (F) The location of monuments and markers, furnishing of legal descriptions and related services;
- (G) Drains and ditches;
- (H) Such other services as the Board shall from time to time designate.

(`86 Code, § 8-17-5-13) (Ord. passed 12-21-73)

**§ 31.77 PERSONNEL.**

The Board may employ such personnel in the Department as it deems necessary. Salaries shall be fixed by the Board annually and submitted as part of the Department budget to the County Council.

(`86 Code, § 8-17-5-13) (Ord. passed 12-21-73)

***ORDINANCE VIOLATIONS BUREAU*****§ 31.85 ESTABLISHMENT.**

There shall be created an Ordinance Violations Bureau pursuant to I.C. 33-36-2-1, as amended, for the county.

(Ord. 2005-11, passed 6-20-05)

**§ 31.86 ADMISSIONS OF VIOLATIONS.**

A person charged with violating an ordinance or provision of this code that is subject to admission before the Ordinance Violations Bureau may elect to admit the violation, waive a trial and pay the civil penalty to the Violations Clerk without assessment of court costs.

(Ord. 2005-11, passed 6-20-05)

**§ 31.87 VIOLATIONS CLERK.**

The County Clerk is hereby appointed and shall serve as the Violations Clerk and shall administer the Bureau. The Violations Clerk and his or her staff, as agents of the Violations Clerk, shall accept written appearances, waivers of trial, admissions of violations and payment of civil penalties in the amount and for the violation as provided in this subchapter.

(Ord. 2005-11, passed 6-20-05)

**§ 31.88 VIOLATIONS SUBJECT TO ADMISSION BEFORE ORDINANCE VIOLATIONS BUREAU.**

Violations of the following ordinances and provisions of this code shall be subject to admission before the Ordinance Violations Bureau and, for the purposes of the civil penalty set forth in this subchapter, shall be classified as follows:

<i>Subject</i>	<i>Code Sections</i>	<i>Classification</i>
Junk and Trash Violations	53.01-53.09, 53.99	D

(Ord. 2005-11, passed 6-20-05)

**§ 31.89 CIVIL PENALTY.**

The civil penalties for violations which are subject to admission before the Violations Bureau shall be as follows:

(A) *Class A.* If the violation is classified as a Class A violation, the penalty shall be \$25 if paid on or before the 14th day following the violation and otherwise \$100.

(B) *Class B.* If the violation is classified as a Class B violation, the penalty shall be \$50 if paid on or before the 14th day following the violation and otherwise \$100.

(C) *Class C.* If the violation is classified as a Class C violation, the penalty shall be \$75 if paid on or before the 14th day following the violation and otherwise \$100.

(D) *Class D.* If the violation is classified as a Class D violation, the penalty shall be \$100 for each violation.

(E) *Class E.* If the violation is classified as a Class E violation, the penalty shall be: \$25 if that person has not committed the same violation during the year prior to such violation; \$50 if that person has committed the same violation once during the year prior to such violation; and \$100 if that person has committed the same violation more than once during the year prior to such violation; provided, however, if the penalty is not paid on or before the 14th day following the violation, the penalty shall be \$100 regardless of whether the person has committed the same violation during the year prior to such violation.

(Ord. 2005-11, passed 6-20-05)

#### **§ 31.90 PROCEEDS PLACED IN GENERAL FUND.**

Proceeds from the Violations Bureau shall be placed into the county general fund unless otherwise designated within the specific regulation subject to this subchapter.

(Ord. 2005-11, passed 6-20-05)

#### **§ 31.91 EFFECT ON OTHER ORDINANCES AND PROVISIONS.**

This code is amended to provide for the civil penalties set forth in this subchapter; provided, however, that this subchapter shall not diminish the right of the county to enforce any other penalty or remedy (including without limitation abatement, revocation of license, and right to reimbursement) which may be available in addition to the monetary civil penalty by virtue of any other ordinance or provision now or subsequently in effect.

(Ord. 2005-11, passed 6-20-05)





## CHAPTER 32: COUNTY POLICIES

### Section

- 32.01 Emergency services
- 32.02 Consolidated school districts
- 32.03 Nondiscrimination policy
- 32.04 Fee schedule
- 32.05 County inmate health care payments
- 32.06 County homes
- 32.07 Designated smoking areas
- 32.08 Use of electronic data
- 32.09 Blanket bonds or crime insurance coverage
- 32.10 Land parcel requirements
- 32.11 Internal control standards
- 32.12 Payment of certain claims in advance of approval
- 32.13 Recorder to provide bulk form copies to a bulk user
- 32.14 Small purchase policy; county fuel facility
- 32.15 Fixed asset capitalization and inventory policy

### § 32.01 EMERGENCY SERVICES.

(A) The Commissioners establish the amount to be reimbursed the County Memorial Hospital for billing and collection services for the emergency medical services as 10% of the amount collected.

(B) The Commissioners relinquish the right to appoint the Emergency Medical Services Director. ('86 Code, § 16-1-39-15) (Ord. passed 8-16-76; Am. Ord. 0-93-5, passed 2-1-93)

**Statutory reference:**

*Emergency medical services, see I.C. 16-31-5-1*

### § 32.02 CONSOLIDATED SCHOOL DISTRICTS.

(A) The Board divides the Churubusco Consolidated School District into school board member districts in accordance with I.C. 20-4-8-4:

(1) District One: that part of Smith Township, Whitley County, contained within the two southernmost precincts within that township;

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(2) District Two: that part of Smith Township, Whitley County, contained within the two northernmost precincts within that township;

(3) District Three: all of Green Township, Noble County.

(B) The Board divides the Whitko Consolidated School District into school board districts in accordance with I.C. 20-4-8-4:

(1) District One: all of Monroe Township and Washington Township, Kosciusko County;

(2) District Two: all of Jackson Township, Kosciusko County and Richland Township, Whitley County;

(3) District Three: all of Cleveland Township, Whitley County.  
(<sup>86</sup> Code, § 20-4-8-4) (Ord. passed 7-2-63; Ord. passed 11-4-63)

***Editor's note:***

*P.L. 1-2005 § 240, effective July 1, 2005, repealed I.C. 20-4-8-4.*

### § 32.03 NONDISCRIMINATION POLICY.

(A) It is the policy of the county and the Board not to discriminate against any employee or applicant for employment due to the race, color, religion, sex, national origin, age or handicap of that individual. This policy shall also apply to veterans as required by federal or state laws and regulations. This policy extends to all phases of employment and shall include, but not be limited to the following:

- (1) Employment, upgrading, demotion or transfer;
- (2) Recruitment or recruitment advertising;
- (3) Lay-off or termination;
- (4) Rates of pay or other forms of compensation; and
- (5) Selection for training, including apprenticeship.

(B) The Board shall comply with the letter and intent of the Equal Opportunity Act and the rules and regulations implementing it on a good faith, sincere basis.  
(<sup>86</sup> Code, § 22-9-1-12.1)

**§ 32.04 FEE SCHEDULE.**

(A) *Microfilm copies.* The Board and the County Auditor shall charge \$.50 for each microfilm copy. This charge shall not apply if, in the determination of the Board or County Auditor, the photocopy is produced in the course of county business.

(B) *County map copies.* The Board and the County Surveyor shall charge \$1 for each copy of the county map. This charge shall not apply if, in the determination of the Board or County Auditor, the photocopy is produced in the course of county business.

(C) *Access to public county records not limited or denied.* This section shall not be construed or interpreted to limit or deny any person access to any public county record in the office of the Board or County Auditor.

(D) *Transfers and dispositions according to law.* All monies received by the Board and the office of the County Auditor pursuant to this section shall be transferred or disposed of according to law.

(E) *Dishonored check fees.*

(1) *Prosecutor's office dishonored check fee.*

(a) The office of the County Prosecuting Attorney shall impose a service charge, to be paid by the payer of any unpaid or dishonored check, draft or order for which notice is sent pursuant to the provisions of state law. This service charge shall be not more than \$25 to cover the cost of the service provided and shall constitute a fee reasonably related to the administrative cost of exercising this regulatory power.

(b) The office of the County Prosecuting Attorney shall also impose a service charge or fee of not more than \$50, to be paid by the payer of any unpaid or dishonored check, draft or order, if that check, draft or order is not paid within the time period provided by state law and criminal charges are filed based upon that unpaid check, draft or order resulting in either deferred prosecution, the provisions of a suspended sentence or the dismissal of the criminal charge wherein one of the conditions of that dismissal is the payment of the service charge shall be not more than \$50.

(c) The service charge or fee collected by the office of the County Prosecuting Attorney is in addition to the service fee or charge to be paid to the payee or holder of that check, draft or order provided by state law.

(d) All service charges or fees collected by the office of the County Prosecuting Attorney under this section shall be accounted for by that office in accordance with procedures established and approved by the State Board of Accounts. All such service charges and fees shall be remitted to the County Auditor on a monthly basis and deposited by the County Auditor into the County General Fund as miscellaneous revenue.

(2) *County dishonored check fee.*

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(a) Any individual, person, group or entity who delivers a check, draft or order on a credit institution for payment of money to, or to acquire money or other property from, any county office, department or entity, which check, draft or order is not paid or honored by the credit institution upon presentment in the usual course of business will be responsible for and be charged a service fee of \$25 by the applicable county office, agency or division.

(b) After notice to the applicable county office that the check, draft or order has not been paid by the credit institution, it shall be the responsibility of the county office, department, agency or division to collect the service charge. Cash or certified funds only will be accepted for all payments that are repayment of an insufficient funds check.

(F) *Rural numbering books.* The County Engineer shall sell rural numbering books for \$7.50.

(G) *Real property endorsements.*

(1) The County Auditor shall collect a fee of \$10.00 for each legal description of each parcel contained in the deed; for which the Auditor makes a real property endorsement. This fee is in addition to any other fee provided by law.

(2) The County Auditor shall place the revenue for this endorsement and legal description of each parcel contained in the deed in a dedicated fund for use in maintaining plat books, regardless of whether the maintenance is done manually or by electronic means.

(H) *Large document scanner copies.*

(1) A fee of \$6.00 per copy shall be imposed for all copies made for private purposes using the county's large document scanner.

(2) For purposes of this division (H), **LARGE DOCUMENT SCANNER** refers to a scanning of copy machine owned or leased by the county and used for making copies of documents such as plats and maps that are too large to be copied on an ordinary photocopy machine.

(3) For purposes of this division (H), **COPIES MADE FOR PRIVATE PURPOSES** refers to copies of documents that:

(a) Are not subject to the provisions of the public records law (currently, I.C. 5-14-3);

(b) Are not subject to any other applicable statute prescribing a specified charge for copying such documents; and

(c) Are not made for county business purposes by someone who is an official, employee or agent of Whitley County.

(4) The fee collected pursuant to this division (H) shall be paid and allocated to the County Recorder's Records Perpetuation Fund established under I.C. 36-2-7-10(c) (or a similar fund established under any successor law).

(I) *Law enforcement reports.*

(1) A fee of \$8.00 per copy shall be imposed for each copy of a report pursuant to I.C. 9-29-11-1, to be paid by the person requesting the copy.

(2) For purposes of this division (I), **REPORT** refers to a report:

(a) That is prepared by a law enforcement officer for whom the Whitley County Sheriff's Department is the main department, office, or agency under whose supervision the law enforcement officer carries on the law enforcement officer's duties; and

(b) A copy of which is supplied by the Whitley County Sheriff's Department.

(3) The fees collected pursuant to this division (I) may be deposited, administered and expended in any manner permitted by I.C. 9-29-11-1, as the same may be amended from time to time, or as otherwise expressly permitted by any other applicable law.

(J) *Enhanced emergency telephone system.* The amount of the enhanced emergency telephone system fee shall be changed to \$1.75 per telephone access line or other exchange access facility (as that term is defined in I.C. 36-8-16.7-10).

(K) *Fee for conducting Sheriff's sale of real property.*

(1) *Adoption of fee.* The County Board of Commissioners hereby adopts an administrative fee in the amount of up to \$200 for actual costs of the Sheriff for each foreclosure sale pursuant to I.C. 32-29-7-3.

(2) *Receipt and use of fees collected.* One-half of all fees created by this division shall be collected by the County Sheriff's Department and deposited into County General Fund for use as miscellaneous revenue. The remaining one-half of all fees created by this division shall be deposited in a special, non-reverting fund for use by the County Sheriff's Department to purchase computer software, hardware and/or wireless data services supporting mobile information requirements for the County Sheriff's Department operations.



(3) *Construction.* Any term defined in this division by reference to a state statute shall have the same meaning whenever used in this division, unless clearly inapplicable by the context in which it is used. Any reference to a state statute shall mean the statute as amended from time to time, or any similar statutory provision that may supersede it relating to the same or similar subject matter.

(^86 Code, § 36-1-3-8) (Ord. passed 3-5-56; Ord. passed 6-3-57; Ord. passed 7-1-63; Ord. passed 11-4-63; Ord. passed 10-4-76; Ord. 1984-4, passed 9-7-84; Ord. 85-1, passed 2-3-86; Ord. passed 12-1-86; Ord. O-93-5, passed 2-1-93; Am. Ord. 2003-03, passed 2-17-03; Am. Ord. 2006-05, passed 2-21-06; Am. Ord. 2006-11, passed 9-6-06; Am. Ord 2006-12, passed 9-6-06; Am. Ord. 2007-08, passed 5-8-07; Am. Ord. 2012-04, passed 3-5-12; Am. Ord. 2012-06, passed 4-2-12; Am. Ord. 2015-06, passed 4-20-15; Am. Ord. 2019-08, passed 6-17-19)

***Cross-reference:***

*Other county funds, see Ch. 35*

***Statutory reference:***

*Powers specifically withheld from unit, see I.C. 36-1-3-8*

***Editor's note:***

*P.L. 198-2016 § 584, effective July 1, 2016, repealed I.C. 9-29-11-1.*

**§ 32.05 COUNTY INMATE HEALTH CARE PAYMENTS.**

(A) A person confined to the county jail, except as provided in divisions (B), (C) and (D) of this section, shall be required to make a co-payment in an amount of \$10 for each provision of the following services:

- (1) Treatment by a dentist or other dental care;
- (2) Treatment by a physician or other medical care;
- (3) Treatment by an optometrist, ophthalmologist or other eye care;
- (4) Any other health related service.

(B) A person confined to the county jail, except as provided in divisions (C) and (D) of this section, shall be required to make a co-payment in the amount of \$5 for each provision of the following:

- (1) The original filling of a prescription.
- (2) All prescription refills.

(C) Divisions (A) and (B) of this section do not apply to a person confined in the county jail who:

- (1) Maintains a policy of insurance from a private company covering:
  - (a) Medical care;
  - (b) Dental care;

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(c) Eye care;

(d) Any other health care related service, including, without limitation, prescriptions; provided the inmate must provide complete and accurate information to allow the health care provider to file a claim for services rendered;

(2) Is willing to pay for the person's own medical care; or

(3) Is committed to the Indiana Department of Correction.

(D) A person committed to the county jail is not required to make the co-payment if:

(1) The inmate does not have funds in the inmate's commissary account or trust account at the time the service is provided and the inmate does not have funds in the inmate's commissary account or trust account within 60 days after the service is provided;

(2) The service is provided in an emergency;

(3) The service is provided as a result of an injury received at the county jail; or

(4) The service is provided at the request of the Sheriff.

(E) Inmates at the county jail will never be refused access to medical treatment because of an inability to pay. Should an inmate have a zero balance in the inmate trust fund or commissary account, the transaction shall be carried on the books for 60 days. Should the inmate receive money within the 60-day period, the co-payment will be deducted from the inmate's account. If the inmate receives no funds, at the end of the 60-day period, an adjustment entry shall be made to negate the medical billing transaction. If the inmate receives monies at any time within the 60-day period, all outstanding co-payments shall be deducted prior to a commissary order being processed and prior to any monies being released to the inmate for bonding or other purposes.

(F) Monies collected shall be deposited into the Medical Care for Inmates Fund for the county to be used for expenses of medical care for inmates in Whitley County, including payments due to any third party providing health care to such inmates pursuant to a contract with the county and/or County Sheriff.

(<sup>86</sup> Code, § 11-12-5-5) (Ord. 0-95-5, passed 4-17-95; Am. Ord. 2007-20, passed 11-5-07)

**Statutory reference:**

*Inmates co-payments for health care, see I.C. 11-12-5-5*

### § 32.06 COUNTY HOMES.

(A) The Commissioners establish Meadowbrook Manor as a county home in accordance with I.C. 12-30-1.



(B) The Superintendent of Meadowbrook Manor may employ all necessary help and assistance to properly care for all residents of Meadowbrook Manor.

(C) The Commissioners set the fees for residents of Meadowbrook Manor supported by the Welfare Department at \$150 per month.

(D) A person who is designated by their township trustee as a permanent charge upon their township shall be admitted to Meadowbrook Manor upon presentation of proper applications from the appropriate township trustee. Any unexpended portion of welfare money in the possession of that person shall be surrendered to the Superintendent of Meadowbrook Manor for deposit in the County General Fund.

(E) If a dispute arises between a township trustee and the Superintendent of Meadowbrook Manor concerning the admission of an indigent, aged or infirm person to Meadowbrook Manor, then the Commissioners shall conduct a hearing at once on the matter. The decision of the Commissioners is final and binding on all parties in the case.

(<sup>1</sup>86 Code, § 13-30-1-1) (Res. passed 2-7-45; Ord. passed 5-5-69; Ord. passed 5-6-85; Ord. 0-93-5, passed 2-1-93)

#### **§ 32.07 DESIGNATED SMOKING AREAS.**

The following smoking areas are designated by the County Commissioners:

(A) *Courthouse*. Smoking is prohibited in all areas.

(B) *Jail*. Smoking is prohibited in the lower level of the jail building and in all other areas of the jail except the following:

(1) Staff dining room, Room 147.

(2) Cell blocks A, B, C, D, E, F, G, and H.

(C) *Welfare*. Smoking shall be prohibited in the following areas:

(1) Hallways.

(2) Reception areas.

(3) Restrooms.

(<sup>1</sup>86 Code, § 13-1-13-5) (Ord. passed 8-17-87; Ord. passed 11-20-89)

**§ 32.08 USE OF ELECTRONIC DATA.**

(A) *Permitted uses.* A person who receives public records or information in the form of electronic data from Whitley County on disk or tape pursuant to I.C. 5-14-3-3(d) may use the information or data only for the following purposes:

- (1) “News” within the meaning of I.C. 5-14-3-3.5.
- (2) “Nonprofit activities” within the meaning of I.C. 5-14-3-3.5
- (3) “Academic research” within the meaning of I.C. 5-14-3-3.5.
- (4) A public works project within Whitley County.
- (5) A non-commercial purpose not expressly prohibited herein.

(B) *Prohibited uses.* A person who receives public records or information in the form of electronic data from Whitley County on disk or tape pursuant to I.C. 5-14-3-3(d) may not:

- (1) Use the data (or any information contained therein) for the purpose of selling, advertising or soliciting the purchase or sale of merchandise, goods or services or for any type of mass-marketing.
- (2) Sell, loan, give away, or otherwise deliver the data (or any information contained therein) to any other person or entity for the purpose of selling, advertising or soliciting the purchase or sale of merchandise, goods or services or for any type of mass-marketing.

(C) *Electronic map of GIS data.* Any person who receives an electronic map of GIS data from Whitley County must sign a data usage agreement in a form approved by the Board, must comply with such agreement and must comply with this section.

(D) *Penalty.*

- (1) A penalty of \$2,500 is hereby imposed for each violation of this section. Each day that a violation continues shall constitute a separate violation.
- (2) In the event of any violation of this section, and in addition to collecting the penalty imposed herein, Whitley County shall be entitled to:

(a) Prohibit the person or entity who violates this section from receiving any further electronic data from Whitley County; and/or

(b) Institute and exercise any and all other rights and remedies which may be available at law or in equity arising by reason of such violation, including a lawsuit for injunctive relief, specific performance and/or damages.

(E) Reference herein to a provision of the Indiana Code includes any future version of such provision, as amended, and any similar provision of any successor statute.  
(Ord. 2006-17, passed 10-2-06)

### **§ 32.09 BLANKET BONDS OR CRIME INSURANCE COVERAGE.**

(A) The county, acting by and through its County Auditor, is authorized to purchase, as needed, a blanket bond or crime insurance policy endorsed to include faithful performance to cover the faithful performance of all county employees, commission members and other persons acting on behalf of the county, including the officers, employees and contractors described under I.C. 5-4-1-18(a).

(B) The minimum bond amount for public officials set forth under I.C. 5-4-1-18(d)(1), (2), including that for county treasurers, circuit court clerks, county sheriffs and Barrett Law fund custodians, as well as those employees directed to file an individual bond by the fiscal body, is fixed as follows:

(1) The amount must equal \$30,000 for each \$1,000,000 of receipts of the officer's office during the complete fiscal year before the purchase of the bond, subject to division (B)(2).

(2) The amount may not be less than \$30,000 nor more than \$300,000 unless the County Council approves a greater amount for the officer or employee.

(C) The minimum bond amount for public officials set forth under I.C. 5-4-1-18(d) for county auditors is fixed at not less than \$30,000.

(D) The minimum bond amount for public officials set forth under I.C. 5-4-1-18(e)(1), including that for county recorders, county surveyors, county coroners and county assessors is fixed at not less than \$15,000.

(E) The minimum bond amount set forth under I.C. 5-4-1-18(a)(7), (e)(2), for employees or contractors of the county whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the county is not less than \$5,000.

(F) The State Board of Accounts may fix the amount of the bond for a county treasurer, county sheriff, circuit court clerk or Barrett Law fund custodian at an amount that exceeds \$30,000 for each \$1,000,000 of receipts of the officer's office during the last complete fiscal year before the purchase of the bond.

(Ord. 2015-14, passed 12-8-15)

**§ 32.10 LAND PARCEL REQUIREMENTS.***(A) Parcel Committee established.*

(1) A Parcel Committee is hereby established to oversee the division and combining of certain parcels in the county.

(2) The Parcel Committee shall be comprised of the following, or their designated representative:

- (a) County Recorder;
- (b) County Auditor;
- (c) County Assessor;
- (d) County GIS Coordinator;
- (e) County Engineer or County Surveyor; and
- (f) Planning Director for each jurisdiction in the county.

(3) The Parcel Committee shall convene no less often than once per week to review applications submitted in the previous week, unless there is no business to consider.

(4) The Parcel Committee shall have the duties and authorities defined herein. The Parcel Committee may adopt rules of procedure setting forth application procedures, deadlines, meeting days and times, or other rules that ensure the effective and timely processing of applications.

*(B) Approval required prior to recordation.*

(1) An application shall be submitted to the Parcel Committee for administrative review and approval of any of the following proposed transfers of real estate:

(a) A division or combination of an unplatted parcel or parcels which is not subject to subdivision regulations under county or municipal ordinance;

(b) A division or combination of parcels, lots, or blocks in a platted subdivision that was recorded prior to December 20, 1965, or a division or combination of partial lots or partial blocks in any platted subdivision, which is not a replat subject to subdivision regulations under county or municipal ordinance; or

(c) A division or combination of parcels upon court order shall not be subject to Committee review.

(2) The application submittal shall include, but not limited to, the following:

(a) An original or retracement survey drawing conforming to the requirements of I.C. 36-2-19-4 and 865 IAC 1-12 showing all land, lots, or parcels affected by the division or combination, certified by a land surveyor licensed in Indiana. The submitted survey drawing must show:

1. The proposed parcel(s) being split or combined;
2. The parcel(s) from which the proposed parcel(s) is combined;
3. The legal acreages of the new parcel and the remainder of the parent parcel(s);
4. The existence or absence of improvements on each new tax parcel being created.

and

(b) The instrument of conveyance for the proposed parcel being transferred, unless the requirement is waived by the Committee.

(c) Completed application form.

(C) The Parcel Committee shall have the authority to review the submittal for the following:

- (1) Complete and precise legal descriptions on the survey and instrument of conveyance;
- (2) Precise legal acreage of each parcel;
- (3) Assignment of a parcel identification number to each parcel in accordance with 50 IAC 26-8-1;
- (4) Compliance with zoning and subdivision control standards; and
- (5) Compliance with other regulations and policies of the member offices and departments, as adopted in the rules of procedure of the Committee.

(D) *Actions taken by the Parcel Committee.*

(1) Applications shall be approved provided that all affected parcels, the instrument of conveyance, and the survey meet or exceed applicable minimum standards.

(2) Applications approved by the Parcel Committee shall be processed for recording, or at the applicant's option, returned to the applicant for recordation at a later date.

(3) Applications rejected by the Parcel Committee shall be returned to the applicant with the specific reasons for the rejection. The applicant may reapply for review and approval upon remedying the reasons for rejection.

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(E) The surveyor instrument of conveyance of an approved application must be recorded by the applicant within one year of approval, or the application approval will be null and void.

(F) For the purposes of this section, "unplatted parcel" shall be defined as any parcel described by:

- (1) Metes and bounds; and
- (2) Public Land Survey System (PLSS).

(G) *Additional standards.*

(1) All instruments of conveyance presented for recordation shall include the parcel identification number and physical property address for each parcel being transferred.

(2) Parcels shall not be located in more than one PLSS section and shall not be located in more than one taxing district.

(3) Instruments of conveyance with legal descriptions containing excessive exception clauses, or irrelevant or obsolete references, may be rejected.

(Ord. 2016-05, passed 7-5-16)

**§ 32.11 INTERNAL CONTROL STANDARDS.**

The internal control standards as established by I.C. 5-11-1-27(e) is hereby adopted; and shall be in full force and effect from and after its passage, and shall supersede and repeal existing oral or written personnel policies and procedures.

(Ord. 2016-02, passed 5-2-16)

**§ 32.12 PAYMENT OF CERTAIN CLAIMS IN ADVANCE OF APPROVAL.**

(A) Notwithstanding I.C. 5-11-10, with the prior written approval of the Board having jurisdiction over the allowance of claims, the County Auditor may make payments in advance of Board allowance for the following kinds of expenses:

(1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions;

(2) License or permit fees;

(3) Insurance premiums;

(4) Utility payments or utility connection charges;

(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;

(6) Grants of state funds authorized by statute;

(7) Maintenance or service agreements;

(8) Leases or rental agreements;

(9) Bond or coupon payments;

(10) Payroll;

(11) State or federal taxes;

(12) Expenses that must be paid because of emergency circumstances; and

(13) Expenses described in an ordinance.

(B) The Whitley County Sheriff has requested the Commissioners to be allowed to have the Sheriff's Department's credit card bills and utility payments paid prior to the Commissioners' approval so that they do not incur interest charges and late fees. The Whitley County Commissioners agree that the credit card bills and utility bills of the Whitley County Sheriff's Department should be pre-paid.

(C) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the County Auditor.

(D) The Whitley County Board of Commissioners shall review and allow the claim at its next regular or special meeting following the pre-approved payment of the expense.  
(Ord. 2017-02, passed 2-6-17)

**§ 32.13 RECORDER TO PROVIDE BULK FORM COPIES TO A BULK USER.**

(A) *Definitions.* The following definitions shall apply throughout this section:

***BULK FORM COPY.*** An aggregation of:

(a) Copies of all recorded documents received by the County Recorder for recording in a calendar day, week, month, or year; or

(b) The indices for finding, retrieving, and viewing all recorded documents received by the County Recorder for recording in a calendar day, week, month, or year; or

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- (c) Both clauses (a) and (b).

**BULK USER.** An individual, a corporation, a partnership, a limited liability company, or an unincorporated association that receives bulk form copies under a contract with the County Recorder.

**COPY.** A reproduction, including an image of a recorded document or indices created by:

(a) Duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or

- (b) Reproducing on microfilm.

**INDICES.** All of the indexing information used by the County Recorder for finding, retrieving, and viewing a recorded document.

**RECORDED DOCUMENT.** A writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the County Recorder or the County Recorder's designee.

(B) *Manner and form of production.* It is hereby established that the Whitley County Recorder shall provide bulk form copies to a bulk user only by electronically transmitting the copies using an electronic transfer process.

(C) *Procedure for requesting bulk form copies.* A bulk user must submit a written request to the County Recorder that identifies the requested bulk form copies with reasonable particularity. Unless the request is refused under division (F), upon receipt of a valid written request the County Recorder or the County Recorder's designee shall provide the bulk form copies to the bulk user by the method or methods established by ordinance. The bulk form copies shall be provided within a reasonable time after the later of the following events:

(1) The Recorder's archival process is completed and bulk form copies become available in the County Recorder's Office;

- (2) The bulk form user executes a contract that meets the requirements of division (E) with:

(a) The County Recorder; and

(b) If the County Recorder uses a third party to provide bulk copy services, the County Recorder or the County Recorder's designee shall work with reasonable diligence to ensure that bulk form copies are timely produced to the bulk user.

(D) *Fees charged for bulk form copies.*



(1) Based on a cost study dated September 12, 2016 and performed by Maximus for the Indiana Recorder's Association (which is incorporated herein by reference), this Board finds and determines that the costs incurred by the Whitley County Recorder of producing bulk form copies (including applying a watermark or other protective feature) substantially exceed both the standard fee of ten cents per page or per recorded document fixed by I.C. 36-2-7-10.1(d), and the fee hereafter fixed.

Accordingly, the following fee schedule is hereby adopted:

(a) Thirteen cents per page for a copy of a recorded document, including the instrument's book and page, if applicable; and

(b) Thirteen cents per recorded document for a copy of the indices used by the County Recorder for finding, retrieving, and viewing a recorded document.

(2) The fees charged by the County Recorder are subject to the following requirements:

(a) The County Recorder shall pay the fees into the County Treasury at the end of each calendar month;

(b) The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the County Recorder to bulk users;

(c) All revenue generated by the County Recorder under this section shall be deposited in the County Recorder's records perpetuation fund and used by the Recorder in accordance with I.C. 36-2-7-10(f); and

(d) The Recorder shall periodically update and verify the cost study referred to in division (D)(1) immediately above.

(E) *Bulk user contract - termination.*

(1) (a) A bulk user must enter into a contract with the County Recorder and if the County Recorder uses a third party to provide bulk copy services, the County Recorder's designee, in order to receive bulk form copies. The contract must be in writing and must require that the bulk user agree not to do any of the following:

1. Except as provided in division (F), provide, transfer, or allow the transfer of any copy of a recorded document obtained by the bulk user under this section to a third party;

2. Engage in unauthorized access to recorded documents; or

3. Engage in unauthorized alteration of recorded documents.

(b) A contract required under this division may not include any restrictions on a bulk form user's use of the bulk form copies other than those contained in this section.

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(2) If a bulk user does not comply with a contract, the County Recorder may terminate the contract, immediately stop providing bulk form copies to the bulk user, and refuse to provide the bulk form copies required by the bulk user if all termination provisions and procedures in the contract have been met by the County Recorder. The County Recorder may refuse subsequent requests from a bulk user for bulk form copies in the following circumstances:

(a) The bulk user is a person that has had a previous bulk form copy contract terminated by the County Recorder because the Recorder determined that the bulk user failed to comply with the contract; or the bulk user has been terminated by another Indiana County Recorder.

(b) The bulk user is a corporation or limited liability company in which a person has a majority or controlling interest and:

1. The person requested bulk form copies under a previous contract with the County Recorder; and
2. The contract was terminated by the County Recorder because the County Recorder determined that the person failed to comply with the contract.

(F) *Resale of bulk form copies by bulk user.*

(1) (a) A bulk user that is licensed under I.C. 27-1-15.6-6(d) or holds a certificate of authority under I.C. 27-7-3-6 may provide bulk form copies related to the specific order for a title search (as defined in I.C. 27-7-3-2) when operating as:

1. A title plant for the issuance of title insurance (as defined in I.C. 27-7-3-2); or
2. Title company (as defined in I.C. 27-7-3-2).

(b) A bulk user that meets the requirements of this division may charge its customers a fee for using the bulk form copies obtained by the bulk user that may not exceed the costs incurred by the bulk user for obtaining the bulk form copies. A bulk user that meets the requirements of this division may not resell provide, transfer, or allow the transfer of any copy of a recorded document, whether in bulk form or as individual copies or images, to any other bulk user or title plant.

(2) A bulk user that does not meet the requirements of division (F)(1) immediately above is prohibited from selling, offering for sale, advertising for sale, soliciting a purchase of, loaning, giving away, allowing subscription service to, or otherwise transferring, provide, or allowing the transfer of bulk form copies for commercial purposes to a third party, whether the copies are in bulk form or individual copies or images.

(Ord. 2017-05, passed 6-19-17)

**§ 32.14 SMALL PURCHASE POLICY; COUNTY FUEL FACILITY.**

Pursuant to I.C. 5-22-8-2, the following is the Whitley County Highway Department's small purchase policy. With the exception of the items listed as exempt from the public purchasing laws under I.C. 5-22-1 et seq. purchases costing less than \$50,000 are governed by this policy. For the purpose of this policy, "purchasing agent" means an individual authorized by the Whitley County Commissioners to act as an agent of the Department in carrying out the administrative duties associated with making small purchases.

(A) The purchasing agent shall compare prices from as many responsible suppliers of the supplies or services required as is practical. Responsible supplier means a supplier who has submitted a bid or quote conforming in all material respects to the requisite specifications and who is also capable of performing the contract requirements fully with the integrity and reliability that will assure good faith performance. In the event there are many available suppliers, the prices of no less than three suppliers will be compared. The purchasing agent shall purchase from the supplier where total costs are lowest, taking into consideration any applicable preferences, when quality and timeliness of delivery are comparable. Comparison pricing can be obtained via telephone, letter, email, fax, or website.

(B) (1) For purchases of supplies, the following purchasing preferences may apply to responsible suppliers who offer a responsive quote:

(a) Under I.C. 5-22-15-16, a price preference of 10% is available to suppliers offering supplies that contain recycled materials or post-consumer materials.

(b) For purchases resulting in a contract, a price preference of 5% is available to suppliers that qualify as a "local Indiana business", as defined in I.C. 5-22-15-20.9.

(c) A price preference of 15% is available to suppliers that qualify as an "Indiana small business", pursuant to I.C. 5-22-15-23.

(2) In assessing whether a bid or quote is responsive, the purchasing agent may evaluate whether the supplies and delivery schedule offered conform in all material respects to the specifications required by the Department and whether the supplier has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

(3) A supplier who wants to claim a preference provided by this policy must indicate in the quote which preference is claimed and the supplier must certify that it qualifies for the stated preference. In order to be considered for the Indiana small business preference, suppliers must provide the purchasing agent with information regarding the number of employees employed by the supplier and the average sales and receipts for the prior year. The purchasing agent will use the "U.S. Small Business Administration Table of Small Business Size Standards ..." in assessing whether a particular supplier qualifies as a small business.

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(4) Suppliers are only eligible to claim one type of preference. The purchasing agent shall follow the procedures outlined in I.C. 5-22-15-10 in assessing purchasing preferences.

(C) As required by I.C. 5-22-15-21, supplies manufactured in the United States shall be specified and purchased by the Department unless the purchasing agent determines that any of the following apply:

- (1) The supplies are not manufactured in the United States in reasonably available quantities;
- (2) The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured outside the United States;
- (3) The quality of the supplies is substantially less than the quality of comparably priced available supplies manufactured outside the United States; or
- (4) The purchase of supplies manufactured in the United States is not in the public interest.

(D) Purchases will not be artificially divided so as to constitute a "small purchase."

(E) Nothing in this policy shall be interpreted as precluding the purchasing agent from making a special purchase under I.C. 5-22-10. For purchases between \$50,000 and \$150,000, the procedures outlined in I.C. 5-22-8-3 will be followed.

(Ord. 2019-14, passed 12-2-19)

**§ 32.15 FIXED ASSET CAPITALIZATION AND INVENTORY POLICY.**

(A) *Purpose and definition.*

- (1) *Purpose of a capital asset policy.* The purpose of establishing a capital asset policy is:
  - (a) To safeguard the investments of the taxpayers of Whitley County;
  - (b) To comply with the standards of the Government Accounts Standards Board Statement 34;
  - (c) To fix responsibility for the custody of the assets;
  - (d) To maintain accurate records of all fixed assets that are capitalized, including infrastructure;
  - (e) To provide data for financial reporting for increased accuracy and clarity; and
  - (f) To demonstrate appropriate stewardship responsibility for public assets.

(2) *Definition of capital assets.*

(a) Capital assets are defined as assets having a useful life of more than one year and an acquisition cost of \$5,000 or more. Capital assets include land, land improvements, buildings, building improvements, machinery and equipment, vehicles, construction work in progress, works of art, historical treasures, and infrastructure, the latter of which are long-lived capital assets that normally are stationary in nature and normally can be preserved for a significantly great number of years than most capital assets.

(b) All items with a useful life of more than one year and a cost of \$5,000 or more shall be capitalized, including acquisitions by lease-purchase agreements and donated items. All land will be capitalized but not depreciated. Construction work in progress will be included in the capital asset inventory and will be depreciated once the project is complete and transferred to the appropriate county department. Items costing less than \$5,000 that are permanently installed as part of the cost of the original construction or installation of a larger building or equipment unit, or that prolong a fixed asset's economic life or expand its usefulness, will be included in the cost of the larger unit.

(c) All capital assets meeting the criteria will be included in the county's fixed asset inventory and reporting in the county's financial statements. Assets that are not capitalized are expensed in the year of acquisition. Departments must maintain an inventory of capital assets under their supervision.

(B) *Capitalization threshold and inventory.*

(1) *Capitalization threshold.*

(a) To be considered a fixed asset for financial reporting purposes, an item must be at or above the capitalization threshold and have a cost greater than \$5,000. The cost of the asset will include all expenses necessary to make the asset fully operational. Assets acquired through lease purchase agreements that meet these specifications are to be capitalized. This cost will be determined as the present value or discounted value of the future stream of lease payments, not the total lease.

(b) Capital assets are recorded at actual cost. Normally the cost recorded is the purchase price or construction cost of the asset but may also include any other reasonable and necessary costs incurred to place the asset in its intended location and intended use, including:

1. Legal and title fees and closing costs;
2. Appraisal and negotiation fees, surveying costs;
3. Land preparation costs, demolition costs;
4. Architect, engineering and accounting fees; and
5. Transportation charges.

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(c) Donated or contributed assets should be recorded at the fair market value on the date donated. If no cost is available for a fixed asset, a replacement cost or a historic cost index may be used. Items that do not meet the definition of capital assets are to be expensed in the year the asset is acquired.

(2) *Capital assets valuation.* Capital assets are defined by the following categories:

(a) *Land.* Land is defined as specified land, lots, parcels or acreage including right-of-way owned by Whitley County.

(b) *Buildings and improvements.* All structures designed and erected to house equipment, services, or functions are included. This includes systems and fixtures within the buildings and attachments such as stairs, fire escapes, canopies, lighting fixtures, flagpoles, and other items that serve the building. Plumbing systems, lighting systems, heating, cooling, ventilating and air handling systems, sound systems, surveillance systems, elevators, built-in casework, walk-in coolers and freezers, fixed shelving, and other fixed equipment are included as building components.

(c) *Equipment.* Equipment includes all other types of physical property, such as mechanical equipment, heavy equipment, office furniture, appliances, furnishings, machinery items, maintenance equipment, communication equipment, laboratory equipment, and data processing equipment. Supplies that typically get used within one year are not included.

(d) *Vehicles.* Motor vehicles include all vehicles for which title and license must be obtained including cars, trucks, buses, road-going trailers, dump trucks, and highway trucks. Vehicle accessories will be identified as a component asset of the vehicle to which they are attached.

(e) *Infrastructure.* Infrastructure assets are long-lived capital assets that normally can be preserved for a significantly greater number of years than most capital and that are normally stationary in nature. Examples include roads, bridges, storm water and drainage systems.

(C) *Responsibilities for inventory and reporting of capital assets.*

(1) *Responsibilities of county departments.*

(a) Department heads are the stewards for each piece of property utilized by their department. The steward will be the focal point for questions for availability, condition, and usage of the asset.

(b) The steward shall be designated as the person to record the receipt of the asset, to examine the asset to make sure no damage was incurred during shipment, and to make sure the asset was received in working order. The steward is also responsible for arranging the necessary preventative maintenance and any needed repairs to keep the asset in working condition. The steward also ensures that the asset is used for the purpose for which it was acquired and that there is no personal or unauthorized use. The steward is responsible for reporting any loss, theft, or damage to the assets.

(c) Departments are to maintain inventories of all capital assets, including: a) those that are capitalized and reported on the county's capital asset inventory; and b) controllable assets with an acquisition cost of \$4,999 or less and which are tracked and inventoried.

(d) Department heads are to report newly acquired assets, retired assets, transferred assets, and assets in use that previously were not included in the county's asset inventory to the Whitley County Auditor's Office. Department heads are required to use the Auditor's Office's prescribed forms and to meet with the Auditor's Office, or its designee, if necessary for the proper preparation of the capital asset reports. Department heads must abide by all Auditor Office deadlines for the reporting. Typically, asset reporting is to be completed by the first Friday of the first full week in January each year.

(e) Assets below capitalization threshold but considered sensitive may include, but are not limited to, weapons, radios, computers, chain saws, small motor equipment and power tools. These minor but sensitive items shall be inventoried and controlled at the department level by the head of the operating department. Stated inventory shall be conducted annually. The County Auditor's office is to receive a copy of the inventory and/or updated inventories for minor but sensitive items.

(f) Department heads are responsible for ensuring that the acquisitions of capital assets follow all policies, statutes, and regulations, including proper advertising, use of proper budgetary codes and accounting forms, and all required appropriation approvals.

(g) The Whitley County Commissioners and the Auditor's Office may conduct spot checks of the asset inventory and condition on a random, unannounced basis.

(2) *Responsibilities of the County Auditor's Office.* The Whitley County Auditor's Office is responsible for ensuring that accounting for capital assets is being exercised by establishing a capital asset inventory that is updated annually for additions, retirements, transfers, and items retroactively added. The Auditor's Office is responsible for securing a fixed asset advisor for the county, if deemed necessary, and for the financial reporting of the capital assets, including depreciation expense and assets included in the inventory but not depreciated.

(D) *Depreciation methods.* Whitley County will depreciate capital assets by using the straight-line method. Salvage value will be determined on an asset-by-asset basis. Assets will be depreciated based on the estimated useful life of each asset. The following are the estimated useful lives for each asset class:

- (1) Buildings - 50 years;
- (2) Infrastructure being depreciated - 50 years;
- (3) Building components and improvements - 20 to 50 years;
- (4) Machinery and equipment - Five to 15 years; and
- (5) Vehicles - Five to ten years.

(Ord. 2020-02, passed 2-3-20)





## CHAPTER 33: PERSONNEL

### Section

- 33.01 Deferred compensation plan
- 33.02 Vacations, benefits
- 33.03 Group insurance
- 33.04 Social security contributions
- 33.05 Public Employees Retirement Fund
- 33.06 Legal holidays
- 33.07 Whitley County Day

### § 33.01 DEFERRED COMPENSATION PLAN.

(A) The Board adopts the National Association of Counties Deferred Compensation Plan and establishes the County Deferred Compensation Plan for the voluntary participation of all eligible county employees and elected officials.

(B) The County Auditor is authorized to execute individual participation agreements with each employee requesting that agreement to act as the "Administrator" of the Plan representing the county and to execute any agreements and contracts necessary to implement the program. Other than the incidental expenses of collecting and disbursing of the employees' deferrals and other minor administrative matters, there shall be no cost or contribution by the county to the program.  
(<sup>86</sup> Code, § 5-10-1.1-1) (Res. passed 8-15-83)

***Statutory reference:***

*Deferred compensation plans, see I.C. 5-10-1.1-1*

### § 33.02 VACATIONS, BENEFITS.

(A) The Board adopts this section as an ordinance granting county employees vacations with pay, sick leave, holidays and other similar benefits and to establish uniform and equitable personnel policies.

(B) County employees shall be employed for a six month probationary period during which time their performance shall be periodically reviewed by their superior. At the end of the probationary period, their superior shall determine whether they shall be retained and, if retained, they shall become regular employees subject to the rights and provisions set forth in this section. During the probationary

period, the employee may be relieved of duties and discharged at the discretion of the superior without the right of the reviews, hearings or other provisions relating to termination of employment.

(<sup>86</sup> Code, § 5-10-6-1) (Ord. passed 12-23-57; Ord. passed 5-6-65; Ord. passed 6-4-67; Ord. passed 7-23-70; Ord. passed 10-3-83; Ord. passed 11-7-83; Ord. passed 5-21-84; Res. passed 1-5-87; Ord. 0-93-4, passed 2-1-93; Ord. 0-93-5, passed 2-1-93)

### § 33.03 GROUP INSURANCE.

(A) The county shall make a group insurance program available to all county employees and officials who work at least 30 hours per week or an equivalent amount of time per year. The members of the Board may participate in this program.

(B) Each full-time county employee may participate in the plan. The county shall pay the employee portion and one-half the remaining difference for a family plan on health insurance. The county shall also pay the total cost of life and accidental death and disability insurance for all full-time county employees.

(<sup>86</sup> Code, § 5-10-8-1)

**Statutory reference:**

*Group insurance for public employees, see I.C. 5-10-8-1*

### § 33.04 SOCIAL SECURITY CONTRIBUTIONS.

(A) The Board elects coverage under the Social Security Act provided under I.C. 5-10.1-3.

(B) All county employees except those election officials or election workers for each calendar quarter in which the remuneration paid for such services is less than \$50 shall be covered by this program.

(C) For the purpose of carrying out the provisions of Title II, § 218, of the Federal Social Security Act, being 42 USC 418, as amended, the agreement entered into between the State Agency and the Social Security Administrator, with the approval of the Governor, is incorporated by reference into this section and shall be deemed an agreement between the county and the State Agency and shall become a part of the agreement or any modification of the agreement between the state and the Social Security Administrator.

(<sup>86</sup> Code, § 5-10.1-3-4)

**Statutory reference:**

*Social Security contribution, see I.C. 5-10.1-3-4*

**§ 33.05 PUBLIC EMPLOYEES RETIREMENT FUND.**

(A) *PERF participation.*

(1) The county elects to become a participant in the Public Employees' Retirement Fund (PERF) as established under I.C. 5-10.3-1-1, as amended.

(2) The county agrees to make the required contributions under I.C. 5-10.3-1-1, including specifically the provisions commonly designated as "The Indiana Public Employees' Social Security Integration and Supplemental Retirement Benefits Act."

(3) All full-time county employees, as well as the County Assessor, Auditor, Clerk, Recorder, Treasurer and all members of the Board of County Commissioners shall be covered by PERF.

(4) The county declares that none of the classifications or positions included in PERF as set forth in subsection (A)(3) of this section are compensated on a fee basis or are of an emergency nature or in a part-time category.

(B) The County Auditor, the First Deputy of the County Auditor and any other employee of the Auditor's office designated by the County Auditor and each of them, either collectively or individually, are authorized and empowered to release information to the State Public Employee's Retirement Fund concerning the employees of county government, specifically as to their length of service on the county government, their level of compensation and other such facts and information as would pertain to the eligibility and participation of those employees in the State Public Employee's Retirement Fund.

(<sup>86</sup> Code, § 5-10.3-1-1)

**Statutory reference:**

*Public Employee's Retirement Fund, see I.C. 5-10.3-1-1*

**§ 33.06 LEGAL HOLIDAYS.**

The designation of any legal holiday by the Board for county employees shall not affect any action taken by the Board while in regular or special session. Any action taken by the Board on any holiday shall be valid for all purposes.

(<sup>86</sup> Code, § 1-1-9-1)

**Statutory reference:**

*Legal holidays, see I.C. 1-1-9-1*

**§ 33.07 WHITLEY COUNTY DAY.**

The Board designates the seventh day of February as Whitley County Day.

(<sup>86</sup> Code, § 1-1-10-1)

**Statutory reference:**

*Indiana Day, see I.C. 1-1-10-1*



## CHAPTER 34: ELECTIONS

### Section

- 34.01 Precinct boundaries
- 34.02 County Commissioner districts
- 34.03 County Council districts

### § 34.01 PRECINCT BOUNDARIES.

(A) The Board of Commissioners establishes the following precincts so that each has the boundary described on Exhibit “A” attached to Ordinance 0-98-03, passed 1-19-98:

- (1) Columbia Township Northeast;
- (2) Columbia Township Northwest;
- (3) Columbia Township #3;
- (4) Columbia Township #5;
- (5) Columbia Township #7.

(B) Pursuant to I.C. 3-11-1.5-30, the precinct boundary descriptions attached as Exhibit “A” to Ordinance 0-98-03, passed 1-19-98, have been submitted, together with a form of this ordinance, to the Indiana State Election Board and have been approved pursuant to I.C. 3-11-1.5-31 and related statutes. This section has been adopted to accommodate the requirements of the Indiana State Election Board pursuant to I.C. 3-11-1.5-19 and I.C. 3-11-1.5-31 and related statutes.  
(`86 Code, § 3-11-1.5-3) (Am. Ord. 0-98-03, passed 1-19-98)

***Statutory reference:***

*Precinct establishment orders, see I.C. 3-11-1.5-3*

### § 34.02 COUNTY COMMISSIONER DISTRICTS.

The County Commissioner districts shall be made up of the following precincts as submitted to the Indiana Election Commission:

- (A) District I: Etna Troy, Richland and Cleveland Townships.

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(B) District II: Thorncreek, Columbia and Washington Townships.

(C) District III: Smith, Union and Jefferson Townships.

(Ord. 2001-16, passed 12-31-01)

***Statutory reference:***

*Precincts required, see I.C. 36-2-2-4*

**§ 34.03 COUNTY COUNCIL DISTRICTS.**

The County Council districts shall be made up of the following precincts as submitted to the Indiana Election Commission:

(A) District I: Union and Smith Townships and Columbia Northeast Precinct.

(B) District II: Thorncreek, Etna Troy and Richland Townships.

(C) District III: Columbia Township except Columbia Northeast and Columbia South Precincts.

(D) District IV: Cleveland, Washington and Jefferson Townships and Columbia South Precinct.

(Ord. 2001-17, passed 12-31-01)

***Statutory reference:***

*Precincts required, see I.C. 36-2-3-4*

## CHAPTER 35: TAXATION, FINANCE AND FUNDS

### Section

- 35.01 County adjusted gross income tax
- 35.02 County Community Corrections Fund; County Corrections Fund
- 35.03 County Cumulative Capital Development Fund
- 35.04 Cumulative Hospital Building Fund
- 35.05 Cumulative Bridge Fund
- 35.06 Law Enforcement Fund
- 35.07 Purchasing agency
- 35.08 County Economic Development Income Tax
- 35.09 Deduction for assessed value of inventory
- 35.10 County Dog Fund
- 35.11 License excise surtax and wheel tax
- 35.12 Identification Security Protection Fund
- 35.13 Court Monthly Reimbursement Fund
- 35.14 Self-Insurance Fund
- 35.15 Whitley County Heritage Barn Public Safety Fund
- 35.16 Sheriff's Sale of Real Property Fees and Fund
- 35.17 Highway Fund
- 35.18 Whitley County Revolving Loan Fund
- 35.19 Prosecutor Forfeiture Fund
- 35.20 Indiana State Opioid Response Fund
- 35.21 ARP Coronavirus Local Fiscal Recovery Grant Fund

### ***Cross-reference:***

*County Recorder's Records Perpetuation Fund, see § 32.04*

### **§ 35.01 COUNTY ADJUSTED GROSS INCOME TAX.**

(A) (1) Pursuant to I.C. 6-3.5-1.1-25, the Whitley County Council hereby finds and determines that additional County Adjusted Gross Income Tax revenue is needed in Whitley County to provide for public safety.

(2) In addition to the existing rates in place for the County Adjusted Gross Income Tax in Whitley County, the Whitley County Council hereby imposes a supplement County Adjusted Gross Income Tax on the county taxpayers of Whitley County to provide for public safety. This supplemental County Adjusted Gross Income Tax for public safety is imposed at a rate of 0.25%.

(3) This supplemental County Adjusted Gross Income Tax for public safety takes effect January 1, 2016.

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(4) The tax revenue from the supplemental County Adjusted Gross Income Tax for public safety must be deposited into a separate account or fund and may be appropriated only for public safety purposes.

(B) The supplemental County Adjusted Gross Income Tax rate; established and imposed pursuant to this section are in addition to any other tax rates imposed under I.C. 6-3.5-1.1 and do not affect the purposes for which other tax revenue under I.C. 6-3.5-1.1 maybe used.  
(`86 Code, § 6-3.5-1.1-2) (Ord. 87-1, passed 3-17-87; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 2015-12, passed 10-27-15)

### § 35.02 COUNTY COMMUNITY CORRECTIONS FUND; COUNTY CORRECTIONS FUND.

#### (A) *County Community Corrections Fund.*

(1) The "Whitley County Community Corrections Fund" ("the Fund") is created pursuant to I.C. 11-12-2-12.

(2) The Fund shall consist of user fees collected under I.C. 31-6-4-18, I.C. 35-38-2-1, any other user fee collected from a participant in a community corrections program by an agency or program and a user fee collected from a participant under assessments established by authorized rules.

(3) The Community Corrections Program shall annually submit a budget of its operating expenses for community corrections to the County Council, which shall appropriate from the Fund amounts it deems necessary to maintain and operate the Community Corrections Program.

(4) Money in the Fund at the end of a fiscal year does not revert to any other fund but remains in the Fund.  
(`86 Code, § 11-12-6-6) (Ord. O-90-09, passed 7-2-90; Am. Ord. O-92-02, adopted 4-20-92; Am. Ord. O-93-2, passed 1-21-93; Am. Ord. O-93-5, passed 2-1-93)

#### (B) *County Corrections Fund.*

(1) Pursuant to I.C. 11-12-6-6, the Board of Commissioners of Whitley County elects to receive deposits from the Department of Correction in accordance with I.C. 11-12-6-13.

(2) Pursuant to I.C. 11-12-6-11.1, the Board of Commissioners of Whitley County elects to receive deposits at Level 3 funding.

(3) There is created the "Whitley County Corrections Fund" to be administered by the Whitley County Council. The Fund shall consist of deposits received from the Department of Correction in accordance with I.C. 11-12-6-13.



(4) The Whitley County Corrections Fund may be used only for funding the operation of the Whitley County Jail, Whitley County Jail Programs or other local correctional facilities. Any money remaining in the Whitley County Corrections Fund at the end of the year does not revert to any other fund but remains in the Whitley County Corrections Fund.

(<sup>86</sup> Code, § 11-12-6-9) (Ord. O-92-02, passed 4-20-92; Am. Ord. O-93-02, passed 1-21-93; Am. Ord. O-94-04, passed 2-21-94; Am. Ord. 95-1, passed 2-6-95; Am. Ord. 96-3, passed 2-5-96)

**Statutory reference:**

*Election to receive deposits, see I.C. 11-12-6-6*

**Editor's note:**

*P.L. 179-2015 § 7, effective July 1, 2015, repealed I.C. 11-12-6-6, 11-12-6-11.1 and 11-12-6-13.*

**§ 35.03 COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND.**

The Commissioners will adhere to I.C. 36-9-14.5. The Cumulative Capital Development Fund will not exceed \$0.10 on each \$100 of assessed valuation for a period not to exceed three years. The levy will be levied beginning with taxes payable beginning in 1992.

(<sup>86</sup> Code, § 36-9-14.5-3) (Res. 87-4, passed 6-15-87; Am. Res. 88-2, passed 8-1-88; Am. Res. R-91-04, passed 8-19-91; Am. Ord. O-93-5, passed 2-1-93)

**§ 35.04 CUMULATIVE HOSPITAL BUILDING FUND.**

(A) The Commissioners establish a Cumulative Hospital Building Fund and levy a tax at the rate of \$.05 on each \$100 of taxable real and personal property within the county to provide monies for the Fund.

(B) The first tax shall be levied in 1989, payable in 1990 and annually thereafter for five years, expiring in 1994.

(<sup>86</sup> Code, § 16-12.1-4-4) (Res. passed 9-18-89; Am. Ord. O-93-5, passed 2-1-93)

**§ 35.05 CUMULATIVE BRIDGE FUND.**

(A) It is resolved by the Whitley County Board of Commissioners of Whitley County, Indiana that a need now exists for the establishment of a Cumulative Bridge Fund for the following purposes: For all purposes as set out in I.C. 8-16-3.

(B) This Board will adhere to the provisions of I.C. 8-16-3. The proposed fund will not exceed \$0.05339 on each \$100 of assessed valuation. Said tax rate will be levied with taxes for 2021 payable in 2022.

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(C) Proofs of publication of the public hearing held on March 15, 2021, and a certified copy of this section be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. Said Cumulative Fund is subject to the approval of the Department of Local Government Finance.

(<sup>86</sup> Code, § 8-16-3-1) (Res. 87-3, passed 6-15-87; Am. Res. R-92-11, passed 11-2-92; Am. Ord. O-93-5, passed 2-1-93; Am. Ord. 2015-09, passed 6-22-15; Am. Ord. --, passed 7-6-15; Am. Ord. 2021-03, passed 3-15-21)

**Statutory reference:**

*Cumulative bridge fund; approval by State Board of Tax Commissioners, see I.C. 8-16-3-1*

### § 35.06 LAW ENFORCEMENT FUND.

(A) There is created a "Law Enforcement Fund." The fund consists of deposits in the form of voluntary surrender fees, reimbursement for restitution, and other law enforcement related fees recovered by the office of the County Prosecutor that are not required to be deposited in the County General Fund.

(B) The Law Enforcement Fund shall be appropriated for funding activities recovered by I.C. 34-4-30.1 and 34-4-30.5 and liquidation of personal or real property obtained from criminal defendants.

(C) Monies from this fund are subject to appropriation in accordance with I.C. 36-2-5-2.

(D) All money collected under this section shall be transferred to the County Treasurer who shall deposit the funds and disburse as the Prosecuting Attorney directs. Any money remaining in the fund at the end of the year does not revert to any other fund but continues to the Law Enforcement Fund.

(<sup>86</sup> Code, § 34-4-30.1-3) (Ord. 89-12, passed 10-3-89; Am. Ord. O-95-5, passed 5-15-95)

### § 35.07 PURCHASING AGENCY.

(A) The County Commissioners shall be the purchasing agency for the county.

(B) The Commissioners are authorized to adopt rules and procedures required or permitted by the Act on behalf of the county as a governmental body and to designate from time to time one or more purchasing agents to act on behalf of the Commissioners as the purchasing agency for the county.

(C) The Commissioners shall approve and ratify, as the county's purchasing agent, the expenditure of public funds by the county to buy, procure, rent, lease or otherwise acquire goods, property, supplies, materials or services.

(D) (1) Pursuant to the provisions of I.C. 36-2-6-4.5, the Auditor is authorized to pay only the following payments prior to formal approval of the Commissioners:

(a) All utility bills and charges prior to the due date;

- (b) Expenses that must be paid because of emergency circumstances; and
- (c) The monthly credit card statements for county expenses prior to due date.

(2) Each payment of expenses under division (D)(1) must be supported by a fully itemized invoice or bill and certification by the Auditor and the Commissioners shall review and allow the claim at its next regular or special meeting following the pre-approved payment of such expense.

(3) Any payment under division (D)(1) must be published in the manner provided in I.C. 36-2-6-3.  
(Ord. 2001-01, passed 4-3-01; Am. Ord. 2004-05, passed 8-16-04)

**§ 35.08 COUNTY ECONOMIC DEVELOPMENT INCOME TAX.**

(A) The Council imposes the Homestead Credit County Economic Development Income Tax (CEDIT) at the rate of .0329% in accordance with I.C. 6-3.5-7-5(p) to provide for additional homestead credits in the county to mitigate the effect of the 100% deduction for assessed value of inventory.

(B) This tax shall apply to calendar year 2004 and subsequent calendar years.

(C) The certified distribution received by the county as a result of the Homestead Credit CEDIT shall be used for 2004 and subsequent assessment years to increase the percentage of the homestead credit allowed in Whitley County under I.C. 6-1.1-20.9 to offset the effect on homesteads in the county resulting from the deduction.

(D) The Homestead Credit CEDIT shall be retained by the Auditor. The Auditor shall, for each calendar year in which an increased homestead credit percentage is in effect, determine:

(1) The amount of the Homestead Credit CEDIT that is available to provide an increased homestead credit percentage for the year;

(2) The amount of uniformly-applied homestead credits for the year in Whitley County that equals the amount of the Homestead Credit CEDIT; and

(3) The increased percentage of homestead credit that equates to the amount of homestead credits determined under division (D)(2). This increased percentage applies uniformly in the county in the calendar year for which the increased percentage is determined.  
(Ord. 2004-03, passed 3-17-04)

**§ 35.09 DEDUCTION FOR ASSESSED VALUE OF INVENTORY.**

A deduction equal to 100% of the assessed value of inventory applies to inventory located in the county beginning with the 2004 assessment year.  
(Ord. 2003-13, passed 12-2-03)

**§ 35.10 COUNTY DOG FUND.**

(A) Pursuant to I.C. 15-5-9, the Humane Society of Whitley County is hereby designated to receive \$.50 from each dog tax payment collected under the applicable provisions of state law. The Humane Society shall use the sums disbursed as herein provided to maintain its animal shelter.

(B) On the first Monday in March of each year, the township trustee shall transfer to the Whitley County Treasurer any amounts in a township Dog Fund designated for the Humane Society, which amounts shall be deposited in an account designated as the "Whitley County Dog Fund." Township trustees will be required to certify to the Auditor in their dog report the number of tags sold for each year.

(C) On the second Monday in March of each year, the money deposited in the Dog Fund under division (A) of this section shall be distributed by the Auditor to the Humane Society for maintenance of its animal shelter.

(Ord. 2004-09, passed 11-1-04)

***Editor's note:***

*P.L. 162-2006, § 49, effective July 1, 2006, repealed I.C. 15-5-9.*

**§ 35.11 LICENSE EXCISE SURTAX AND WHEEL TAX.**

(A) There is hereby imposed, pursuant to I.C. 6-3.5-4-2, an annual license excise surtax in the amount of \$10 per vehicle on the following vehicles, as described in I.C. 6-3.5-4-2, registered in the county:

- (1) Passenger vehicles;
- (2) Motorcycles; and
- (3) Trucks with a declared gross weight that does not exceed 11,000 pounds.

(B) The County Treasurer is hereby directed to maintain, pursuant to I.C. 6-3.5-4-13, a fund to be known as the "Whitley County Surtax Fund," with all monies therein to be allocated by the County Auditor and distributed by the County Treasurer to local units of government pursuant to I.C. 6-3.5-4.

(C) There is hereby imposed, pursuant to I.C. 6-3.5-5-2, an annual wheel tax on each vehicle registered in the county within the classes of vehicles and at the rates established in division (E); provided, however, that the tax shall not apply to vehicles exempt from such tax pursuant to I.C. 6-3.5-5-4.

(D) The County Treasurer is hereby directed to maintain, pursuant to I.C. 6-3.5-5-15, a fund to be known as the "Whitley County Wheel Tax Fund," with all monies therein to be allocated by the County Auditor and distributed by the County Treasurer to local units of government pursuant to I.C. 6-3.5-5.

(E) Pursuant to I.C. 6-3.5-5-2(c) and I.C. 6-3.5-5-3, the following types and classes of vehicles shall pay the following annual wheel tax rates:

<i>Vehicle Type</i>	<i>Annual Wheel Tax Rate (in dollars)</i>
Recreational vehicles	20
Buses	20
Semi-trailers	20
Tractors	20
Trailers - weighing 3,000 pounds or less gross weight	7.5
Trailers - exceeding 3,000 pounds gross weight	20
Trucks - weight class of 11,001 - 26,000 pounds	20
Heavy trucks - weight over 26,000 pounds	20
Motor driven cycles	10

(F) The excise surtaxes and wheel taxes imposed by this section shall be paid on all motor vehicles registered in the county after December 31, 2009.

(G) All excise surtax and wheel tax revenues shall be used by local units of government for the purposes set forth in I.C. 6-3.5-4 and I.C. 6-3.5-5, respectively.

(H) This section and the annual motor vehicle excise tax and annual wheel tax established hereunder shall automatically terminate, expire, and be rescinded on December 31, 2008, without further action of the County Council, unless, prior to December 31, 2008, the County Council, by ordinance, extends the effective date and the corresponding rates and vehicle classifications of the annual motor vehicle excise tax and annual wheel tax.

(Ord. 2005-09, passed 6-7-05; Am. Ord. 2014-04, passed 6-3-14)

**§ 35.12 IDENTIFICATION SECURITY PROTECTION FUND.**

The Board of Commissioners hereby establishes an Identification Security Protection Fund pursuant to I.C. 36-2-7.5-11, to be administered and used in accordance with the provisions of I.C. 36-2-7.5, as amended.

(Ord. 2005-19, passed 12-5-05)

**§ 35.13 COURT MONTHLY REIMBURSEMENT FUND.**

(A) There is hereby established a special non-reverting fund "Court Monthly Reimbursement Fund" (hereinafter referred to as "the Fund").

(B) All IV-D FFP reimbursements on behalf of the court received by the Auditor of Whitley County ("Auditor") or by the Whitley County Auditor's Office ("Auditor's Office") shall be deposited by the Auditor in the account approved by deposits of public funds and may be comingled with other deposits, subject to the requirements of the following division.

(C) The Fund may be expended for personal services, supplies, other services and charges or other related court benefitted expenditures.

(D) No unexpended balance in the Fund shall revert to the General Fund of Whitley County. (Ord. 2014-07, passed 10-7-14)

**§ 35.14 SELF-INSURANCE FUND.**

(A) The fiscal body of Whitley County shall establish a Self-Insurance fund.

(B) The Fund is to be administered by the County Auditor.

(C) The County Council shall appropriate money from the Fund.

(D) The Fund shall be a non-reverting fund.

(E) The County Council may use the money in the Fund only to:

(1) Cover self-insured risk retained; and

(2) Pay premiums for stop-loss insurance coverage.

(Ord. 2015-04, passed 4-7-15)

**§ 35.15 WHITLEY COUNTY HERITAGE BARN PUBLIC SAFETY FUND.**

(A) A public safety fee of \$50 shall be charged by the Whitley County Auditor for a heritage barn for which a person receives the heritage barn deduction.

(B) The County Auditor shall post the fee set forth in this section in a prominent place within the Auditor's Office where the fee schedule is readily accessible to the public.

(C) The Whitley County Heritage Barn Public Safety Fund is hereby established, and that such fees shall be paid at the time of application, in cash, by check or money order payable and delivered to the Auditor of Whitley County.

(D) The full amount of \$50 of each such fee collected shall be deposited in the Whitley County Heritage Barn Public Safety Fund, and distributed as set forth above.  
(Ord. 2015- , passed 4-7-15)

**§ 35.16 SHERIFF'S SALE OF REAL PROPERTY FEES AND FUND.**

(A) The Commissioners hereby establish and approve the Sheriff's Sale of Real Estate to provide the procedure for the Sheriff to charge for those administrative, technical, clerical and related services that are reasonable and appropriate for the Sheriff to effectively prepare for, manage and implement foreclosure sales.

(B) The Whitley County Commissioners hereby adopt an administrative fee in the amount of up to \$200 for actual costs of the Sheriff for each foreclosure sale pursuant to I.C. 32-29-7-3.

(C) The Commissioners hereby establish a fund to be titled the Sheriff Sale Administration Fund (4009) into which one-half of fees created by this section shall be collected by the Whitley County Sheriff's Department and deposited into Whitley County's General Fund for use as miscellaneous revenue. The remaining one-half of all fees created by this section shall be deposited into a special, non-reverting fund for use by the Whitley County Sheriff's Department to purchase computer software, hardware and/or wireless data services supporting mobile information requirements for the Whitley County Sheriffs Department operations.

(D) Any term defined in this section by reference to a state statute shall have the same meaning whenever used in this section unless clearly inapplicable by the context in which it is used. Any reference to a state statute shall mean the statute as amended from time to time, or any similar statutory provision that may supersede it relating to the same of similar subject matter.

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

(F) This section shall be in full force and effect upon adoption and compliance with I.C. 36-2-4-8 and all other applicable statutes.  
(Ord. 2016-01, passed 4-4-16)

**§ 35.17 HIGHWAY FUND.**

(A) The Highway Fund is hereby established.

(B) The Fund is to be administered by the County Auditor.

(C) The County Council shall appropriate money from the Fund.

(D) The County Council may use the money in the Fund only for the expenses of the Whitley County Highway Department.

(Ord. 2018-02, passed 6-5-18)

**§ 35.18 WHITLEY COUNTY REVOLVING LOAN FUND.**

(A) The Board hereby establishes the Whitley County Revolving Loan Fund (the "Fund") pursuant to the Act which shall initially be funded by those sums allocated to the Fund from economic development funds in accordance with the Indiana Code.

(B) The Board hereby designates the Whitley County Redevelopment Commission to administer the Fund. Once a loan application has been received and approved by the Redevelopment Commission pursuant to the policies and procedures approved by the Board, each loan from the Fund shall be subject to the approval of the County Council.

(C) Amounts on deposit in the Fund may be loaned to any borrower upon a finding that such loan would be used by the borrower for any of the following:

(1) Promoting significant opportunities for the gainful employment of Whitley County's residents;

(2) Attract a major new business enterprise to Whitley County; or

(3) Retaining a significant business enterprise in Whitley County.

(D) The Fund, as established, shall be a non-reverting fund, and interest earned on the Fund shall be deposited to said Fund.

(Ord. 2018-03, passed 7-2-18)

**§ 35.19 PROSECUTOR FORFEITURE FUND.**

(A) *Fund established.*

(1) The Prosecutor Forfeiture Fund is hereby established.



- (2) The Fund is to be administered by the County Prosecutor.
- (3) The County Council shall appropriate money from the Fund.
- (4) The fund number for the Prosecutor Forfeiture fund is to be Fund 1234.

(B) *Non-reverting.*

- (1) This fund shall be non-reverting.

(2) Any funds receipted into this fund shall be used in accordance with I.C. 34-24-1-4.  
(Ord. 2018-08, passed 11-7-18)

**§ 35.20 INDIANA STATE OPIOID RESPONSE FUND.**

(A) There is hereby created the "Indiana State Opioid Response Fund" ("the fund") CFDA 93.788.

(B) The Fund shall consist of grant funds received from the State of Indiana and the County Council shall appropriate money from the Fund.

(C) The Fund is to be administered by the Whitley County Community Corrections Advisory Board.

(D) Money in the Fund at the end of a fiscal year does not revert to any other Fund but remains in the Fund.

(E) The county may use the money in the Fund only to:

- (1) Contracted personnel;
- (2) Supplies;
- (3) Court personnel;
- (4) Participant transportation; and
- (5) Incentives.

(Ord. 2019-15, passed 12-2-19)

**§ 35.21 ARP CORONAVIRUS LOCAL FISCAL RECOVERY GRANT FUND.**

(A) *Fund establishment.* There is hereby established a separated and distinct fund to be named and identified as the ARP Grant Fund with Fund Number 8904 (hereinafter referred to as the “Fund”).

(B) *Fiscal administration.* The Whitley County Treasurer shall serve as the custodian and the Whitley County Auditor shall serve as the auditing agent for the Fund and is hereby authorized to oversee the administration of the Fund.

(C) *Receipts.* Monies deposited to the Fund are intended to be limited to ARP funds received by the county under Section 9901 of the ARP Coronavirus Local Fiscal Recovery Fund.

(D) *Expenditures.* Expenditures from the fund are subject to appropriation by the County Council pursuant to State Examiner Directive 2021-1 of the Indiana State Board of Accounts dated March 18, 2021. The expenditures from the fund will be subject to the approval of the County Commissioners for the following purposes: (Use of funds -- to cover costs incurred by the county by December 31, 2021.)

(1) To respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits for aid to impacted industries such as tourism, travel, and hospitality;

(2) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, non-entitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(3) For the provision of government services to the extent of the reduction in revenue of such metropolitan city, non-entitlement unit of local government, or county due to COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, non-entitlement unit of local government, or county prior to the emergency; or

(4) To make necessary investments in water, sewer, or broadband infrastructure.

(E) *Plan.* The Board of Commissioners will develop a plan that will detail the specific uses of the fund. This section and the plan may be amended as any other ordinance or plan if the amendment complies with the requirements of the ARP.

(F) *Non-reverting fund.* All monies in the fund at the end of the calendar year shall not revert to another fund but shall remain in said fund as a separate non-reverting fund.  
(Ord. 2021-06, passed 6-7-21)

## CHAPTER 36: EMERGENCY MANAGEMENT

### Section

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- 36.04 Limitations

#### *Emergency Management Council and Department*

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- 36.13 Comprehensive Emergency Management Plan
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- 36.29 Noncompliance with emergency orders, rules and regulations
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#### ***Cross-reference:***

*County policies, see Chapter 32*

**GENERAL PROVISIONS****§ 36.01 PURPOSE.**

(A) To provide for the operation of an Emergency Management Agency and to provide for the exercise of necessary powers during disaster emergencies.

(B) To repeal existing ordinances presently governing the Emergency Management Agency and replace such ordinances with this chapter.

(Ord. 2002-05, passed 7-1-02)

**§ 36.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADVISORY COUNCIL.** The County Emergency Management Advisory Council as established under this chapter, pursuant to I.C. 10-14-3-17.

**BOARD OF COMMISSIONERS.** The County Board of Commissioners, as elected pursuant to I.C. 36-2-2.

**CHAIRMAN.** The Chairman of the County Management Advisory Council as established under this chapter, pursuant to I.C. 10-14-3-17.

**COUNTY.** Whitley County.

**DEPARTMENT.** The Emergency Management Agency as established under this chapter, pursuant to I.C. 10-14-3-17.

**DIRECTOR OR EMERGENCY MANAGEMENT DIRECTOR.** The Director of Emergency Management as established and appointed pursuant to this chapter in accordance with I.C. 10-14-3-17.

**DISASTER.** Occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, earthquake, wind, storm, wave action to avert danger or damage, air contamination, drought, explosion, riot, or hostile military or paramilitary action.

**EMERGENCY MANAGEMENT.** The preparation for and coordination of all emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons

defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and coordination of the foregoing functions.

***EMERGENCY MANAGEMENT VOLUNTEER.*** Any person who serves without compensation in the Emergency Management Agency, being first duly rostered, identified and appointed by the Director, including persons and private agencies or governmental units offering services to the county during emergency situations or mutual aid to other emergency services who request assistance.

***PARTICIPATING EMERGENCY SERVICE.***

(1) Any county department or agency designated in the plan to participate in emergency management activities; and

(2) Any department or agency of the state, another county, a municipal corporation, or a volunteer organization designated to participate in the county's emergency management programs and activities pursuant to a cooperative or mutual aid agreement entered into pursuant to I.C. 10-14-3-17.

***PERSONNEL.*** County officers and employees and emergency management volunteers, unless otherwise indicated.

***PLAN OR EMERGENCY PLAN.*** The current local Comprehensive Emergency Management Plan whose preparation and updating are mandated by I.C. 10-14-3-17.

***PRINCIPAL EXECUTIVE OFFICER*** of the county as referred to in I.C. 10-14-3-29 for purposes of declaring a local disaster emergency, and as referred to hereinafter, means the Board of Commissioners. If a quorum of the Board of Commissioners (two of the three Commissioners) is unavailable or is incapacitated, then the following establishes the line of succession for Principal Executive Officer:

(1) Regularly designated President of the Board of Commissioners - if a quorum of the Board of Commissioners (two of the three Commissioners) is unavailable or is incapacitated, then the regularly designated President of the Board of Commissioners shall serve as the Principal Executive Officer for purposes of this chapter until such time that a quorum of the Board of Commissioners is no longer unavailable or incapacitated.

(2) Vice President of the Board of Commissioners - if both a quorum of the Board of Commissioners and the regularly designated President of the Board of Commissioners are unavailable or are incapacitated, then the Vice President of the Board of Commissioners shall serve as the Principal Executive Officer for purposes of this chapter until such time that either the regularly designated President or a quorum of the Board of Commissioners is no longer unavailable or incapacitated.

(3) Remaining Commissioner of the Board of Commissioners - if a quorum of the Board of Commissioners, the regularly designated President of the Board of Commissioners, and the Vice

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President of the Board of Commissioners are all unavailable or are incapacitated, then the remaining Commissioner of the Board of Commissioners shall serve as the Principal Executive Officer for the purposes of this chapter until such time that the Vice President, the regularly designated President, or a quorum of the Board of Commissioners is no longer unavailable or incapacitated.

(4) County Auditor - if all the Board of Commissioners are unavailable or incapacitated, then the County Auditor shall serve as the Principal Executive Officer for purposes of this chapter until such time that any one of the Board of Commissioners is no longer unavailable or incapacitated.

(5) County Clerk - if all of the Board of Commissioners and the County Auditor are unavailable or incapacitated, then the County Clerk shall serve as the Principal Executive Officer for purposes of this chapter until such time that the County Auditor or any one of the Board of Commissioners is no longer unavailable or incapacitated.

(6) County Recorder - if all of the Board of Commissioners, the County Auditor, and the County Clerk are unavailable or incapacitated, then the County Recorder shall serve as Principal Executive Officer for the purposes of this chapter until such time that the County Auditor, the County Clerk or any one of the Board of Commissioners is no longer unavailable or incapacitated.

(7) Director of Emergency Management - if all the Board of Commissioners, the County Auditor, the County Clerk and the County Recorder are unavailable or incapacitated, then the Director of Emergency Management shall serve as the Principal Executive Officer for purposes of this chapter until such time that the County Recorder, the County Clerk, the County Auditor or any one of the Board of Commissioners is no longer unavailable or incapacitated.

**SEMA.** The State Emergency Management Agency established under I.C. 10-14-2-1. (Ord. 2002-05, passed 7-1-02; Am. Ord. 2005-02, passed 2-7-05)

***Editor's note:***

*P.L. 22-2005 § 53, effective April 15, 2005, repealed I.C. 10-14-2-1.*

### § 36.03 GENERAL SCOPE AND INTENT.

The general intent of this chapter is to provide for all necessary and indispensable powers and procedures reasonably needed to mitigate, prepare for, respond to and recover from emergency conditions. To this end, all powers, both ministerial and discretionary, as conferred herein shall be liberally construed to supplement and augment, not to limit, any other powers or reasonable exercise of discretion which may ordinarily pertain to county officers, employees, departments, and agencies. (Ord. 2002-05, passed 7-1-02)

### § 36.04 LIMITATIONS.

(A) *Nonsupersession of emergency powers of County Sheriff.* Nothing in this chapter is intended to supersede or delimit any statutory powers of the County Sheriff to request assistance of the National Guard under the circumstances delineated in I.C. 10-14.

(B) *Nonsupersession of emergency management powers of political subdivisions.* Nothing in this chapter is intended to supersede or delimit the powers granted under I.C. 10-14-3-17 to any political subdivision to adopt and implement emergency plans and promulgate and enforce emergency management rules and regulations in the advent of an actual emergency affecting such political subdivision. However, pursuant to I.C. 10-14-3-22, such regulations and procedures as promulgated by the political subdivision may not be inconsistent with the county emergency management program and emergency plan established in accordance with this chapter.  
(Ord. 2002-05, passed 7-1-02; Am. Ord. 2005-02, passed 2-7-05)

***EMERGENCY MANAGEMENT COUNCIL AND DEPARTMENT***

**§ 36.10 COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL.**

(A) *Establishment.* In accordance with I.C. 10-14-3-17, there is established the County Emergency Management Advisory Council which shall consist of the following individuals or their designees:

- (1) The President of the County Executive;
- (2) The President of the county fiscal body;
- (3) The Mayor of each city located in the county;
- (4) An individual representing the legislative bodies of all towns located within the county;
- (5) Representatives of such private and public agencies or organizations which can be of assistance to emergency management as the organizing group considers appropriate, or as may be added later by the County Emergency Management Advisory Council;
- (6) One commander of a local civil air patrol unit in the county or the commander's designee.

(B) *Officers.* The Advisory Council shall have a Chairman, a Vice-Chairman, and a Recording Secretary. The Advisory Council shall elect these officers for one-year terms.

(C) *Power and duties.*

- (1) The Advisory Council shall exercise general supervision and control over the emergency management program of the county.
- (2) The Advisory Council shall select, or cause to be selected, with the approval of the County Executive, a County Emergency Management Director. This appointment shall be permanent unless it is terminated in accordance with subsection (C)(3) below.

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(3) The Advisory Council shall have the power to terminate, with the approval of the Board of Commissioners, the County Emergency Management Director, if the Advisory Council determines that the Director:

- (a) Is incapable of fulfilling his/her duties;
- (b) Has failed to perform his/her duties; or
- (c) Holds another local, state or federal office.

(4) The Advisory Council shall consult with the Executive Director of SEMA to obtain his/her opinion regarding the abilities and competence of the County Emergency Management Director prior to the appointment or termination of the Director. The SEMA Executive Director's opinion hereunder shall be advisory only.

(5) The Advisory Council shall meet at least once every six months; the frequency, time and location being determined by the Advisory Council.

(6) The Advisory Council is a governing body of a public agency, as defined under I.C. 5-14-1.5-2, and as such is subject to all of the requirements of the Indiana Open Door Law (I.C. 5-14-1.5, et seq.).  
(Ord. 2002-05, passed 7-1-02; Am. Ord. 2005-02, passed 2-7-05)

### § 36.11 DIRECTOR OF EMERGENCY MANAGEMENT.

The Director, subject to the direction and control of the Advisory Council, shall be executive head of the Department, shall hold no other local, state or federal office, and shall have responsibility for the organization, administration and operation of the emergency management organization, including the following specific powers and duties:

- (A) Keep the Advisory Council fully informed on emergency management activities.
- (B) Keep the Board of Commissioners fully informed on emergency management activities.
- (C) Submit to the Advisory Council and the Board of Commissioners a yearly report on the county's comprehensive emergency management, including mitigation, preparedness, response and recovery taken in the previous year and planned and recommended for the year to come.
- (D) Assure that all of the duties and responsibilities of the Emergency Management Agency are completed.
- (E) Assure that all county employees and rostered volunteers with responsibilities as part of the Comprehensive Emergency Management Plan receive training in the functions that they are to perform under the plan.



(F) Design and conduct exercises of the Comprehensive Emergency Management Plan, as required by the State Emergency Management Agency.

(G) Assure that the Comprehensive Emergency Management Plan addresses all hazards and includes all cities, towns and other population centers within the county.

(H) Submit to State Emergency Management Agency the assessment specified in this subchapter, in SEMA's required format and within SEMA's required time frame for submission.

(I) Provide to the State Emergency Management Agency Director annual reports and documentation as mandated.

(J) Competently manage the department's various functions, including among others financial, personnel, and logistic.

(K) Timely respond to the Chairman of the Advisory Council, as mandated by I.C. 10-14.

(L) Timely obey the directives of superior state authorities.

(M) Assure that the activities of the Department at all times comport with I.C. 10-14 and other applicable statues, rules and county ordinances.

(N) Develop an emergency operating center (EOC) as a site from which key officials can direct and control operations during a disaster or emergency.

(O) Attend and attain passing grades in the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within six years of first assuming the position of Director.

(P) Attend and attain passing grades in such emergency management training as may be required by SEMA in subsequent years.

(Q) Assure the Deputy Director's attendance at and passing grades in the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within ten years of first assuming the position of Deputy Director.

(R) Assure the Deputy Director's and all paid emergency management staffs attendance at and passing grades in such emergency management training as may be required by SEMA in subsequent years.

(S) Assure ongoing attendance by the Director, the Deputy Director and all paid emergency management staff at further emergency management courses presented by the Public Safety Training Institute to assure continuing knowledge of the latest information on emergency management.

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(T) Assume responsibility for public relations, information and education regarding all phases of emergency management.

(U) Assure coordination within the county of all activities for emergency management.

(V) Maintain liaison and coordination with all other affected agencies, public and private.

(W) Coordinate the recruitment and training for volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes.

(X) Seek, negotiate and enter into (with the approval or ratification of the Board of Commissioners and consistent with the State Emergency Operations Plan and program) mutual aid arrangements with other public and private agencies for emergency management purposes, and taking all steps in accordance with such arrangements to comply with or take advantage thereof in the event of an actual emergency affecting the parties;

(Y) Accept any offer of the federal government to provide for the use of the county any services, equipment, supplies, materials, or funds for emergency management purposes by way of gift, grant or loan, when the Governor has approved such offer.

(Z) Seek and accept from any person, firm or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds, or licenses or privileges to use real estate or other premises, to the county for emergency management purposes.

(AA) Issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management.

(BB) Assure that all volunteers meet the criteria set forth below in § 36.12(A)(2)-(3) prior to accepting them as members of the Department.

(CC) Make rapid and accurate assessment of:

- (1) Property damage;
- (2) Personal injuries;
- (3) Fatalities;
- (4) Basic needs; and
- (5) Special needs.

as soon as an emergency or disaster declaration has been made.

(DD) In addition to the powers and duties expressly provided above, the Director shall be construed to have all powers and duties of a local emergency management director as provided under I.C. 10-14. In particular, but not by limitation, the Director, through the Department, may perform or cause to be performed with respect to the county, any further duties parallel or analogous to those performed on a statewide basis by SEMA under I.C. 10-14.  
(Ord. 2002-05, passed 7-1-02)

**§ 36.12 DEPARTMENT OF EMERGENCY MANAGEMENT.**

(A) *Establishment; staffing; oath; and prohibition of political activity.*

(1) There is hereby established a Department of Emergency Management within the executive branch of the county government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing county departments and agencies to prepare for and meet any disaster as defined in this chapter. The Director of Emergency Management shall be responsible for its organization, administration and operation.

(2) The Department shall consist of the following:

(a) An executive head of the Department of Emergency Management, who shall be known as the Director of Emergency Management, appointed in accordance with § 36.03;

(b) A Deputy Director appointed by the Director with the approval of the Advisory Council. The Deputy Director shall fulfill the duties of the Director in the absence or incapacity of the Director to serve and assist the Director in the performance of the Director's duties;

(c) Emergency management volunteers, as deemed necessary and appointed by the Director. In addition to the other requirements in this section, the Director shall ensure that all volunteer personnel meet the following qualifications before being placed on the roster as a member of the Department:

1. Be at least 18 years of age or older;
2. Not be convicted of a felony; and
3. Have completed and on file with the Department an application form.

(d) The employees, equipment and facilities of all county departments and agencies suitable for or adaptable to emergency management and designated by the Plan to participate in emergency management activity;

(e) Staff officers with responsibility for communications and warning, radiological, health and medical care, law enforcement, fire and search and rescue, public works and public information in accordance with the Comprehensive Emergency Management Plan; and

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(f) Such assistants, clerical help, and other employees as deemed necessary and appointed by the Director in accordance with the Comprehensive Emergency Management Plan.

(3) Pursuant to I.C. 10-14-3-27, no person shall be employed or associated in any capacity in any emergency management organization established under this chapter who:

(a) Advocates a change by force or violence in the constitutional form of the government of the United States or the overthrow of any government in the United States by force or violence; or

(b) Has been convicted of or is under indictment or information charging any subversive act against the United States.

(4) (a) Pursuant to I.C. 10-14-3-27, each individual who is appointed to serve in an organization for emergency management shall, before entering upon the individual's duties, take an oath, in writing, before a person authorized to administer oaths in this state. The oath shall be substantially as follows:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Indiana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the County Department of Emergency Management I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

(b) For the purpose of this section, the Executive Director of SEMA and the Director shall be authorized to administer the oath provided above to emergency management and disaster personnel; and may delegate that authority to designated deputies and assistants as may be approved by the Executive Director of SEMA.

(5) (a) Pursuant to I.C. 10-14-3-16, the Department and its employees are prohibited from participating in political activity as follows:

1. The Department shall not participate in any form of political activity nor shall it be employed for political purposes.

2. Political considerations shall not be a consideration for appointment to the Department nor a cause for dismissal except as provided in subsections (3) and (4).

(b) Full-time employees of the Department shall not participate in political activities.

(6) It is the intent of this section that emergency management and disaster assignments under the plan shall be as consistent with normal duty assignments as possible.

(7) The County Council shall not have the power of approval over particular candidates for any position, but the County Council shall have general statutory powers to determine the numbers of officers, deputies, and employees of county departments, classify positions, and adopt schedules of compensation pursuant to I.C. 36-2-5-3(a). Notwithstanding any other provision of this chapter, with the exception of the Director, a compensated position may not be established within the Department of Emergency Management nor shall any person be appointed to such position without authorization and sufficient funding from the County Council.

(B) *Duties.* The Department, subject to the direction and control of the Director, shall prepare and implement the Comprehensive Emergency Management Plan, including the following specific duties:

(1) Prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local agencies and officials and of the disaster chain of command in accordance with I.C. 10-14-3-17.

(2) Work closely with officers and employees of incorporated and unincorporated areas of the county to develop a hazard mitigation program to eliminate or reduce potential hazards.

(3) Write and implement the Plan, which shall conform to the guidelines contained in the most current state and federal guidance documents, and the requirements established in this chapter. In preparing the Plan, the Department shall:

(a) Identify and analyze the effects of hazards that threaten the county.

(b) Inventory manpower and material resources from governmental and private sector sources that would be available in a disaster or emergency.

(c) Establish a system to alert key officials in event of a disaster or emergency.

(d) Identify resource deficiencies and work with appropriate officials on measures to correct them.

(e) Develop and maintain an emergency communications system, thus assuring proper functioning of emergency communications throughout the county, including cities and towns.

(f) Take all actions necessary to ensure the continuity of government procedures and systems in the event of a disaster.

(g) Establish and maintain a shelter and reception and care system for both people and animals.

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(h) Develop a training program for emergency response personnel ensuring that mitigation, training and exercising have been performed for all such personnel.

(i) Coordinate with industry to develop and maintain industrial emergency plans and capabilities in support of the Plan.

(4) Update the Plan as needed to keep it current, as required by I.C. 10-14-3-17.

(5) Develop a program to test and exercise the Plan.

(C) *Budget and finance.*

(1) The Advisory Council shall advise the Director in the preparation of the budget.

(2) The County Council shall appropriate such funds as it may deem necessary for the purpose of emergency management.

(3) All funds appropriated or otherwise available to the Department of Emergency Management shall be administered by the Director.

(Ord. 2002-05, passed 7-1-02; Am. Ord. 2005-02, passed 2-7-05)

**§ 36.13 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.**

(A) The County's Emergency Plan, referred to as the interjurisdictional disaster emergency plan by I.C. 10-14-3-17, shall be adopted by resolution of the Board of Commissioners. In the preparation of the Plan, as it pertains to county organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent possible.

(B) The Comprehensive Emergency Management Plan shall include, at minimum, the following:

(1) An administrative section that includes:

- (a) Authorities and directives;
- (b) Terms and definitions;
- (c) Acronyms/abbreviations; and
- (d) Financial management.

(2) A hazards specific section that includes:

- (a) Unique hazards; and

- (b) Special events.
- (3) An operations section that includes:
- (a) Coordination and control emergency support function;
  - (b) Communications and warning emergency support function;
  - (c) Public information emergency support function;
  - (d) Resources management emergency support function; and
  - (e) Information and planning emergency support function.
- (4) An emergency services section that includes:
- (a) Military emergency support function;
  - (b) Law enforcement emergency support function;
  - (c) Firefighting emergency support function;
  - (d) Transportation emergency support function;
  - (e) Health and medical emergency support function;
  - (f) Search and rescue emergency support function; and
  - (g) Public works/engineering emergency support function.
- (5) A consequent effects section that includes:
- (a) Evacuation emergency support function;
  - (b) Shelter/mass care emergency support function;
  - (c) Damage assessment emergency support function;
  - (d) Hazardous materials emergency support function;
  - (e) Radiological protection emergency support function; and
  - (f) Energy emergency support function.
- (C) In addition, all emergency services within the county shall:

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(1) Develop standard operating procedures, standard operating guides and checklists that are drafted subject to the requirements of the Plan;

(2) Coordinate standard operating procedures, standard operating guides and checklists with the Department of Emergency Management;

(3) Assure inclusion of the standard operating procedures, standard operating guides and checklists within the Plan;

(4) Perform the functions and duties assigned by the Plan; and

(5) Maintain their portion of the Plan in a current state of readiness at all times.  
(Ord. 2002-05, passed 7-1-02; Am. Ord. 2005-02, passed 2-7-05)

### § 36.14 JURISDICTION OF DEPARTMENT OF EMERGENCY MANAGEMENT.

(A) Except as provided by § 36.04, the jurisdiction of the Department of Emergency Management shall be comprehensive and inclusive county-wide and effective in both the incorporated and unincorporated areas of the county.

(B) The jurisdiction and applicability of the Emergency Plan, as adopted pursuant to § 36.13, and the exercise of any powers of the Principal Executive Officer of the county and of the Board of Commissioners under § 36.25 *et seq.*, shall be comprehensive and inclusive county-wide and effective in both the incorporated and unincorporated areas of the county.

(C) All political subdivisions in the county shall:

(1) If they develop a plan for their political subdivision:

(a) Ensure that the plan is consistent with the requirements of the County's Emergency Plan;

(b) Coordinate the development of the plan with the Department of Emergency Management; and

(c) Ensure inclusion of the plan within the County's Emergency Plan.

(2) Perform the functions and duties assigned by the County's Emergency Plan.

(3) Maintain their portion of the County's Emergency Plan in a current state of readiness at all times.

(Ord. 2002-05, passed 7-1-02)



**§ 36.15 TESTS OF THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN;  
OTHER EMERGENCY TESTS.**

(A) Tests of the Plan may be conducted at any time with or without prior notification to persons other than the Director.

(B) All emergency tests conducted within the boundaries of the county shall be coordinated with the Department.

(Ord. 2002-05, passed 7-1-02)

**§ 36.16 BOARD OF COMMISSIONERS.**

In time of normal county operations, the powers and duties of the Board of Commissioners pertaining to emergency management shall be:

(A) Maintaining general supervision over the planning and administration for the Department;

(B) Adopting the Plan;

(C) Coordinating emergency management activities consistent with the Plan;

(D) Making assignments of county personnel to emergency management activities consistent with the Plan;

(E) Making assignments of county personnel to emergency management duties in order to meet situations not covered in the normal duties and powers of such agencies consistent with the Plan;

(F) Taking all necessary action in coordination with the Department to conduct tests of the Plan;  
and

(G) Educating themselves as to their responsibilities under the Plan.

(Ord. 2002-05, passed 7-1-02)

***EMERGENCY POWERS, REGULATIONS AND PROCEDURES***

**§ 36.25 APPLICABILITY OF SECTION.**

This section shall apply whenever:

(A) The Governor, pursuant to I.C. 10-14-3-12, has declared a disaster emergency affecting all or part of the county.

(B) The Principal Executive Officer of the county, pursuant to I.C. 10-14 and § 36.27(A), is preparing to, or has declared, a local disaster emergency affecting all or part of the county.

(C) The Board of Commissioners has implemented a test of the Plan and procedures in accordance with and to the extent necessary or dispensable to such test.  
(Ord. 2002-05, passed 7-1-02; Am. Ord. 2005-02, passed 2-7-05)

### **§ 36.26 PRINCIPAL EXECUTIVE OFFICER.**

(A) *Declaration of local disaster emergency.*

(1) In the event of an actual or threatened disaster emergency affecting the county, if feasible, the Principal Executive Officer of the county shall seek the advice and input from the Director as to the advisability of declaring a local disaster emergency.

(2) If the Board of Commissioners, acting as the Principal Executive Officer of the county, is the entity declaring the local disaster emergency, then the statutory requirements contained in I.C. 36-2-2-8 and 5-14-1.5-5(d) regarding special and emergency meetings of the Board of Commissioners must be met.

(3) The Principal Executive Officer of the county may, in the event of an actual or threatened disaster emergency affecting the county, declare a local disaster emergency, pursuant to I.C. 10-14. This declaration shall:

- (a) Be in writing;
- (b) State the nature of the disaster;
- (c) State the conditions that have brought the disaster about;
- (d) State the areas threatened;
- (e) State the area or areas to which the local disaster emergency declaration applies (this may include the entire county or only designated parts thereof); and
- (f) State the effective period of the local disaster emergency declaration, provided that the disaster declaration shall not be continued or renewed for a period in excess of seven days except by or with the consent of the Board of Commissioners.

(4) The declaration of a local disaster emergency, as well as any continuation or termination of such declaration, shall be:

- (a) Announced or disseminated to the general public by the best means available; and

(b) Filed promptly in the offices of the County Clerks, the County Auditor, and the Clerk of any incorporated municipality located in the declared disaster area.

(5) The declaration shall not be invalidated or ineffective if any of the filing and dissemination requirements cannot be compiled with due to prevailing adverse circumstances.

(6) Upon a declaration, the county's Plan, or such component parts thereof as may be relevant to the emergency, shall be activated and implemented.

(7) Declaration of a local disaster emergency is not necessary if the Governor, pursuant to I.C. 10-14-3-12, has already proclaimed a statewide or area-wide disaster emergency that includes the county.

(B) *Special emergency powers and duties.*

(1) If a disaster emergency has been declared that affects all or part of the county, and a quorum of the Board of Commissioners cannot be assembled for purposes of the meeting needed under § 36.27(A), the Principal Executive Officer of the county shall have, on an interim basis, all powers of the County Board of Commissioners and may take all such actions with respect to the disaster emergency declaration that the Board of Commissioners would have been authorized to take.

(2) When a quorum of the Board of Commissioners is assembled, these interim powers of the Principal Executive Officer of the county shall cease.  
(Ord. 2002-05, passed 7-1-02; Am. Ord. 2005-02, passed 2-7-05)

**§ 36.27 BOARD OF COMMISSIONERS.**

(A) *Convening special emergency meeting.*

(1) As allowed by I.C. 36-2-2-8 and 5-14-1.5-5(d), a special meeting of the Board of Commissioners shall be called as soon as possible after the disaster emergency that affects the county has been declared, either by the Governor or by the Principal Executive Officer of the county, to perform their legislative and administrative functions as the situation may demand.

(2) As required by I.C. 36-2-2-8(b) and 5-14-1.5-5(d), the following conditions must be met for this meeting:

(a) The notice for the meeting must include a specific statement of the purpose of the meeting;

(b) News media that have requested notice of meetings must be given the same notice as is given the members of the Board of Commissioners;

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(c) The public must be notified of this meeting by posting a copy of the notice at the principal office of the Board of Commissioners, or if no such office exists, at the building where the meeting is to be held;

(d) The County Board of Commissioners may not conduct any business at this meeting that is unrelated to the disaster emergency declaration; and

(e) All other such requirements that are applicable to a meeting that is called to deal with an emergency.

(3) In addition, such a meeting may:

(a) Be held in any convenient and available place;

(b) Continue without adjournment for the duration of the disaster emergency; and

(c) Be recessed for reasonable periods of time as necessary and permitted by the circumstances.

**(B) *Special emergency powers and duties.***

(1) At the meeting convened under division (A), the Board of Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith.

(2) In addition to the powers enumerated in subsection (B)(1), the Board of Commissioners may also exercise any of the following special and extraordinary powers:

(a) Extend the period of a local disaster emergency declared by the Principal Executive Officer of the county, pursuant to § 36.26(A), to last more than seven days if necessary;

(b) Terminate the local disaster emergency;

(c) Assemble and utilize emergency management resources, including, personnel of the Department of Emergency Management, participating emergency services; and any other resources at the disposal of the Board of Commissioners hereunder for emergency management purposes.

(d) Order volunteer forces which have been activated pursuant to the Plan to the aid of the county, state or political subdivisions thereof as soon as practicable, provided that such volunteer forces shall be under the direction of the Department of Emergency Management;

(e) In order to control the local disaster emergency and provide for public health, safety and welfare, the Board of Commissioners may, to the extent permitted by I.C. 10-14-3-31 and subject to its provisions, command services and/or requisition the use of equipment, facilities, supplies, or other property;

(f) Order the evacuation of all or part of the population from stricken areas of the county;

(g) Make provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations, and the like, which would govern the use and location of premises for housing purposes during normal times;

(h) Except in accordance with subsection (B)(2)(i), the Board of Commissioners shall not suspend any provisions of ordinances or procedures which are mandated by statute;

(i) In the event of a disaster emergency that has been declared by the Governor, the Board of Commissioners, in accordance with I.C. 10-14-3-17, may waive any procedures or requirements and mandates, pertaining to the: performance of public works, entering into contracts, the incurring of obligations, employment of permanent and temporary workers, utilization of volunteer workers, rental of equipment, purchase and distribution of supplies, materials and facilities, and/or appropriation and expenditure of public funds;

(j) The Board of Commissioners may assign any special emergency duties and functions to county offices, departments, and/or agencies;

(k) Any unexpended and unencumbered monies budgeted and appropriated but not otherwise dedicated by law to different purposes may, within the scope of each major budget and appropriation category (major object classification), be utilized and expended for the purpose of carrying out such special emergency duties and functions;

(l) Pursuant to I.C. 10-14-3-22, the Board of Commissioners may make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of the provisions of this chapter. Such orders, rules, and regulations cannot be inconsistent with any orders, rules, or regulations promulgated by the Governor or by the state agency exercising a power delegated to it by the Governor; cannot be inconsistent with the county's emergency management program or Emergency Plan; shall have full force and effect of law when filed in the office of the County Clerk; and are enforceable by any local or state law enforcing authority in accordance with I.C. 10-14-3-24; and

(m) The Board of Commissioners may, in accordance with the Plan, request the state or the United States or their agencies and political subdivisions to send aid (including financial assistance) if the situation is beyond the control of the regular and emergency county forces and resources.

(3) All actions taken by the County Board of Commissioners under this section shall be:

(a) Adopted by ordinance or resolution pursuant to I.C. 10-14-3-22; and

(b) Consistent with, and subordinate to, any actions, orders, or regulations made by the Governor or a state agency implementing the State Comprehensive Emergency Management Plan. (Ord. 2002-05, passed 7-1-02; Am. Ord. 2005-02, passed 2-7-05)

### **§ 36.28 OFFICERS AND EMPLOYEES OF INCORPORATED AND UNINCORPORATED AREAS OF COUNTY.**

During a declared disaster emergency, all officers and employees of incorporated and unincorporated areas of the county shall:

(A) Cooperate with and give active support to the Board of Commissioners and the County Emergency Management Director; and

(B) Comply with all orders, rules and regulations issued pursuant to this chapter by the Board of Commissioners or the County Emergency Management Director. (Ord. 2002-05, passed 7-1-02)

### **§ 36.29 NONCOMPLIANCE WITH EMERGENCY ORDERS, RULES AND REGULATIONS.**

Whenever this chapter applies, it shall be unlawful and an ordinance violation for any person to do any of the following:

(A) Willfully obstruct, hinder or delay the Board of Commissioners, the Director of Emergency Management, participating emergency services, authorized emergency management volunteers or other authorities from implementing, carrying out and enforcing the Emergency Plan;

(B) Fail to observe, abide by, and comply with any emergency management duties, orders, regulations and procedures as made applicable to such person by the appropriate authorities; or

(C) Falsely wear or carry identification as a member of the Department of Emergency Management or to otherwise falsely identify or purport to be a county emergency management authority.

(Ord. 2002-05, passed 7-1-02) Penalty, see § 36.99

### **§ 36.30 LIMITATION OF LIABILITY.**

During an emergency management test or declared disaster emergency, the county, the county's assigned personnel, participating emergency services, and rostered emergency management volunteers shall be immune from liability to the full extent provided by I.C. 10-14 and any other applicable law.

(Ord. 2002-05, passed 7-1-02)

**§ 36.31 COMPENSATION FOR PROPERTY COMMANDEERED OR USED DURING DISASTER EMERGENCY.**

Pursuant to I.C. 10-14-3-31, compensation for property shall be paid only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was ordered by the Governor or a member of the disaster emergency forces of the state. Any person claiming compensation for the use, damage, loss, or destruction of such property shall make a claim for it. This claim shall be filed and adjudicated as provided in I.C. 32-11.  
(Ord. 2002-05, passed 7-1-02; Am. Ord. 2005-02, passed 2-7-05)

**§ 36.99 PENALTY.**

(A) Any person who commits an offense as described above shall be liable to pay a fine of up to \$2,500; such fine to be subject, however, to the discretion of the court of jurisdiction.

(B) Any regular or reserve police officer of Indiana or any of its political subdivisions is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above.  
(Ord. 2002-05, passed 7-1-02)





**TITLE V: PUBLIC WORKS**

Chapter

**50. SOLID WASTE**

**51. WATER WELLS**

**52. SEWAGE DISPOSAL SYSTEMS**

**53. JUNK AND TRASH**



## CHAPTER 50: SOLID WASTE

Section

### *General Provisions*

50.01 Landfill operation

### *Solid Waste Management*

50.10 District  
50.11 Purpose  
50.12 Definitions  
50.13 Unauthorized disposal prohibited  
50.14 Enforcement

### **GENERAL PROVISIONS**

#### **§ 50.01 LANDFILL OPERATION.**

(A) This section shall apply to the landfill designated by the Board as the County Landfill.

(B) The schedule of rates charged by the operator of the landfill for the disposal of garbage, refuse and rubbish shall be set forth in a contractual agreement approved by the Board and entered into its minutes.

(C) The landfill shall be operated in conformity with all provisions of this section and I.C. 36-9-30 and in conformance with all applicable rules and regulations of the State Board of Health. The operator of the landfill shall comply with the directions and orders of the County Health Officer or his or her duly authorized agent.

(D) The landfill shall be open from 8:00 a.m. until 4:00 p.m. on Mondays through Fridays and from 8:00 a.m. until 12:00 noon on Saturdays. The landfill shall be closed on Sundays and all county holidays.

(<sup>86</sup> Code, § 36-9-30-21) (Ord. passed 10-3-72; Am. Ord. passed 4-18-83)

#### ***Cross reference:***

*Fees for use of and services rendered by facilities, see I.C. 36-9-30-12*

**Whitley County - Public Works*****SOLID WASTE MANAGEMENT*****§ 50.10 DISTRICT.**

(A) Pursuant to I.C. 13-9.5-2-1, the county is established as a single Solid Waste Management District to be known as the County Solid Waste Management District.

(B) Pursuant to I.C. 13-9.5-2-5, the Board of Directors of the County Solid Waste Management District consists of the following members:

- (1) Three members appointed by the County Commissioners from its membership.
- (2) One member appointed by the County Council from its membership.
- (3) One member who is the executive of Columbia City, Indiana.
- (4) One member of the Common Council of the City of Columbia City, Indiana.

(5) One member who is the executive of a city in the county that is not the municipality having the largest population in the county and who is appointed by the County Commissioners to represent the municipalities in the county other than Columbia City, Indiana.

(C) The County Solid Waste Management District and its directors shall fully comply with all of the provisions of I.C. 13-9.5 pertaining to solid waste management.

(D) Pursuant to I.C. 13-9.5-6-2, this section is the authority of the Board of Commissioners to establish the "Whitley County Solid Waste Planning Fund," which Fund may be established and administered as necessary and pursuant to law.

(E) Pursuant to I.C. 13-9.5-7-2, this section is the authority of the Board of Commissioners to establish a Fund to be known as the "Whitley County District Solid Waste Management Fund," which fund may be established as necessary and administered pursuant to law.

(<sup>86</sup> Code, § 13-9.5-2-1) (Ord. 91-04, passed 6-17-91; Am. Ord. O-93-5, passed 2-1-93)

**§ 50.11 PURPOSE.**

The purpose of this section is to regulate and control the disposal of solid waste in the county by prohibiting the dumping or storing of solid waste in a place other than a permitted facility, and in particular, to prevent the disposal of solid waste along public roads and other public rights-of-way and upon other public property. It is also the purpose of this section to prevent a generator or owner of solid

waste to escape liability by contracting with a third party to dispose of the solid waste of the generator or owner where the third party thereafter disposes of the solid waste in an illegal manner. (<sup>86</sup> Code, § 13-9.5-4-6(a)) (Ord. 93-03, passed 2-1-93; Am. Ord. O-93-5, passed 2-1-93)

## § 50.12 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**GARBAGE.** All putrescible animal solid, vegetable solid and semi-solid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

**PERSON.** An individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, town, school district, school corporation, county, any consolidate unit of government, political subdivision, state agency, or any other legal entity.

**SOLID WASTE.** All putrescible and non-putrescible solid and semi-solid wastes (excluding human excrement), including without limitation, garbage, rubbish, ashes, street cleaning debris, dead animals, offal, refuse, waste tires, white goods, and solid commercial, industrial and institutional wastes.

**SOLID WASTE FACILITY.** A sanitary landfill, an incinerator, a composting facility, or a garbage grinding facility, or the County Materials Recovery Facility, and all contiguous land and structures and other appurtenances with respect thereto, used for processing or disposing of solid waste, or for storing solid waste in conjunction with disposing of or processing solid waste, and may consist of several processing, storage, or disposal operational units (for example, one or more transfer stations, landfills, surface impoundments or combinations thereof).

**WHITE GOODS.** Large household appliances such as refrigerators, washing machines, stoves, air conditioners, microwave ovens and any other large household appliance. (<sup>86</sup> Code, § 13-9.5-4-6(b)) (Ord. 93-03, passed 2-1-93; Am. Ord. O-93-5, passed 2-1-93)

## § 50.13 UNAUTHORIZED DISPOSAL PROHIBITED.

(A) No person shall discharge, deposit, throw, or store or allow or cause, directly or indirectly, any solid waste to be discharged, deposited, thrown, or stored, on any public or private land in the county unless the property is a solid waste facility operating under, and within the guidelines of permits or approvals granted by the requisite state and local agencies, including, but not limited to, the Indiana Department of Environmental Management, the Department of Natural Resources, the County Solid Waste Management District and other departments and agencies as may be required by law. It is not a violation of this section if solid waste is discharged, deposited, thrown, or stored:

- (1) As a result of an act of God;

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(2) As a result of an act of war;

(3) In standard containers, dumpsters, or weather-resistant bags for the temporary containment of solid waste while awaiting pickup and disposal at a solid waste facility:

(a) If the same as located on the property of the generator or owner of the solid waste (whether the property is leased or owned in fee);

(b) If the same do not promote a health nuisance or other public nuisance; and

(c) If the same are not stored in such a manner for more than seven days.

(B) Any owner or generator of solid waste who, through an employee, agent, contractor, or other intermediary, disposes of solid waste in a manner prohibited by this section is liable under this section, together with any such employee, agent, contractor, or intermediary.

(^86 Code, § 13-9.5-4-6(c)) (Ord. 93-03, passed 2-1-93; Am. Ord. O-93-5, passed 2-1-93)

**§ 50.14 ENFORCEMENT.**

(A) The County Highway Department is responsible for enforcing this section and implementing appropriate surveillance and inspection procedures. A person violating any provision of this section, as determined by the Director of the County Highway Department, shall be punished for each offense, by a fine of not less than \$250 and not more than \$2,500 for each violation. Each day a violation exists is considered a separate violation. The County Highway Department shall impose and collect any fines due under this section.

(B) The County Attorney may also bring an action in the Superior or Circuit Courts of the county to obtain injunctive relief in connection with any violation of this section. In addition to any fine imposed, a person violating any provision of this section shall further be liable for all court costs and legal fees incurred by the county in connection with obtaining compliance with this section, collecting any fines under this section, or both.

(C) Nothing in this section prevents a public or private landowner from pursuing any remedies available at law or in equity if solid waste is discharged, deposited, disposed of, or stored on the landowner's property without prior consent.

(^86 Code, § 13-9.5-4-6(d)) (Ord. 93-03, passed 2-1-93; Am. Ord. O-93-5, passed 2-1-93)

## CHAPTER 51: WATER WELLS

### Section

- 51.01 Title
- 51.02 Adoption of regulations by reference
- 51.03 Definitions
- 51.04 Water wells
- 51.05 Construction, placement, permits and inspections
- 51.06 Powers for inspection
- 51.07 Notices
- 51.08 Hearings
- 51.09 Well exemption process
- 51.10 Well abandonment
- 51.11 Construction
- 51.12 Authority of Health Officer
- 51.13 Disclaimer
  
- 51.99 Penalty

### § 51.01 TITLE.

This chapter may be referred to as “Whitley County Ordinance of Wells.”  
(Ord. 0-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08; Am. Ord. 02-2019, passed 4-1-19)

### § 51.02 ADOPTION OF REGULATIONS BY REFERENCE.

The regulations of the Indiana State Department of Natural Resources at 310 I.A.C. 16-1-1-16-12-5 *et seq.* "Final Rules Concerning the Regulation of Water Well Drilling" and I.C. 25-39-3 *et seq.* entitled "Water Well Drilling Contractors," as amended from time to time and as promulgated by the Indiana Department of Natural Resources are incorporated and adopted by reference. One copy of these regulations shall be on file with the Whitley County Health Department.  
(Ord. 0-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08; Am. Ord. 02-2019, passed 4-1-19)

**§ 51.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDON.** To terminate operations of a well for water supply, monitoring, dewatering or geothermal purposes and to restore the site of the well in a manner that will protect ground water resources from contamination.

**ABANDONED WELL.** A well whose original purpose and use has been discontinued for more than five years or that is in such a state of disrepair that using it to obtain to obtain ground water is impractical or a health hazard.

**ANNULAR SPACE.** The space between the exterior of the well casing and the natural formation in a drilled well.

**AQUIFER.** Any underground geologic formation (consolidated or unconsolidated) that has the ability to receive, store and transmit water in amounts sufficient of the satisfaction of any beneficial use.

**BENTONITE.** Clay material composed predominantly of sodium montmorillonite which meets American Petroleum Institute specifications standard 13-A (1985).

**BENTONITE SLURRY.** A mixture, made according to manufacturer specifications, of water and commercial grouting or plugging bentonite which contains high concentrations of solids. The term does not include solid concentration for solids which are designed for drilling fluid purposes.

**BRIDGE.** A barrier created by any unwanted object or material which prevents the introduction of grouting materials in the borehole or well.

**CASING.** A pipe installed to prevent unwanted solids, liquids, or gases from entering the interior of a well.

**COARSE GRADE CRUSHED BENTONITE.** Natural bentonite crushed to an average size range of three-eighths to three-fourths inches.

**COMMISSION.** The Natural Resources Commission established under I.C. 14-10-1-1.

**CONTAMINATION.** The degradation of natural water quality as a result of human activities.

**COUNTY.** Those unincorporated areas which are under the jurisdiction of the Whitley County Health Officer and not incorporated cities or towns, except as provided for under authority of I.C. 16-8.



**DEWATERING WELL.** A temporary well that:

- (1) Is used as part of construction project to remove water from a surface or subsurface area; and
- (2) Ceases to be used upon completion of the construction project or shortly after completion of the project.

**DISINFECTION.** The process of destroying pathogenic microorganisms such as coliform bacteria.

**DIVISION.** The division of water of the Department of Natural Resources.

**GEO-THERMAL WELL.** A hole drilled in the earth for the purposes of utilizing the inherent cooling and heating qualities of the earth, including open loop and closed loop systems.

**GROUNDWATER.** Water beneath the earth's surface between saturated soil and rock that supplies well and springs.

**GROUT PIPE.** A length of hose or pipe positioned in the annular space of a well, between the well casing and borehole used for the introduction of grouting materials.

**HEALTH OFFICER.** The Whitley County Health Officer or a duly authorized representative.

**MEDIUM GRADE CRUSHED BENTONITE.** Natural bentonite crushed to an average size range of one-fourth to three-eighths inch.

**MONITORING WELL.** A well installed to obtain hydro-geological information or to monitor the quality or quantity of groundwater.

**NEAT CEMENT.** A mixture of 94 pounds of cement and no more than six gallons of clean water. Additives designed to increase fluidity may not exceed 50% of the total mixture.

**PERSON.** An individual, firm, corporation, partnership or association.

**WATER WELL.**

- (1) A hole drilled or driven to:
  - (a) Obtain geological information on aquifers;
  - (b) Monitor the quality of ground water;
  - (c) Utilize the geothermal properties of each formations;

(d) Obtain ground water for any purpose, including residential, commercial, public, agricultural and/or irrigational purposes; and/or

(e) Find and/or locate a water source (i.e. "test wells"). The terms "water well" includes a monitoring well, a dewatering well, and a geo-thermal well, as those terms are defined herein.

(2) **WATER WELL.** Includes a water well (as defined above) constructed, installed, maintained, operated, and owned by a municipality or taxing district.

**WELL LOG.** A record of earth formation encountered by the well driller upon a descent of the bore hole, and the depths of those encounters.

(Ord. 0-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08; Am. Ord. 02-2019, passed 4-1-19)

#### § 51.04 WATER WELLS.

(A) No person shall place, install or permit the installation of a water well in an unsanitary or unsafe manner within the county.

(B) No water well shall be installed which does not conform to the requirements of this chapter and/or any ruling of the Health Officer issued under this chapter.

(C) If any defect exists or occurs in any water well which could cause that water well to contaminate an existing aquifer or the groundwater, the owner or occupant shall correct the violation immediately.

(D) If the owner or occupant of any property, or his or her agent, receives a written order from the Whitley County Board of Health or Health Officer, he or she shall comply with the provisions of the order and perform all acts required by the order within the time limit set forth in that order. The order shall be served on the owner or occupant of the property or his or her agent, or by United States certified mail, but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of this chapter and any order issued, under this chapter.

(Ord. 0-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08; Am. Ord. 02-2019, passed 4-1-19)

#### § 51.05 CONSTRUCTION, PLACEMENT, PERMITS AND INSPECTIONS.

(A) Water wells shall be located in accordance with the distances shown in the table below:

*Minimal Horizontal Separation Distances From Water Wells*

Lake, pond, river, stream or public ditches	25 feet
Dwelling or other inhibiting structure	10 feet

Side, rear or front lot lines	5 feet
Private sewage disposal systems	50 feet
Commercial sewage disposal systems	100 feet
Private sewage disposal systems (in soils where aquifers are in danger of contamination)	100 feet
Underground storage tanks for fuel or chemicals	50 feet
Permanently fixed aboveground storage tanks for fuel or chemicals (300 gallons or more)	50 feet
Permanently fixed aboveground storage tanks for fuel or chemicals (0-299 gallons)	25 feet
Earthen agricultural waste pits	200 feet
Concrete agricultural waste pits	50 feet
Sanitary sewage lines (water main grade pipe and fittings)	10 feet (horizontal) 18 inch (vertical)
Sanitary sewage lagoons	300 feet
Landfills (presently or previously licensed or permitted by the State of Indiana)	600 feet
Geo-thermal well	25 feet

(B) Water well casings shall be a minimum of two inches in diameter.

(C) Water wells shall not be placed in below grade well pits unless:

(1) The water well is protected by a secured manhole pit with pressure valve and manhole cover construction of cast iron; and

(2) Approval of the Indiana Department of Natural Resources is obtained.

(D) The cap of the water well shall be visible and securely attached at a height above the surface of the ground, no greater than two feet and no less than one foot. Minimum well depth shall be 50 feet or more if necessary to enter a satisfactory aquifer. Single suction lines must be 50 feet from the septic tanks and sewage absorption systems, unless the suction lines are made of water main grade pipe with water main grade fittings.

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(E) No annular space may exist. Materials and design for sealing must conform to the standards of the Indiana Department of Natural Resources.

(F) Pitless adapter shall be required on each new water well as in accordance with requirements of the Indiana Department of Natural Resources.

(G) All new water wells shall be properly disinfected at the time of installation.

(H) The owner(s) or authorities, or agents thereof, of any parcel of ground unto which a water well is to be installed or replacement of an existing water well is planned shall obtain a written permit signed by the Whitley County Health Officer before any construction begins. The owner shall apply for a permit on a form provided by the county. The applicant shall supplement the application with plans, specifications and other information deemed necessary by the Whitley County Health Officer. The Health Officer shall then make a site review of the area proposed, in person, within two working days of the filed application. The Health Department will provide drawings of area(s) in which the water well may be placed to the owner and well driller. The applicant shall pay a permit and inspection fee of \$20, as established under I.C. 16-20-1-27, to the County Health Department at the time the application is filed. The fee shall be accounted for and paid into the County Health Department. The installation or repair of well lines, screens, pump, pressure tanks and the like are exempted unless a new well is also installed.

(I) No permit for a water well shall become effective until the installation is completed to the satisfaction of the Whitley County Health Officer. The Health Officer shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the Whitley County Health Department when the well construction is completed during the day it was finished or the following weekday. The Whitley County Health Officer shall make the inspection within two working days of the receipt of notice from the applicant.

(J) The Whitley County Health Officer shall upon the request of the applicant sample and test the new water well for total coliform, nitrate/nitrite and other substances as deemed necessary by the Whitley County Health Officer. The applicant may employ private laboratory personnel from an Indiana State Certified Lab to conduct the required test under the direction of the Whitley County Health Officer. The Whitley County Health Officer may, in any event, conduct tests deemed necessary by the Whitley County Health Officer. All final sample results must be within acceptable primary standards as established by the United State Environmental Protection Agency for public drinking water sources. All fees and charges for water testing shall be the responsibility of the individual property owner.

(K) All water tests shall be conducted according to the most recent Standard Methods for the Examination of Water and Wastewater. These test results will be provided in writing to the Whitley County Health Department within 45 days from the date of well completion. The failure of a water well to meet any of these primary water quality standards will constitute grounds for rejection of the water well by the Whitley County Health Officer.

(L) The applicant will post the permit in a conspicuous place at or near a building where the water well is under construction. The notice shall be plainly visible from the public thoroughfare nearest the building.

(M) Subdivisions designed to utilize water wells, the plans for which were duly recorded in the office of the Whitley County Recorder prior to January 1, 1997, are exempt from the provisions of this chapter regarding location and may be located in accordance with the best judgment of the Whitley County Health Officer.

(N) The water well permit is valid for a term of one year from the date of issue, unless otherwise voided by the Whitley County Health Officer.

(O) In cases of extreme emergency and when the Whitley County Health Department is not open for public business, a water well may be installed without first obtaining a local permit, provided that the property owner or his or her agent obtains a local well permit within the next working day. The water well must meet all other requirements of this chapter.

(P) No person shall install a water well in Whitley County, without being licensed by the State of Indiana Department of Natural Resources, under authority of I.C. 25-39-3.

(Q) No water well may be placed with the delineated well head protection area of a public water supply well, except by the municipality utilizing the well.

(R) Well logs for vertical closed loop geo-thermal well systems must be submitted to the Health Department within 30 days of well completion. Well logs may be submitted on official DNR publications.

(S) A closed loop geo-thermal well system must be located so as to be easily accessed and must not be built over or placed under impervious materials.

(T) Piping for a closed loop geo-thermal well system must be bedded so as to prevent freezing or undue compaction pressure.

(U) Piping used for a closed loop geo-thermal well system must be constructed of polyethylene pipe having a pressure resistance of 160 psi and a SDR of 11.5 @ a 73 degree minimum hold.

(V) Any coolant or other chemical additive used in any closed loop geothermal well system must be non-toxic (i.e. consumable by humans and easily degradable) such that it would not be injurious to the public health or health of the environment in the event of a spill, leak or other release.

(W) A vertical closed loop geo-thermal well may be installed and/or operated only if there is a monitoring well (whether or not located on the same site) that:

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(1) Is located within the subdivision as accepted by the Whitley County Planning Commission and recorded by the Whitley County Recorder, of the vertical closed loop geo-thermal well;

(2) Has a minimum depth to the next aquifer below the depth of the vertical closed loop geothermal well system; and

(3) Has a lockable cap on the casing with a working key in the possession of the Whitley County Health Officer.

(Ord. 0-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08; Am. Ord. 2016-03, passed 5-16-15; Am. Ord. 02-2019, passed 4-1-19)

**§ 51.06 POWERS FOR INSPECTION.**

The Whitley County Health Officer will be permitted to enter upon all properties at any reasonable and proper time to inspect, observe, measure, sample and test to carry out the provisions of this chapter. The Whitley County Health Officer shall, upon request, produce and display proper credentials and identification. The Whitley County Health Department may be present at the drilling of a water well to determine if proper drilling practices and grouting practices are being observed. The Whitley County Health Officer inspect a point of the well drilling process for at least ten separate well drilling events for each calendar year. The Whitley County Health Officer must document upon the well permit observations conducted at the time of the inspection.

(Ord. 0-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08; Am. Ord. 02-2019, passed 4-1-19)

**§ 51.07 NOTICES.**

The Whitley County Health Officer will serve any person found to be violating any provision of this chapter with a written order stating the nature of the violation and providing a time limit for its satisfactory correction.

(Ord. 0-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08; Am. Ord. 02-2019, passed 4-1-19)

**§ 51.08 HEARINGS.**

(A) Any person affected by an order or notice in connection with the enforcement of any provision or ordinance may request and shall be granted a hearing on the matter before the Whitley County Board of Health, provided that the person files a written request for hearing with the Health Officer within ten days. Written requests for hearing shall clearly state the following:

(1) The name and address of the person affected;

(2) The provisions of the ordinance in question;

- (3) The reasons for requesting a hearing;
- (4) The request relief; and
- (5) The basis for the requested relief.

(B) A hearing requested pursuant to this section shall be conducted within 30 days of the Health Officer's receipt of the request. The hearing shall be conducted by the Whitley County Board of Health at a time and place designated by the Health Officer. Written notice of the time and place of the hearing shall be delivered by certified United States mail to the person requesting the hearing at least ten days prior to the hearing. If the person requesting the hearing so requests, the Health Officer may grant a continuance of the hearing date for a period of not more than 30 days.

(C) A tape recording shall be made of the hearing and the cost borne by the Health Department; however, a transcript of the hearing will be made only if a person requests it shall be transcribed at the cost of such person. The Whitley County Board of Health shall make a ruling based upon the complete hearing record and shall sustain, modify, or rescind any order, suspension, revocation or ruling challenged in the hearing.

(D) (1) A written report of the hearing decision, including the reason(s) for such decision, shall be furnished to the affected person by the Health Officer within ten days after the hearing.

(2) The Whitley County Board of Health may in its discretion establish a Hearing Board to conduct water well hearings in the county. Any such Hearing Board would have three members. The members of the Hearing Board would include the Health Officer, one representative of the general public, appointed by the Whitley County Board of Health to serve at its pleasure and on well driller, registered with the state, appointed by the Whitley County Board of Health to serve at its pleasure. In the event that a Hearing Board is established, the procedures indicated above in divisions (A) through (C) of this section in such an event, the Whitley County Board of Health may affirm, reverse or modify the decision of the Hearing Board.

(E) In the event the Health Officer elects to instigate prosecution and enforcement action for violation of the provisions of this chapter with the assistance of the Whitley County Prosecutor and/or Whitley County Attorney in accordance with § 10.99, the hearing provisions contained with divisions (A) through (D) of this section shall not apply and shall not be available to the affected person. (Ord. 0-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08; Am. Ord. 02-2019, passed 4-1-19)

**§ 51.09 WELL EXEMPTION PROCESS.**

(A) In the event an individual wishes to have a well drilled in such a manner as to violate provisions of this chapter they must:

(1) Apply to the Whitley County Health Department for a well exemption on a form provided by the Department;

(2) Provide all necessary documents requested by the Department; and

(3) Sign a notarize affidavit exempting the Whitley County Health Department and/or the Whitley County Board of Commissioners.

(B) A Whitley County Health Department exemption may be granted if the well to be drilled, or an existing well drilled prior to August 1, 1997, cannot meet the standards of this set forth in § 51.05, except the distance to septic system components or a sanitary sewer line.

(C) A Whitley County Board of Commissioners exemption may be granted if the well to be drilled, or an existing well drilled after August 1, 1997, cannot meet the standards of this chapter set forth in § 51.05, except the distance to septic system components or a sanitary sewer line.  
(Ord. 02-2019, passed 4-1-19)

**§ 51.10 WELL ABANDONMENT.**

(A) A well abandoned before January 1, 1988, must be sealed at or above the ground surface by a welded, threaded or mechanically attached watertight cap. The well shall be maintained so the well does not become a source or channel of groundwater contamination. A well which poses a hazard to human health must also be plugged under division (C). A cased or uncased bucket well or hand dug well (other than buried slab construction) that was abandoned before January 1, 1988, shall be closed in conformance with one of the following procedures:

(1) Covered with a reinforced concrete slab at least four inches thick and having a diameter larger than the nominal diameter of the borehole or the well casing;

(2) Closed as otherwise approved by the division.

(B) A well drilled before January 1, 1988, and properly abandoned before January 1, 1994, shall be sealed at or above ground surface by a welded, threaded or mechanically attached watertight cap. This sealing of the well shall be the responsibility of the property owner. The well shall be maintained so the well does not become a source of channel of ground water contamination. A well which poses a hazard to human health must also be plugged under division (C).



(C) A well abandoned after December 31, 1987, shall be plugged with an impervious grouting material to prevent the migration of materials or fluids in the well and the loss of pressure in a confined aquifer by a registered and licensed well driller.

(D) A well drilled after December 31, 1987, and not equipped with casing must be plugged within 72 hours after completion.

(E) This division applies as follows to a cased or uncased well abandoned after December 31, 1987:

(1) The plugging material must consist of one or a combination of the following:

- (a) Neat cement with not more than 5% by weight of bentonite additive;
- (b) Bentonite slurry (which can include polymers designed to reduce swelling);
- (c) Pelletized, medium-grade or coarse-grade crushed bentonite;
- (d) Other materials approved by the Commission.

(2) The following methods apply:

(a) Cement and bentonite slurries shall be pumped into place in a continuous operation with a grout pipe introducing the plugging material at the bottom of the well and moving the pipe progressively upward as the well is filled;

(b) Plugging materials other than neat cement or bentonite slurry shall be installed in a manner to prevent bridging of the well or borehole. The well or borehole shall be measured periodically throughout the plugging process to ensure that bridging does not occur.

(c) The following procedures apply:

1. An abandoned well shall be disconnected from the water system. Any substance which may interfere with plugging shall be removed, if practicable;

2. A well (other than a monitoring well, a dewatering well or an uncased borehole) shall be chlorinated before abandonment as provided in 310 I.A.C. 16-91.

(d) A cased well shall be plugged as follows:

1. With neat cement, bentonite slurry or medium-grade or coarse-grade crushed or palletized bentonite from the bottom of the well to within two feet below the ground surface, unless otherwise provided by the Department;

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2. The well casing shall be severed at least two feet below the ground surface and a cement plug larger in diameter than the borehole shall be constructed over the borehole and covered with natural clay material to the ground surface.

(e) An uncased well (other than a borehole drilled by a bucket rig or a dewatering well governed by divisions (E)(2)(h) and (E)(2)(i)) shall be filled with natural clay materials, neat cement, bentonite slurry or medium-grade or coarse-grade or palletized bentonite from the bottom of the borehole to a depth of no less than 25 feet below the ground surface. The borehole shall be filled with neat cement or medium-grade or coarse-grade crushed or palletized bentonite from a depth no less than 25 feet below ground surface to within two feet below ground surface. The remaining borehole shall be filled with natural clay material to ground surface.

(f) A cased or uncased monitoring well shall be plugged from the bottom of the well or borehole to the ground surface with a bentonite slurry or palletized or coarse grade crushed bentonite.

(g) A bucket well shall be plugged as follows:

1. A bucket well installed as buried slab construction shall be filled with gravel from the bottom of the well to within ten feet below the ground surface. Neat cement, bentonite slurry or palletized, medium-grade or coarse-grade crushed bentonite shall be installed in the casing or well pipe from no less than ten feet below the ground surface to within two feet below the ground surface. The well pipe shall be severed at least two feet below the ground surface and covered with a cement plug larger in diameter than the well pipe. The remaining hole shall be filled with natural clay material to the ground surface.

2. Bucket well construction using casing with an inside diameter of less than 12 inches extending the entire length of the borehole and equipped with a well screen shall be abandoned under division (D)(1).

3. An uncased borehole drilled by a bucket rig shall be filled with natural clay material from the bottom of the hole to the ground surface. The clay material shall be thoroughly tamped to minimize settling.

4. For other than buried slab construction, a bucket well shall be filled with gravel from the bottom of the well to at least five feet below ground surface. The top section of the concrete or tile well casing shall be removed to cause the top of the well to terminate below ground surface. The well shall be filled with at least one foot of neat cement, bentonite slurry, or palletized, medium-grade or coarse-grade crushed bentonite from at least five feet below ground surface to the top of the well casing. The well casing shall be covered with cement plug larger in diameter than the borehole. The remaining borehole shall be filled with natural clay material to ground surface.

(h) If a dewatering well casing is removed following use, the remaining borehole shall initially be filled with granular, pelletized, medium-grade or coarse-grade crushed bentonite a minimum of one-foot thick. The remainder of the borehole shall be filled with natural earth materials obtained during the drilling process to the ground surface and be thoroughly tamped to minimize settling.

(i) If a dewatering well casing is removed following use and the well site will be excavated as part of the construction project, the remaining borehole shall be filled with natural earth materials obtained during the drilling process to the ground surface and be thoroughly tamped to minimize settling.

(j) The division shall be notified in writing of a well abandonment with 30 days after plugging is completed.

(Ord. 0-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08; Am. Ord. 02-2019, passed 4-1-19)

#### **§ 51.11 CONSTRUCTION.**

(A) In the event that any provision of this chapter is ultimately determined by a court of competent jurisdiction to conflict with any provision of Indiana Department of Natural Resources Code, Title 310, and I.C. 25-39-1-5; then and in any such event the more strict provision shall govern.

(B) In the event that any provision of this chapter is ultimately determined by a court of competent jurisdiction to be pre-empted by state or federal law or regulation, this chapter shall automatically be deemed amended by eliminating the pre-empted provision and incorporating in its place the applicable provision of the pre-empting state or federal law or regulation.

(C) Each provision of this chapter shall be construed as separate, to end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

(D) Compliance with the requirements of this chapter does not obviate or eliminate the necessity of complying with any other applicable federal, state or local laws and regulations affecting water wells.

(Ord. 0-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08; Am. Ord. 02-2019, passed 4-1-19)

#### **§ 51.12 AUTHORITY OF HEALTH OFFICER.**

It is acknowledged, understood and declared by the Board of Commissioners of the County of Whitley, Indiana, that under this chapter the Health Officer is required to exercise and is vested with the authority to exercise his or her discretion and judgment in order to protect and preserve the public health, safety and general welfare of the citizens of the County of Whitley, Indiana, in regulation of water wells. The authority of the Health Officer to issue, deny, suspend or revoke or fail or refuse to issue, deny, suspend or revoke any license, approval, order or similar authorization under this chapter is declared to be discretionary.

(Ord. 0-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08; Am. Ord. 02-2019, passed 4-1-19)

**§ 51.13 DISCLAIMER.**

Because of many interrelating factors contributing in the failure of a water well, acceptance of a water well does not imply approval, and it cannot be considered as a guarantee by the Board of Health of successful potability or operation. The Whitley County Health Officer's signature merely signifies that as of the date of signing the water well permit meets the Whitley County Board of Health's minimum standards. The Whitley County Health Officer's signature makes no other representation. (Ord. 0-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08; Am. Ord. 02-2019, passed 4-1-19)

**§ 51.99 PENALTY.**

(A) Any person who violates any provision of this chapter will be deemed to have committed an ordinance violation and upon conviction shall be fined not more than \$500 for the first violation and not more than \$1,000 for the second and each subsequent violation. Each day a violation continues after the expiration of the time set forth in any order issued under this chapter for abating unsafe conditions and completing improvements as ordered by the Whitley County Health Officer constitutes a separate violation.

(B) Any person violating any provision of this chapter will be liable to the county for any expense, including attorney fees, loss or damage suffered by the county due to that violation. Nothing in this chapter shall be deemed or construed to bar, abridge or limit in any way, any existing legal or equitable remedies for the abatement of a private or public nuisance.

(C) In addition to the specific enforcement mechanisms contained within this chapter, the Health Officer may furnish written evidence of any violation of this chapter to the Whitley County Prosecutor and/or the Whitley County Attorney for appropriate action against the offending person including prosecution and enforcement action, for violation of the provisions of this chapter. (Ord. 02-2019, passed 4-1-19)

## CHAPTER 52: SEWAGE DISPOSAL SYSTEMS

### Section

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### ***SEWAGE DISPOSAL SYSTEM INSTALLERS***

#### **§ 52.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BOARD OF HEALTH.*** The Board of Health having jurisdiction in Whitley County.

***HEALTH OFFICER.*** The Health Officer having jurisdiction in Whitley County.

***PERSON.*** An individual, partnership, association, joint venture, syndicate, trust, firm, corporation, city, town or other government department, bureau or agency or any other entity recognized by law.

***PRIVATE SEWAGE DISPOSAL SYSTEM.*** Any arrangement of devices or structures used for receiving, treating and disposing of sewage.

***SEWAGE.*** Any combination of human excreta and waste water from water closets, laundries, sinks, dishwashers, bathing facilities, septic tank effluent and other objectionable waste waters.

***SEWAGE DISPOSAL SYSTEM.*** Any arrangement of devices or structures used for receiving, treating and disposing of sewage.

(^86 Code, § 16-19-3-4) (Ord. 0-90-16, passed 12-3-90; Am. Ord. 0-93-5, passed 2-1-93)

#### **§ 52.02 REGISTRATION AND BONDING OF INSTALLERS.**

(A) The County Health Officer shall maintain a register of all persons engaged in or intending to engage in the installation, construction or repair of sewage disposal systems or equipment within the county.

(B) A person engaged in or intending to engage in the installation, construction or repair of sewage disposal systems or equipment shall make application to the County Health Officer to have the person's name placed on the register for those engaged in the installation, construction and repair of sewage disposal systems or equipment. The application form shall contain the name and address of the firm or

place of business the person is associated with and such other information as the County Health Officer may reasonably require to aid the Health Officer in the administration and enforcement of this section or to help the Health Officer determine whether there is any reason why the Health Officer should not approve the application.

(C) A person making application to have the person's named placed on the register for those engaged in the installation, construction and repair of sewage disposal systems or equipment shall submit with such application a fee of \$10 per calendar year or \$5 after June 30 for any part less than six months of the calendar year. Only one application need be submitted pursuant to divisions (A) and (B) of this section, if the person is a firm, partnership, association or corporation.

(D) Upon acceptance of the applicant's registration, the person shall post proof of insurance for liability and public property damage in the amount of at least \$300,000 with the County Board of Health. The insurance shall be sufficient to protect, to the limits of the policy, any individuals damaged by reason of the registrant's failure to properly or legally install a sewage system.

(E) The County Health Officer may remove the name of a person from the register for those engaged in the installation, construction and repair of sewage disposal systems or equipment who have demonstrated inability or unwillingness to comply with this section, any regulations which may from time to time be established by the County Board of Health relating to the installation of sewage disposal systems, devices or equipment and all applicable state statutes and rules of the Indiana Department of Health. The person may have the person's name reinstated on the register by the County Board of Health after satisfactory demonstration of ability or willingness to comply with these regulations.

(F) All fees collected under the terms of this section shall be receipted monthly into the County Treasury and credited to the County Health Fund for services rendered in enforcing this section.

(G) A person who fails to obtain a permit or to register or to otherwise comply with the requirements of this section commits an ordinance violation and shall be subject to the penalties described in § 10.99.

(<sup>86</sup> Code, § 16-19-3-4) (Ord. 0-90-16, passed 12-3-90; Am. Ord. 0-93-5, passed 2-1-93)

### ***ON-SITE SEWAGE DISPOSAL SYSTEMS***

#### **§ 52.15 TITLE.**

This subchapter may be referred to as the "Whitley County On-Site Sewage Disposal System Ordinance."

(<sup>86</sup> Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 0-97-17, passed 12-15-97; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

### § 52.16 ADOPTION OF RULES BY REFERENCE.

The regulations of the Indiana State Department of Health located at 410 I.A.C. 68.3 *et seq.* entitled "Residential On-Site Sewage Disposal Systems", and 410 I.A.C. 6-10.1 *et seq.* entitled "Commercial On-Site Wastewater Disposal", and Bulletin S.E. 11 *et seq.* entitled "The Sanitary Vault Privy", as amended from time to time, and as promulgated by the Indiana State Department of Health, are hereby incorporated and adopted by reference. One copy of each of these regulations shall be on file with the Whitley County Health Department.

(`86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 0-97-17, passed 12-15-97; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2013-05, passed 6-3-13; Am. Ord. 2017-03, passed - -)

### § 52.17 DEFINITIONS.

Except as provided below, the terms defined in 410 I.A.C. 6-8.3 *et seq.*, 410 I.A.C. 610.1 *et seq.* and S.E. Bulletin 11 shall carry the same definition whenever used in this chapter as the definition provided in those regulations. For the purposes of this chapter, the terms below shall be defined as follows:

**AVAILABLE.** Located within 300 feet of the property line of the affected property, as measured along accessible easements or rights-of-way, or connectable at a construction cost estimated by the Health Officer not to exceed 150% of the cost estimated by the Health officer for installing on-site sewage disposal systems to serve the affected property were the on-site sewage disposal systems otherwise acceptable to the Health Officer.

**COUNTY.** The County of Whitley, State of Indiana.

**FACILITY.** Any building, structure, improvement, or other property, other than a dwelling, which is required to have a sewage or wastewater disposal system.

**HEALTH DEPARTMENT.** The Whitley County Health Department.

**HEALTH OFFICER.** The Whitley County Health Officer or their duly authorized representative.

**NUISANCE.** Any condition created by sewage which may transmit, generate, or promote disease, create a health hazard or cause distasteful odor or unsightly conditions.

**OWNER.** The owner of a dwelling, the owner of a facility, or agent of any such owner.



**PRIVY.** A sanitary, waterless device for the collection and storage of human excreta, but does not include chemical, composting, commode, or other portable receptacles. A privy must include a water tank, state approved tank to accept human excreta for a period of six months without pumping. (86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 0-97-17, passed 12-15-97; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2013-05, passed 6-3-13; Am. Ord. 2017-03, passed - -)

## § 52.18 GENERAL REQUIREMENTS.

(A) The design, construction, installation, location, repair, maintenance, replacement, expansion, alteration, and operation of an on-site sewage disposal system including, but not limited to, conventional, alternative, experimental, or aerobic sewage disposal systems, or any parts thereof shall comply with this subchapter and shall comply with engineering practices acceptable to the Indiana State Department of Health.

(B) All persons owning real estate in areas where sanitary sewerage system is not available shall comply with the provisions of this subchapter concerning on-site sewage disposal systems and Rule 410 I.A.C. 6-6.3.

(C) Any commercial dwelling or facility which is not connected to a sanitary sewerage system must comply with Rule 410 I.A.C. 6-10.1.

(D) Every on-site sewage disposal system shall be designed, constructed, installed, located, maintained, and operated in accordance with the requirements of Rules 410 I.A.C. 6-8.3 or 410 I.A.C. 6-10.1.

(E) Every privy, when approved by the Health Officer, shall be of the sanitary type and shall be designed, constructed, installed, operated, and maintained in a clean condition and in a manner that prevents insects and rodents from entering the vault. Every privy shall be located properly to protect water supplies from contamination and shall be constructed in strict compliance with the requirements of the Indiana State Department of Health Bulletin S.E. 11 entitled "The Sanitary Vault Privy", as amended from time to time.

(F) If a sanitary sewerage system becomes available to any property served by a private sewage disposal system or privy, the owner shall make connection to that system. The owner shall not make connection if the municipality, governmental agent, or company owner denies connection and provides the Health Department with a written copy of the denial.

(G) All properties located within a conservancy district or sanitary sewerage system district must connect to the sewerage system. No exceptions will be allowed unless denial for connection is provided by the district owner.

(H) All subdivided parcels, or planned subdivision parcels located within a sanitary sewerage district or has sanitary sewerage available must connect, unless denial it given by the district, owner of system, or government agent.

(I) On-site sewage systems shall not be installed in areas where sanitary sewerage system exists or is available.

(J) All properties connecting to a sanitary sewerage system must properly abandon septic tanks in a manner that is sanitary and safe. The septic tank must be pumped and cleaned by a licensed person, secondly the lid of the tank must be removed or crushed inside the tank, and third, the remainder of the cavity filled with compactable matter, such as sand and gravel.

(^86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 0-97-17, passed 12-15-97; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2013-05, passed 6-3-13; Am. Ord. 2017-03, passed - -)

#### **§ 52.19 SITE INVESTIGATION.**

Prior to a permit application, an on-site evaluation must be performed by the Health Officer to evaluate each lot's suitability for an on-site sewage disposal system or privy, to establish minimum sizing requirements, and to outline any special engineering necessities. Before an on-site investigation will be performed, all lot corners must be visibly marked so they can be easily located. The Health Officer may require direct soil profile observation by a soil scientist as part of the site investigation process.

(^86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

#### **§ 52.20 PERMITS.**

(A) No person shall construct, install, alter, repair, expand, or replace an on-site sewage disposal system without a valid permit issued pursuant to this subchapter. The owner of any real estate where an on-site sewage disposal system or privy is to be constructed or installed or where any alteration, repair, expansion, or replacement of an existing on-site sewage disposal system is planned shall obtain a written permit before any construction begins. The permit issued by the Health Officer must be obtained prior to the application for a building permit. The owner shall apply for a permit on a form provided by the county. The owner shall supplement the application form with plans, specifications, and other information deemed necessary by the Health Officer and as required by the applicable state regulations. The applicant shall pay any permit fee as set forth in the fee ordinance. The issuance of the permit shall not be construed as authority to violate, cancel, or set aside any of the provisions of this subchapter.

(B) The owner shall post the permit placard in a conspicuous place at or near the dwelling or facility where the on-site sewage disposal system is under construction. The notice shall be plainly visible from the public thoroughfare nearest to said dwelling or facility.

(C) When the permit has expired or has been revoked, the work on the private sewage disposal system shall not commence or resume unless a new application and fee have been submitted and a new permit has been obtained.

(D) Permit fees are not refundable. When the property ownership is transferred, all of the permit conditions shall remain the same.

(E) Permits issued under the provisions of this subchapter shall be valid for a period of one year, provided that work authorized by the permit has commenced.

(F) The Health Officer hereby reserves the right to hold the permit for 72 hours before accepting or denying the septic permit application.

(`86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

**§ 52.21 PLAN SUBMITTAL.**

(A) The owner or agent of the owner shall attach to the application for permit the following requirements:

- (1) A legible drawing of the proposed on-site sewage disposal system.
- (2) Elevation shots must be given for both ends of all trenches or the four corners of a bed, or basal area.
- (3) Approximate lot line locations must be present.
- (4) Location of proposed house, barn, building, and/or pond must be provided on the plan.
- (5) All trees that will remain within the on-site system must be shown on the plan.
- (6) Location of soil borings must be shown within the on-site system.
- (7) All wells proposed or currently on the property must be shown and their distance to any part of the on-site system specified.
- (8) Septic tank(s) locations must be given and their capacity provided.

(9) Invert elevations must be provide at these locations:

- (a) Building sewer exit.
- (b) Septic tank(s) entrance.
- (c) Distribution box entrance.
- (d) Perimeter drain outlet.

(10) Trenches, bed, or basal area, must be shown to be level across the contour of the ground.

(11) Distances between trenches, the length of the trenches and the depths of the trenches must be shown.

(12) Lengths and types of pipe must be shown for the sewer line, tank line, distribution line, manifold line, and absorption trench lines.

(13) Type and size of any aggregate provided must be specified.

(14) Distances from any natural or man-made water source must be provided.

(15) A cross sectional drawing of the trenches, bed, or mound must be provided as well as a cross sectional drawing of the perimeter drain.

(B) The Health Officer may suspend a permit to construct a private sewage disposal system whenever information on the application or a plot plan is found to be inaccurate. The Health Officer may revoke a permit to construct an on-site sewage disposal system whenever information on the application or a plot plan is found to be inaccurate and the inaccurate information will preclude or eliminate the ability to lawfully install the system as designed.

(^86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

## **§ 52.22 ABSORPTION SYSTEM.**

(A) The proposed soil absorption field must be located over the soil boring locations.

(B) The proposed soil absorption field must be located in an area such that the proposed trench bottoms, and the bottom of the septic tank(s) are higher than the 100-year flood elevation.

(C) The proposed soil absorption field must not be placed in areas that have been filled, compacted, excavated, altered or disturbed, or the permit shall be void.

(D) The proposed soil absorption field area shall be protected from vehicular traffic once the permit has been issued. If the area is damaged then the permit is void.

(E) Property alterations or additions such as garages, driveways, patios, swimming pools, and like structures or improvements shall not be placed on the soil absorption field area or dispersal areas.

(F) Drainage from foundation footing drains, sump pumps, water softeners, air conditioners, condensing furnaces, downspouts, and other clear water drains shall not be discharged into, onto, or across the soil absorption field.

(G) Outlet filters must be placed in septic tanks, or watertight container located in line with the septic tank, for any type of septic system repair or improvement.

(H) Four-inch SDR 35, at a minimum, must be used for all gravity feed effluent lines and manifold lines in an on-site system.

(<sup>86</sup> Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

**§ 52.23 REPAIR OF SOIL ABSORPTION FIELDS.**

The Health Officer by issuing a repair permit does not thereby approve of the system or acknowledge that the system meets all requirements of the county or the Indiana State Department of Health. The Health Officer does recognize that a number of older private sewage disposal systems in the county cannot meet current requirements due to site or system limitations and that proposals for repair must make the best use of the available space and system and must meet acceptable standards in the interests of public health.

(<sup>86</sup> Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

**§ 52.24 RESERVE AREA.**

All lots in subdivisions approved by the Whitley County Planning Commission and recorded with the Whitley County Recorder, shall provide at least two times the required areas suitable for soil absorption fields. Each lot shall be soil tested in two distinct areas so as to provide for two suitable locations. Once a soil absorption field is installed in one of the locations, the second location must be viable for the life of the lot.

(<sup>86</sup> Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

**§ 52.25 PERIMETER DRAINS.**

(A) Perimeter drains must be installed at least six inches into massive clay, glacial till, or fragipan. In soils where the massive clay, glacial till, or fragipan is greater than 60 inches the perimeter drain must be installed at a minimum depth of 40 inches below the bottom of the soil absorption field trenches.

(B) A four-inch sock-wrapped field tile must be used for perimeter drainage of an absorption field system. Larger diameters of pipe can be used as long as it is sock-wrapped.

(C) The perimeter drain trench must be installed at least six inches into massive clay, densic material, or compact till.

(D) The perimeter drain must be constructed as to lower the water table 24 inches below the center of the soil absorption field.

(E) Single perimeter drains for soil absorption fields must not surround systems greater than 45 feet in width, before a segment drain must be utilized to split the system.

(F) Perimeter drains for soil absorption fields must surround the system completely up to a slope of 6% grade.

(G) A free outfall for the discharge from the perimeter drain shall be provided on-lot and shall be equipped with an animal guard. Perimeter drains may connect to existing field tiles as long as the existing tile is the same size or larger and is free flowing, free of silt and dirt.

(H) Discharge of a perimeter drain off-lot may be granted if written permission is obtained from all landowners to which the drain is discharged.

(^86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

**§ 52.26 SEPTIC TANK ABANDONMENT.**

Proper abandonment of a septic tank shall include:

(A) The pumping and cleaning of the septic tank by a licensed company.

(B) The removal or crushing in of the tank lid.

(C) The placement of sand and gravel in the void left by the lid.

(D) Septic tank(s) must be abandoned with 30 days of connection of dwelling or facility to a sanitary sewerage system.

(Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

**§ 52.27 INSPECTIONS.**

No person shall cover any on-site sewage disposal system or any part thereof. No person shall place an on-site system into operation without Health Officer approval. The Health Officer shall be allowed in inspect the work at any stage of the construction. The applicant or agent of the applicant shall notify the Health Officer when the work is ready for final inspection. The Health Officer shall make the inspection within two working days of the receipt of notice. All reasonable efforts will be made to inspect on the day requested if the requests are received before ten in the morning the day of the inspection and completion of the soil absorption field will occur during normal Health Department working hours.

(^86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

**§ 52.28 RIGHT OF ENTRY.**

The Health Officer shall be permitted to enter upon any property at any reasonable and proper time for the purposes of inspection, observation, measurement, sampling, and testing necessary to carry out and assure compliance with the provisions of this subchapter any applicable state laws.

(^86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

**§ 52.29 NOTICES.**

Any person found to be violating any provision of this subchapter or any applicable state law shall be served with a written order stating the nature. The order shall provide a minimum of five days for the correction of the violation. The order shall be served by the Health Officer in person or through certified USPS mail.

(^86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

**§ 52.30 HEARINGS.**

Any person affected by an order may request a hearing from the Health Board if written notice is given to the Health Officer within five days from the receipt of the order. If written notice is received within five days, a hearing shall be granted within the next 90 days.

(`86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

**§ 52.31 REGISTRATION.**

(A) Except for a homeowner installing an on-site sewage disposal system serving a dwelling in which they are or will be living, no person shall construct, install, replace, alter, or repair any private sewage disposal system in the county unless the person is registered with the Health Department. Although, the homeowner does not need to be registered, they must demonstrate adequate knowledge of soil absorption field installation. The homeowner does not need to take the registration test.

(B) Every person required to register under this section shall demonstrate their knowledge of on-site sewage disposal system installation by passing a proficiency exam conducted yearly by the Health Department. Each registrant must score 80% or higher on the exam to become registered. If a registrant does not receive a passing score they must wait 24 hours before retaking the exam.

(C) The exam must contain only relevant information regarding this subchapter or Rule 410 I.A.C. 6-8.3.

(D) The Health Officer may revoke one's registration for deliberate violations to this subchapter or Rule 410 I.A.C. 6-8.3. The revocation of one's registration must be at least 30 days and no longer than 365 days.

(E) The Health Officer may deny registration to a person if the Health Officer has revoked this person's registration prior.

(F) Registrations may be issued no earlier than 30 days prior to the new year. Registrations are only effective for calendar years.

(G) The Health Officer may collect a fee for registration of persons.

(H) Any person constructing, installing, replacing, altering, or repairing an onsite sewage disposal system who is not registered shall be deemed in violation of this subchapter and is subject to fines and penalties described herein.

(I) All persons desiring to be registered must present written proof of liability insurance for a minimum of \$1,000,000.



(J) The proficiency exam is a closed book exam. No aides are allowed in taking the exam. (86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2013-05, passed 6-3-13; Am. Ord. 2017-03, passed - -)

### § 52.32 CONSTRUCTION.

(A) In the event that any provision of this subchapter is ultimately determined by a court of competent jurisdiction to conflict with any provision of Rules 410 I.A.C. 6-8.3, 6-10.1, or S.E. Bulletin 11, then and in any such even the more strict provision shall govern.

(B) In the event that any provision of this subchapter is ultimately determined by a court of competent jurisdiction to be pre-empted by any state of federal law or regulation, this subchapter shall automatically be deemed amended by eliminating the pre-empted provision and incorporating in its place the applicable provision of the pre-empting state or federal law or regulation.

(C) Each provision of this subchapter shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

(D) Compliance with the requirements of this subchapter does not obviate or eliminate the necessity of complying with any other applicable federal, state, or local laws and regulations affecting on-site sewage disposal systems. (86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2013-05, passed 6-3-13; Am. Ord. 2017-03, passed - -)

### § 52.33 HEALTH OFFICER AUTHORITY.

(A) It is hereby acknowledged, understood, and declared by the Board of Commissioners of the County of Whitley, Indiana, that under this subchapter the Health Officer is required to exercise and is vested with the authority to exercise their discretion and judgment in order to protect and preserve the public health, safety, and general welfare of the citizens of the County of Whitley, Indiana, with regards to the regulation of on-site sewage disposal systems.

(B) The authority of the Health Officer to issue, deny, suspend, or revoke or fail or refuse to issue, deny, suspend, or revoke any license, approval, order, registration, or similar authorization under this subchapter is hereby declared to be discretionary. (86 Code, § 16-19-3-5) (Ord. 1-1957, passed 4-2-57; Am. Ord. 1-1969, passed 9-3-69; Am. Ord. 1984-7, passed 12-17-84; Am. Ord. 85-9, passed 12-16-85; Am. Ord. 0-93-08, passed 5-3-93; Am. Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -)

***ON-SITE SEWAGE DISPOSAL SYSTEMS FOR PROPERTY TRANSFERS*****§ 52.45 TITLE.**

Let it be known that this subchapter be titled as "Property Transfer Ordinance."  
(Ord. 2020-07, passed 6-15-20)

**§ 52.46 ADOPTION OF REGULATIONS BY REFERENCE.**

The regulations of the Indiana State Department of Health located at 410 I.A.C. 6-8.3 *et seq.* entitled "Residential On-Site Sewage Disposal Systems", and 410 I.A.C. 6-10.1 *et seq.* entitled "Commercial On-Site Wastewater Disposal", Bulletin S.E. 11 *et seq.* entitled "The Sanitary Vault Privy", and the Whitley County On-Site Sewage Disposal System Ordinance 2017-03, (codified herein as §§ 52.15 through 52.33), as amended from time to time, and as promulgated by the Indiana State Department of Health, are hereby incorporated and adopted by reference. One copy of each of these regulations shall be on file with the Whitley County Health Department.  
(Ord. 2020-07, passed 6-15-20)

**§ 52.47 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUYER.** A person who has made a written offer to purchase property.

**CLOSING.** The act of transferring ownership of a property from one person to another involving the signing of final documents for transfer.

**COUNTY.** County of Whitley, State of Indiana.

**FACILITY.** Any building, structure, improvement, or other property, other than a dwelling, which is required to have a sewage or wastewater disposal system.

**HEALTH DEPARTMENT.** The Whitley County Health Department.

**HEALTH OFFICER.** The Whitley County Health Officer or his/her duly authorized representative.

**OWNER.** The owner of a dwelling, the owner of a facility, or agent of any such owner.

**PERSON.** Any individual, trust, joint stock company, federal agency, corporation (including governmental organization), limited liability company, partnership, copartnership, company, estate, municipal corporation, city, school, town school district, school corporation, county, state agency, association, commission, political subdivision or a state, any interstate entity, legal representative, personal representation or executor.

**PROPERTY.** A residential/commercial property within Whitley County, Indiana.

**PROPERTY TRANSFER.** The conveyance of an interest in a property by any of the following:

- (1) A deed or other instrument of conveyance of fee title to property.
- (2) A lease whose term, if all options were exercised, would be more than 40 years.
- (3) An installment contract for the sale of a property.

**SELLER.** A person who has accepted a written offer to purchase real property.  
(Ord. 2020-07, passed 6-15-20)

**§ 52.48 GENERAL REQUIREMENTS.**

(A) It shall be a violation of the subchapter for any seller to close a property transfer unless the requirements of this subchapter have been met.

(B) It shall be a violation of this subchapter for any person to provide false information to the Health Department or a buyer concerning the transfer of ownership of a property.

(C) If a property has an on-site sewage system, prior to accepting an offer, the seller must complete and deliver to buyer the disclosure form, which is attached to Ordinance 2020-07 as Exhibit A and is hereby incorporated and adopted by reference.  
(Ord. 2020-07, passed 6-15-20)

**§ 52.49 SITE INVESTIGATION.**

- (A) A request may be made of Health Department personnel to assist in:
- (1) Providing any and all documentation of an existing septic system;
  - (2) Assisting in locating a documented or undocumented septic system; or
  - (3) Providing any other reasonable help with regards to the location of a septic system.

(B) At no time will Health Department personnel be allowed to provide information on the functionality of an existing septic system.  
(Ord. 2020-07, passed 6-15-20)

**§ 52.50 RESERVED.**

**§ 52.51 RIGHT OF ENTRY.**

The Health Officer shall be permitted to enter upon any property at any reasonable and proper time for the purposes of inspection, observation, measurement, sampling, and testing necessary to carry out and assure compliance with the provisions of this subchapter or any applicable state laws.  
(Ord. 2020-07, passed 6-15-20)

**§ 52.52 NOTICES.**

Any person found to be violating any provision of this subchapter or any applicable state law shall be served with a written order stating the nature. The order shall provide a minimum of five days for the correction of the violation. The order shall be served by the Health Officer in person or through certified USPS mail.  
(Ord. 2020-07, passed 6-15-20)

**§ 52.53 HEARINGS.**

Any person affected by an order may request a hearing from the Health Board if written notice is given to the Health Officer within five days from the receipt of the order. If written notice is received within five days, a hearing shall be granted within the next 90 days.  
(Ord. 2020-07, passed 6-15-20)

**§ 52.54 CONSTRUCTION.**

(A) In the event that any provision of this subchapter is ultimately determined by a court of competent jurisdiction to conflict with any provision of Rules 410 I.A.C. 6-8.3,6-10.1, or S.E. Bulletin 11, then and in any such even the more strict provision shall govern.

(B) In the event that any provision of this subchapter is ultimately determined by a court of competent jurisdiction to be pre-empted by any state of federal law or regulation, this subchapter shall automatically be deemed amended by eliminating the pre-empted provision and incorporating in its place the applicable provision of the pre-empting state or federal law or regulation.

(C) Each provision of this subchapter shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

(D) Compliance with the requirements of this subchapter does not obviate or eliminate the necessity of complying with any other applicable federal, state, or local laws and regulations affecting on-site sewage disposal systems.  
(Ord. 2020-07, passed 6-15-20)

**§ 52.55 HEALTH OFFICER AUTHORITY.**

(A) It is hereby acknowledged, understood, and declared by the Board of Commissioners of the County of Whitley, Indiana, that under this subchapter the Health Officer is required to exercise and is vested with the authority to exercise their discretion and judgment in order to protect and preserve the public health, safety, and general welfare of the citizens of the County of Whitley, Indiana, with regards to the regulation of on-site sewage disposal systems.

(B) The authority of the Health Officer to issue, deny, suspend, or revoke or fail or refuse to issue, deny, suspend, or revoke any license, approval, order, registration, or similar authorization under this subchapter is hereby declared to be discretionary.  
(Ord. 2020-07, passed 6-15-20)

**§ 52.99 PENALTY.**

(A) Any person convicted of violating the provisions of this chapter for which no specific penalty is provided is guilty of an offense and upon conviction shall be punished as set forth in § 10.99.

(B) Any person violating §§ 52.15 through 52.33 shall be fined, upon conviction, not more than \$500 for the first offense and not more than \$1,000 for the second and subsequent offenses. Each ordinance violation shall constitute a separate fine. The Health Officer may also elect to use the Citation Bureau Ordinance to fine a person. An individual who is identified as violating §§ 52.15 through 52.33 may elect to pay the fine in person to the Whitley County Health Department without conviction.

(C) Any person violating §§ 52.45 through 52.49 and §§ 52.51 through 52.55 shall be fined, upon conviction, not more than \$500 for the first offense and not more than \$1,000 for the second and subsequent offenses. Each ordinance violation shall constitute a separate fine. The Health Officer may also elect to use the Citation Bureau Ordinance to fine a person. An individual who is identified as violating §§ 52.45 through 52.49 and §§ 52.51 through 52.55 may elect to pay the fine in person to the Whitley County Health Department without conviction.  
(Ord. 2011-04, passed 4-1-11; Am. Ord. 2017-03, passed - -; Am. Ord. 2020-07, passed 6-15-20)



## CHAPTER 53: JUNK AND TRASH

### Section

- 53.01 Definitions
- 53.02 Accumulation prohibited
- 53.03 Exception for certain tracts
- 53.04 Exception for compost piles
- 53.05 Maintenance of property
- 53.06 Violations created by others
- 53.07 Enforcement Officer
- 53.08 Inspection
- 53.09 Notice of violation
  
- 53.99 Penalty

### § 53.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ACCUMULATION OF JUNK AND TRASH.*** Includes, but is not expressly limited to, the keeping or depositing on, or the scattering over, the premises of any of the following:

- (1) Junk, trash, garbage, litter, refuse, debris, lumber, wood, or brush;
- (2) Abandoned, discarded, or unused objects or equipment such as automobiles, mobile homes, trailers, campers, furniture, stoves, refrigerators, freezers, cans, or containers;
- (3) Motor vehicles in an inoperative condition, whether currently licensed or not. Any style or type of motor-driven vehicle which has defective or missing parts, is unable to move under its own power, and/or has been wrecked, dismantled, discarded, stripped, or is in such a condition as to be generally unfit for further use as a conveyance;
- (4) Automobile parts, including tires and any other portion or parts of any motor vehicle detached from the vehicle as a whole; or

(5) Scrap metal or pieces or parts of steel, iron, tin, zinc, copper, aluminum, or any alloy thereof, whether covered with porcelain, plastic, rubber, or any other material, and whether intact or in parts.

**COMPLETELY ENCLOSED BUILDING.** A building completely enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors. The term **COMPLETELY ENCLOSED BUILDING** does not include any: (i) vehicle, trailer (with or without wheels), or moveable device or equipment, (ii) open structures such as carport, porches, or fenced areas or (iii) a structure or garage that would otherwise qualify as a **COMPLETELY ENCLOSED BUILDING** under this chapter if it is maintained in such a manner as to keep in public view the display of junk and trash in contravention of the intents and purposes of this chapter.

**COMPOST PILE.** A pile, mound or heap (whether on the ground or in a container or structure) consisting solely of organic materials that are intentionally collected in order to create a compost material for gardening purposes.

**CONSTRUCTION SITE.** Any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.

**DEBRIS.** Includes the remains of something broken down or destroyed, rough broken bits and pieces of stone, glass, wood, concrete, building materials after demolition, bits and pieces of rubbish or litter, and a heap of rock fragments.

**ELEMENTS.** Wind, weather or other condition, whether created by nature or man-made, which could reasonably be foreseen to carry litter from one place to another.

**ENFORCEMENT OFFICER.** The person or persons designated as enforcement officer(s) in accordance with § 94.07.

**GARBAGE.** Any animal or vegetable waste and all other deleterious substances, such as but not limited to waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, and hotels.

**JUNK.** Any discarded or worn out materials or manufactured products, whether reuseable or salable or not.

**LITTER.** Any uncontainerized man-made or man-used waste which, if deposited within the county tends to create danger to public health, safety, and welfare or to impair the environment of the people of the county. **LITTER** may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic, paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal, or nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.



***OPEN AREAS OF THE LOT OR PREMISES.*** Any area of the lot or premises not within the confines of a completely enclosed building as defined by this chapter.

***PERSON.*** Any individual, firm, organization, association, partnership, trust, company, corporation, limited liability company or other entity.

***PRIVATE PREMISES.*** Any lot or tract of land, and any part thereof, whether improved or unimproved, that is not a public place.

***PUBLIC PLACE.*** Any and all streets, sidewalks, boulevards, avenues, lanes, alleys or other public ways, and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned, including but not limited to restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations, hospitals, and clinics.

***REFUSE.*** Waste, rubbish, garbage, trash, or any material of any kind that has been discarded, rejected, cast aside, or thrown away as useless, except body wastes.

***RESPONSIBLE PARTY.*** Means, collectively: (A) the person(s) having a present interest legal title with respect to the premises on which a violation of this chapter occurs; (B) any person(s) (such as a contract buyer) having an equitable title with respect to the premises on which a violation of this chapter occurs; (C) any tenant having a possessory interest with respect to the premises on which a violation of this chapter occurs; and (D) and any other person(s) in possession or control of the premises on which a violation of this chapter occurs. All persons who constitute a responsible party (as defined above) are jointly and severally responsible for maintaining the premises in compliance with this chapter.

***TRASH.*** Rubbish such as feathers, coffee grounds, ashes, tin cans, paper boxes, glass, woods, shrubs, yard clippings, leaves, tree trimmings, and similar matter.  
(Ord. 2005-10, passed 6-20-05)

**§ 53.02 ACCUMULATION PROHIBITED.**

It is a violation of this chapter for any person to permit the accumulation of junk and trash upon the open areas of any property within the county that is owned, leased and/or controlled by such person, except as provided in § 53.03. In the event of such a violation, each person who is a responsible party commits a violation of this chapter.

(Ord. 2005-10, passed 6-20-05)

**§ 53.03 EXCEPTION FOR CERTAIN TRACTS.**

Notwithstanding anything in this chapter to the contrary, the terms of this chapter do not apply to any tract of land that is: (i) a parcel(s) that is farmed for crops and is owned by an individual(s) or corporation whose primary and full occupation is farming; and (ii) does not apply to parcels that are cash rented for farming; and (iii) the equipment involved is equipment for agricultural use. (Ord. 2005-10, passed 6-20-05; Am. Ord. 2013-04, passed 8-5-13)

**§ 53.04 EXCEPTION FOR COMPOST PILES.**

Notwithstanding anything in this chapter to the contrary, it shall not be a violation of this chapter to create and maintain a compost pile provided that:

(A) The compost pile does not occupy an area greater than ten feet by ten feet; and

(B) The compost pile is at least 100 feet from any public road; and

(C) The compost pile is either: (i) at least 100 feet from any other tract of real estate (other than a tract described in § 53.03 or (ii) completely screened by a fence or other man-made or natural screen such that the compost pile is not visible from any other tract of real estate (other than a tract described in § 53.03).

(Ord. 2005-10, passed 6-20-05)

**§ 53.05 MAINTENANCE OF PROPERTY.**

(A) *Private premises.* It shall be the duty of any person owning or controlling any private premises to maintain such private premises in a clean and orderly manner. It shall be a violation of this chapter to abandon, neglect, or disregard the condition or appearance of any premises so as to permit the accumulation of junk and trash thereon.

(B) *Public places.* It shall be the duty of any person owning or controlling any public place to keep the premises clean of all junk, trash, garbage, litter, refuse, and debris and shall take measures, including daily cleanup of the premises, to prevent the accumulation of same or movement by the elements to adjoining properties. It shall be a violation of this chapter to abandon, neglect, or disregard the condition or appearance of such premises so as to permit the accumulation of junk and trash thereon.

(C) *Construction sites.* The property owners and contractors in charge of any construction site shall maintain the construction site in such a manner as to avoid the accumulation of junk and trash, nor have junk and trash be carried by the elements to adjoining properties. All junk, trash, and litter from construction or related activities shall be picked up at the end of each workday and placed in containers for regular removal.

(Ord. 2005-10, passed 6-20-05)

**§ 53.06 VIOLATIONS CREATED BY OTHERS.**

In the event a condition occurs which constitutes a violation of this chapter, each responsible party is deemed to have committed a violation of this chapter regardless of whether or not such responsible party personally created or contributed to such condition.

(Ord. 2005-10, passed 6-20-05)

**§ 53.07 ENFORCEMENT OFFICER.**

The Enforcement Officer shall be designated (and may be changed from time to time) by resolution or ordinance of the County Board of Commissioners.

(Ord. 2005-10, passed 6-20-05)

**§ 53.08 INSPECTION.**

The Enforcement Officer or his or her authorized representatives are hereby empowered to the fullest extent of the law, in the performance of their functions, to enter upon any land within the county for the purposes of making inspections, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs, or place cards in order to effect the provisions of this chapter. The Enforcement Officer, or his or her authorized representative, shall present proper credentials when entering upon any land or structure for the purpose of this chapter.

(Ord. 2005-10, passed 6-20-05)

**§ 53.09 NOTICE OF VIOLATION.**

In the event a violation is found to exist, the Enforcement Officer shall notify the owner or occupant of such premises of the existence of the violation and the steps that must be taken to correct the violation. Such notice shall be sent by registered or certified mail, return receipt requested, to the address tax duplicates for said real estate are sent. The written notice shall inform the owner: (a) that he must take steps to correct the violation within a time period, not less than ten days, from the receipt of the notification, and (b) of the penalties involved if the owner fails to take such steps.

(Ord. 2005-10, passed 6-20-05)

**§ 53.99 PENALTY.**

A responsible party who violates this chapter shall be subject to one or more of the following:

(A) *Local ordinance violation penalty.* A penalty in the amount of \$100. Each day that a violation exists shall constitute a separate violation for purposes of the penalty.

(B) *Nuisance*. The violation is declared a public nuisance and may be treated as such under all applicable laws and remedies pertaining to public nuisances.

(C) *State law*. The violation may be enforced as an infraction or crime under any applicable state law, which may include:

(1) Solid Waste - I.C. 36-9-30-35

(2) Weed Control - I.C. 15-3-4.6-6

(3) Littering (boats and boating) - I.C. 14-1-1-9

(4) Littering (generally) - I.C. 35-45-3-2

(Ord. 2005-10, passed 6-20-05)

**TITLE VII: TRAFFIC CODE**

Chapter

**70. TRAFFIC REGULATIONS**

**71. TRAFFIC SCHEDULES**





## CHAPTER 70: TRAFFIC REGULATIONS

### Section

- 70.01 Speed limits
- 70.02 Weight limit restrictions
- 70.03 Snowmobiles
- 70.04 Snow emergency
- 70.05 Golf carts on county roads
  
- 70.99 Penalty

### § 70.01 SPEED LIMITS.

(A) This section is adopted pursuant to the general corporate powers of the county and the Board including, but not being limited to, those powers set forth and contemplated by I.C. 9-21-1-2 *et seq.*, 36-1-3-8, 36-1-4-11, 36-1-6-3 and 36-2-4-1 *et seq.*

(B) The state laws establishing or regulating speed limits for vehicles operated or driven on public streets or highways shall apply to all public streets or highways within the unincorporated areas of the county, except in circumstances where, as properly authorized by state law, such limits have been increased or decreased by the Board on the basis of an engineering and traffic investigation which has determined such increase or decrease to be safe and reasonable.

(C) All engineering studies and investigations heretofore conducted by the County Highway Department or any other agency or division of the county government, heretofore adopted and confirmed by the Board, except those studies heretofore rejected or superseded, are ratified, confirmed and approved in all respects and made the basis of the establishment of the regulation of speed limits for vehicles on public streets and highways within the county as hereinafter stated. Further, the placement of signs, pursuant to such previous engineering studies and investigations, which signs set forth speed limits, as heretofore established by the Board and determined to be safe and reasonable on certain streets or highways, or portions thereof within the county are in all respects ratified, confirmed and approved, and the placement of such signs, and the retention of the signs in the places so set, is specifically authorized and contemplated by this section.

(D) An alphabetical or numerical listing of each street or highway, or portion thereof, in the county upon which the speed limit has been increased or decreased by the Board has been compiled and shall hereafter be known as the "County Speed Limits." The list as now existing, or as hereafter amended,



shall hereafter set and establish the maximum prima facie speed limit for the operation or driving of vehicles on the streets and highways described therein and shall be deemed incorporated by reference

into this section. Two true and accurate copies of this list shall be filed in the office of the County Auditor, who shall make these listings available for public inspection. All changes in the listing adopted by the Board after the engineering studies or investigations shall be promptly attached to the list by the County Auditor. The County Auditor may forward a certified copy of the listing and any subsequent

changes to any court that hears or adjudicates violations of county speeding ordinances.

(`86 Code, § 9-4-1-58) Penalty, see § 70.99

***Cross reference:***

*County speed limits, see Ch. 71, Sch. I*

**§ 70.02 WEIGHT LIMIT RESTRICTIONS.**

(A) This section is adopted pursuant to the general corporate powers of the county and the Board, including, but not being limited to, those powers set forth and contemplated by I.C. 9-21-1-2 *et seq.*, 9-20-18-1 *et seq.*, 36-1-3-8, 36-1-4-11, 36-1-6-3 and 36-2-4-1 *et seq.*

(B) The state laws establishing or regulating load or weight limits for vehicles operated or driven on public streets, highways or bridges within the unincorporated areas of the county, except in the circumstances where, as properly authorized by state law, those limits have been altered by the Board on the basis of an engineering and traffic investigation which has determined such alteration to be necessary to preserve that roadway.

(C) All engineering studies and investigations heretofore conducted by the County Highway Department or any other agency or division of county government heretofore adopted and confirmed by the Board, except those such studies heretofore rejected or superseded are ratified, confirmed and approved in all respects and made the basis of the establishment of the regulation of load or weight limits for vehicles on public streets, highways and bridges within the county as stated in this section. The placement of signs, pursuant to engineering studies and investigations, setting forth the total load or weight limits, as heretofore established by the Board and determined to be necessary, safe and reasonable, on certain streets, highways or bridges, or portions thereof, within the county are ratified, confirmed and approved in all respects and the placement and retention of those signs where set is specifically authorized and contemplated by this section.

(D) An alphabetical and numerical listing of each highway or a portion thereof in the county upon which or as to which a specific load or weight limit has been established by the Board has been compiled. That list shall be known as the "County Load and Weight Limits" and shall set and establish the maximum prima facie load or weight limit as to each vehicle or any combination of vehicles being driven or operated upon those highways and is incorporated herein by reference. Two true and accurate copies of the list shall be filed in the office of County Auditor for public inspection. All changes in that list by the Board made following the required engineering studies or investigations shall be attached to the list by the County Auditor. The County Auditor may forward a certified copy of the list and any subsequent changes to all courts that hear or adjudicate violations of this section.

(E) The County Highway Department may also erect and maintain signs at each end of certain highways and intersections stating that those highways are subject to "Frost Law" restrictions. These

signs shall state what types of vehicles are prohibited and the period for which a stated road weight limit

shall be in effect. The Board may, by resolution adopted each year, direct that these signs be posted for no more than 90 days in any calendar year.

(F) The provisions of this section shall be deemed to be penal in nature. No cause of action, claim, suit, responsibility or liability otherwise accruing to the Board or any department, agency, instrumentality or division of the county government shall be modified, reduced, terminated or affected in any fashion by virtue of the assessment of a fine, the entry of a judgment or the imposition of any other form of punishment by any court acting pursuant to this section.

(G) The provisions of I.C. 9-20-18 dealing with the impoundment of vehicles and posting of bond until liability as established by the court pursuant to this section has been satisfied, and the sale of vehicles, if the liability not be satisfied, are incorporated herein by reference and made a part of this section.

(<sup>86</sup> Code, § 9-4-1-125) (Ord. O-78-2, passed 1-3-78; Am. Ord. 1984-3, passed 3-5-84) Penalty, see § 70.99

**Statutory reference:**

*Size, weight and use restrictions; authority to impose and erect; statewide rules and regulations, see I.C. 9-4-1-125*

**§ 70.03 SNOWMOBILES.**

(A) This section shall apply to all snowmobiles and to off-road vehicles, as both are defined by I.C. 14-16-1.

(B) No person shall operate a snowmobile or any other off-road vehicle on any highway between the following hours:

- (1) Monday through Saturday, inclusive: from 12:00 a.m. and 9:00 a.m.;
- (2) Sunday: from 12:00 a.m. and 12:00 p.m. and from 11:00 p.m. and 12:00 a.m.

(C) This section incorporates by reference all provisions of state law relating to snowmobiles, including those set forth in I.C. 14-16-1.

(D) All snowmobiles traveling upon the highways shall move in a single file.

(E) The county shall not be deemed to make any representative action as to the safety of its highways for snowmobiling. The county expressly adopts applicable legislation which provides that all snowmobiling is done at the risk of the snowmobiler and his or her passengers.

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(F) Any person who violates the provisions of this section shall be deemed to have committed an ordinance violation and, upon conviction, may be fined not more than \$500 for each offense. (86 Code, § 14-1-3.5-14) (Ord. 1975-1, passed 2-3-75)

***Statutory reference:***

*Snowmobiles, see I.C. 14-16-1*

**§ 70.04 SNOW EMERGENCY.**

(A) This section shall be known as the Snow Emergency Ordinance of Whitley County, Indiana and shall apply to all roads, highways or right-of-way maintained by the County Highway Department ("roads").

(B) The Board, after consultation with the County Sheriff, the Emergency Management/Department of Homeland Security Director, and the County Highway Director, if available, or the respective representative designated by each as the person to consult in his/her absence for the purpose of recommending a snow emergency declaration, may declare a snow emergency by executive order when, in the Board's judgement, such order would be in the best interest of the public safety and welfare of the residents of the county. If only one member of the Board is available, he/she can declare a snow emergency if at least two of the officials (or the respective designated representatives of each) also recommend a declaration. If no members of the Board are available to declare a snow emergency, then all three of the officials (or the respective designated representatives of each) may declare a snow emergency. The above-mentioned Board members and/or officials or their respective designees who declare a snow emergency shall designate whether it is a Level 1 (Declared) Snow Emergency or a Level 2 (Warning) Snow Emergency or a Level 3 (Watch) Snow Emergency based on the criteria set forth in division (C). A Level 4 (Caution) may be activated and transmitted to the public by one of the following and does not need a declaration from the Commissioners: County Sheriff, Director of the Highway Department or the Emergency Management/Department of Homeland Security Director. Such emergency shall continue in effect until the above mentioned Board members and/or officials or their respective designees who declared the emergency thereafter determine an emergency no longer exists and terminate the emergency order.

(C) A snow emergency declaration pursuant to this section shall consist of four levels in order to keep the residents of the county informed of the weather and county road conditions, and to assist the County Highway Department in the clearing of the county roadways by eliminating stranded vehicles:

(1) A Level 1 (Red) Snow Emergency may be declared when roads have become impassable and the County Highway Department are not able to keep the roadways cleared due to severe snow fall and high winds producing high drifts and blizzard like conditions are present. Travel may be restricted to emergency personnel ONLY and essential emergency travel by members of the public (i.e. to and from work, emergency situations, etc.). Further restrictions that the Board deems necessary may be enacted at this time.

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(2) A Level 2 (Orange) Warning Snow Emergency may be declared when conditions threatening to the safety of the public. Only essential travel is recommended (i.e. to and from work, emergency situations, etc.). Emergency action plans have been or should be implemented by businesses, schools, government agencies and other organizations.

(3) A Level 3 (Yellow) Watch Snow Emergency may be declared when routine travel or activities may be restricted in areas of the county because of a hazardous situation; citizens should use caution or avoid these areas. Schools and businesses may begin to implement their emergency action plans.

(4) A Level 4 (White) Caution Snow Emergency may be activated when conditions may develop that limit or hinder travel or activities in isolated areas. No travel restrictions have been reported but citizens should be alert to changing road and weather conditions. (This is not a declared emergency, but an activation of this section to alert the public of possible hazardous conditions).

(D) Publication and broadcast of a Level 1, 2, 3 or 4 Snow Emergency declaration order/activation shall be made or caused to be made by the Board or other officials designating the level of the snow emergency using a press release to all law enforcement agencies, fire departments, hospitals and news media. The declaration shall be filed with the County Emergency Management Agency/Department of Homeland Security, State Department of Homeland Security, County Clerk and County Auditor.

(E) Those vehicles exempt from this section shall include medical assistance, law enforcement, fire department, emergency management, public utility, and fuel hauling vehicles, and employees of any of the above exempt services, if engaged in performing their respective duties. Any other vehicles violating this section are subject to removal by towing or other means at the expense of the owner of the vehicle, when such towing and/or removal is deemed necessary by any one or more of the following: the County Highway Department, the County Sheriff's Department, the State Conservation Officer, or the State Police.

(Ord. 2001-15, passed 12-17-01; Am. Ord. 2008-01, passed 1-7-08) Penalty, see § 70.99

**§ 70.05 GOLF CARTS ON COUNTY ROADS.**

(A) *Equipment.* This section shall apply to golf carts as the same are defined by I.C. 9-13-2-69.7, with the following required as additional equipment:

(1) Operating headlights, taillights, brake lights, turn signals (front and rear) and a rear view

mirror:

(2) Factory seating for two, with a maximum capacity of four persons if equipped with an additional rear seat.

(B) *Use.* Golf carts, as defined and modified according to division (A) above, may be operated on any county road (unless the road is specifically exempted herein) as follows:

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### Whitley County - Traffic Code

(1) Any golf cart operated on a county road pursuant to this division shall obey and be subject to all state and local statutes, ordinances and rules of the road.

(2) No person under the age of six years is allowed to ride on a golf cart operated on a county road, and no one under the age of ten years is allowed to ride as a passenger in a rear facing seat. All passengers must be seated while the golf cart is being operated. A maximum of four passengers are permitted to occupy a golf cart.

(3) Golf carts shall only be allowed to operate on county roads between dawn and dusk each day.

(C) *Permit required.* No person shall operate a golf cart on county roads unless it has been issued a permit under this section.

(D) *Application for golf cart permit.*

(1) Application for a golf cart permit shall be:

(a) Made on a form provided by the county;

(b) Issued upon reasonable proof of ownership and a statement that the golf cart complies with the equipment requirements of this section; and

(c) Made to the County Sheriff.

(2) The Sheriff, or his or her designated employee, upon receiving proper application, is authorized to issue a golf cart permit. The authorization shall not be given until the application has been completed and the fee set out below has been paid at the Sheriff's Department.

(3) The person seeking a golf cart permit shall not be issued a permit until the person has received a copy of this section, and signed an acknowledgment that he or she understands the golf cart



rules and regulations.

(4) The Sheriff shall not issue a permit for any golf cart if there is reasonable grounds to believe the permit applicant is not the owner of the golf cart.

(5) A copy of the issued permit shall be maintained in the golf cart at all times.

(6) The application fee charged for a golf cart permit is \$50, which shall be a one-time fee.

(E) *Driver's license required.* In order to operate a golf cart on a county road pursuant to this section, the driver must possess a valid Indiana operator's license.

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### **Traffic Regulations**

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(F) *Insurance required.* In order to operate on the county roads pursuant to this section, the owner must maintain state minimum insurance coverage on the golf cart, and proof of insurance coverage shall be kept in the golf cart at all times.

(G) *Restrictions.*

(1) No golf cart operation shall be permitted on Lincoln Way or Business 30 within the county.

(2) Nothing contained in this section is intended to authorize golf cart operation upon state or federal highways located within the county, except to the extent that an operator of a golf cart crosses the highway at a right angle to continue traveling a county road.

(H) *Disclaimer and warning.* The county does not represent and shall not be deemed to represent the safety of its roads for golf carts. The county specifically adopts this section with the warning that operation of golf carts on county roads is done at the risk of the golf cart operator and his or her passengers.

(Ord. 2012-10, passed 5-21-2012) Penalty, see § 70.99

### **§ 70.99 PENALTY.**

(A) Any person, firm or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$2,500.

A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(B) Any persons violating any provisions of § 70.04 shall be guilty of the commission of an infraction and may be fined any sum not to exceed \$100 and such shall be enforceable in any court of law duly authorized by state law, and in addition to such fine the court shall be authorized to direct the violator to repay the county any monetary losses or expenses incurred in the incident.

(C) Any violator of the provisions of § 70.05 shall be deemed to have committed an ordinance violation and, upon conviction, shall be punished by a fine not to exceed \$500 for each offense. All ordinance fees shall be deposited in the County General Fund according to state law.

(Ord. 2001-15, passed 12-17-01; Am. Ord. 2008-01, passed 1-7-08; Am. Ord. 2012-10, passed 5-21-12)

***Statutory reference:***

*Power to prescribe fines up to \$2,500 granted, see I.C. 36-1-3-8(a)(10)*

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## CHAPTER 71: TRAFFIC SCHEDULES

### Schedule

- I. Speed limits
- II. Parking restrictions
- III. Stop and yield signs

### SCHEDULE I. SPEED LIMITS.

<i>Highway</i>	<i>Locations</i>	<i>Speed M.P.H.</i>
CR 100 South	From the east line of Columbia City to U.S. 30	40
CR 150 East	From SR 205 North to dead end	20
CR 200 East	The Town of Laud	20
CR 250 East	From its intersection with Bair Road, then north to the intersection of 250 East and Stalf Road in Tri-Lakes	20
CR 250 East	From its intersection with CR 500 North to its intersection with Bair Road in Tri-Lakes	30
CR 250 East	From its intersection with Stalf Road to its intersection with Linker Road in Tri-Lakes	30
CR 500 East	From US 30, then south to the Town of Coesse	30
CR 500 East	South side of US 30 in front of Union Township School, Coesse	20
CR 500 East	From Lincoln Way to 100 feet south of that intersection in Coesse	30
CR 500 North	From 550 East, then east to the Blue Lake Mobile Home Park	25
CR 500 South	That portion west of South Whitley	30
CR 500 North	From Circle Drive to the Blue Lake Road	25

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<i>Highway</i>	<i>Locations</i>	<i>Speed M.P.H.</i>
Business 30 East	From the intersection of Paige Road and Business Highway 30 East to the intersection of Business Highway 30 East to U.S. 30	40
Business 30 West	From the limits of the City of Columbia City west to a point 500 feet west of Niles Street	45
Business 30 West	From said point 500 feet west of Niles Street to U.S. 30	55
CR 100 South	Between the limits of the City of Columbia City on the west and U.S. 30 on the east	40
CR 375 North	That portion from the east boundary line of Whitley County to a point 1636 feet west of U.S. 33 in Section 24 of Smith Township	30
CR 600 North	Between SR 109 and CR 250 West	45
CR 650 East	From McGuire Road to CR 575 North (Rindfuze Road)	25
CR 750 East	South of CR 575 North (Rindfuze Road)	25
CR 800 East	From CR 500 South through Dunfee to the southern boundary of the intersecting railroad right-of-way	30
CR 800 East	From southern boundary of intersecting railroad right-of-way (see above) to State Road 14	45
CR 800 South	The Town of Laud	20
CR 900 East	The portion north of CR 600 North	45
CR 900 East	That portion north of Line Street in the Town of Churubusco	45
Blue Lake Community	Beaver Drive, Circle Drive, Harrold Place, Harrold Road, McGuire Road, east and west	25
Blue Lake Road	From CR 450 North to CR 575 North	25
Colony Avenue	Entirety	10
Columbia Acres Thorncreek Township	All roads in the subdivision	20
Crescent Beach Road	From Magley Lane north to State Avenue	20

<i>Highway</i>	<i>Locations</i>	<i>Speed M.P.H.</i>
Darland Street and Indiana Street	Between SR 205 and SR 205 within Collins in Smith Township	20

**Traffic Schedules**

<i>Highway</i>	<i>Locations</i>	<i>Speed M.P.H.</i>
Donatello’s Village Jefferson Township	All streets and roads in the subdivision, located south of CR 500 South, north of SR 14 and west of County Line Road	20
East County Line Road	From State Road 14 to U.S. Highway 24	45
East County Line Road	From CR 500 South to the railroad between CR 400 South and CR 300 South	45
Etna Road	From SR 109 to Airport Road in Thorncreek Township	30
Irene Drive Trier’s Subdivision	Entirety	20
Lincoln Way East	Between County Road 600 East and Yellow River Road	45
Loon Lake Road	East and west along south shore of Loon Lake	20
Pook Road	West of CR 600 West	40
Shug Road	Entirety	20
West River Road	From SR 105 to CR 900 West	45
Whitley Road	From the intersection of Whitley Road with CR 500 West in a westerly direction to a point of the pre-existing 45-miles per hour speed reduction located approximately 500 beyond the intersection of Whitley Road and CR650 West	45
Wolf Road	Between Business 30 West and U.S. 30	30

(’86 Code, § 9-4-1-58) (Ord. passed 2-11-50; Ord. passed 7-6-60; Ord. 0-77-3, passed 3-21-77; Ord. 0-78-4, passed 11-6-78; Ord. 90-11, passed 8-20-90; Ord. 0-92-08, passed 9-21-92; Ord. 95-08, passed 10-2-95; Ord. 96-13, passed 11-4-96; Ord. 97-01, passed 1-20-97; Ord. 97-14, passed 9-15-97; Ord. 98-01, passed 1-5-98; Ord. 99-01, passed 1-7-99; Ord. 2000-05, passed 6-19-00; Am. Ord. 2005-01, passed 1-3-05; Am. Ord. 2005-13, passed 9-20-05; Am. Ord. 2006-15, passed 9-5-06; Am. Ord. 2006-21, passed 11-20-06; Am. Ord. 2016-12, passed 10-17-16; Am. Ord. 2021-11, passed 10-18-21)  
 Penalty, see § 70.99



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**SCHEDULE II. PARKING RESTRICTIONS.**

(A) No person shall stop, stand or park any vehicle at any time in any of the following places:

North side of Colony Avenue from State Road 102 to the Hatchery Road in Section 12, Thorncreek Township.
North and south sides of E. Rail Connect Dr. from the west end to CR 600 E.

(B) Any persons violating any provisions of this schedule shall be guilty of the commission of an infraction and may be fined any sum not to exceed \$100 and such shall be enforceable in any court of law duly authorized by state law, and in addition to such fine the court shall be authorized to direct the violator to repay the county any monetary losses or expenses incurred in the incident.

(^86 Code, § 9-4-1-114) (Ord. passed 4-2-62; Am. Ord. 2020-08, passed 7-20-20)

**Statutory reference:**

*Stopping, standing or parking prohibited in specific places, see I.C. 9-21-16-5*

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**SCHEDULE III. STOP AND YIELD SIGNS.**

(A) The Board establishes and designates certain public highways in the county which, as the most frequently traveled, constitute thoroughfares to and from cities and towns as preferential highways. All highways and roads intersecting any preferential highways shall be clearly marked at every intersection with stop or yield signs to warn all vehicles using the intersecting highway or road to stop or yield before crossing or entering any preferential highway.

(B) For the purposes of this schedule, the abbreviation “CR” indicates “County Road.”

(C) Any person who violates any provision of this schedule shall be deemed to have committed an ordinance violation and, upon conviction, shall be fined as set forth in § 70.99.

(D) Two way intersections:

<i>Stop and Yield Signs</i>
<i>CR 50</i>
50 East (northbound) stops for Raber Road
50 North stops for 400 West
50 South (westbound) stops for 600 West
50 South (eastbound) stops for Old Trail West
50 West stops for 500 North
50 West stops for 600 North
50 West (southbound) stops for Etna Road
<i>CR 100</i>
100 South (eastbound and westbound) stops for 300 East
100 South (westbound) stops for 600 West
100 South (westbound) stops for 900 West
100 South (westbound) stops for Old Road 30
100 South (westbound) stops for Tower Drive
<i>CR 125</i>

*Stop and Yield Signs*

125 West (southbound) stops for 500 North

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<i>Stop and Yield Signs</i>
<i>CR 150</i>
150 East (northbound) stops for 500 South
150 East (northbound and southbound) stops for 300 South
150 East (southbound) yields for Cider Mill Road
150 East (northbound) stops for Keiser Road
150 North (westbound) stops for 150 West
150 North (westbound) stops for 550 East
150 North (westbound) stops for Johnson Road
150 North (eastbound) yields for Johnson Road
150 South stops for 350 West
150 South stops for 425 West
150 South (eastbound) stops for 900 West
150 South stops for 950 West
150 South (eastbound) stops for Whitley Road
150 West (northbound and southbound) stops for 200 North
150 West (northbound) stops for Etna Road
150 West (southbound) yields for Lincoln Way
150 West (northbound and southbound) stops for Sheckler Road
<i>CR 200</i>
200 East (northbound) stops for Widman Road
200 North (westbound) stops for 450 East
200 North (eastbound) stops for 550 East
200 North (westbound) yields for 450 West
200 North (eastbound) stops for 650 West
200 North stops for Lincoln Way



<i>Stop and Yield Signs</i>
200 South (westbound) stops for 900 West
200 South (eastbound) stops for Raber Road
200 South (eastbound) stops for Washington Road

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**Traffic Schedules**

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<i>Stop and Yield Signs</i>
200 South (westbound) stops for Washington Road
200 South (eastbound) stops for Whitley Road
200 West (northbound and southbound) stops for 700 South
200 West (northbound and southbound) stops for 800 South
200 West (northbound and southbound) stops for 900 South
200 West (northbound and southbound) stops for 1000 South
200 West (northbound) yields for County Line Road
200 West (northbound) stops for Keiser Road
<i>CR 250</i>
250 East (northbound) yields for bend at 500 North
250 East (southbound) yields for Colony Avenue
250 East (northbound) yields for County Line Road
250 North (westbound) stops for Airport Road
250 South (eastbound) stops for 950 West
250 North (eastbound) stops for Binkley Road
250 West (northbound) stops for 800 South
250 West (northbound and southbound) stops for 900 South
250 West (northbound and southbound) stops for 1000 South

<i><b>Stop and Yield Signs</b></i>
250 West (southbound) yields for Lincoln Way
<i><b>CR 275</b></i>
275 North (westbound) stops for 550 West
275 West (northbound and southbound) stops for 700 South
275 West (southbound) stops for 800 South
275 West (southbound) stops for Keiser Road
<i><b>CR 280</b></i>
280 South (westbound) yields for Business 30 East
280 South (westbound) stops for 625 West

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**Whitley County - Traffic Code**

<i><b>Stop and Yield Signs</b></i>
<i><b>CR 300</b></i>
300 East (southbound) yields for Business 30 East
300 East (northbound) stops for County Line Road
300 North (westbound) stops for 250 East
300 North (westbound) stops for 675 East
300 North (westbound) stops for 550 East
300 North (eastbound) stops for 550 West
300 North (westbound) stops for 675 East
300 North (eastbound and westbound) stops for Airport Road
300 South (eastbound) yields for 300 West

<i>Stop and Yield Signs</i>
300 South (eastbound and westbound) stop for 350 West
300 South stops for 500 East
300 South stops for 600 East
300 South stops for 950 West
300 South (eastbound and westbound) stops for Raber Road
300 West (northbound) yields for 150 South
300 West (northbound) yields for County Line Road
300 West (southbound) stops for Old Trail Road
<i>CR 325</i>
325 North (westbound) stops for Binkley Road
<i>CR 350</i>
350 East (northbound) stops for 500 North and then yields
350 East (southbound) stops for 500 North and then yields
350 East (southbound) yields for Lincoln Way East
350 North (northbound) stops for Lincoln Way West
350 South (westbound) stops for 300 West
350 South (eastbound) stops for 650 West
350 West (southbound) stops for 200 North

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**Traffic Schedules**

<i>Stop and Yield Signs</i>
350 West (northbound) stops for 275 North
350 West (southbound) stops for 275 North

***Stop and Yield Signs***

350 West (northbound) stops for 750 North

350 West (northbound and southbound) stops for 900 South

350 West (northbound and southbound) stops for Keiser Road

350 West stops for Lincoln Way

350 West (northbound) stops for Old Trail Road

***CR 375***

375 North (westbound) stops for 850 East

375 West (southbound) stops for 500 North

375 West (northbound) stops for Etna Road

***CR 400***

400 East (southbound) stops for 300 South

400 East (northbound) stops for 400 South

400 East stops for 500 South

400 East stops for 700 South

400 East (northbound and southbound) stops for 800 South

400 East (northbound and southbound) stops for 900 South

400 East stops for 1000 South

400 East stops for Lincoln Way East

400 North (westbound) stops for 50 West

400 North stops for 250 East

400 North (eastbound) stops for 250 West

400 North (eastbound and westbound) stops for 350 East

400 North stops for 350 West

400 North (eastbound) stops for 450 East

400 North (eastbound and westbound) stops for 450 West

400 North yields for Airport Road

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<i>Stop and Yield Signs</i>
400 North (westbound) stops for Lincoln Way West
400 South stops for 500 East
400 South (eastbound and westbound) stops for 150 East
400 South yields for 950 West
400 South (eastbound) stops for County Line Road
400 South (eastbound) stops for Meridian Road
400 South (westbound) yields for Meridian Road
400 South stops for Raber Road
400 West (northbound) stops for 300 South
400 West (southbound) stops for Old Trail Road
400 West (southbound) stops for Plattner Road
<i>CR 425</i>
425 West (northbound) stops for Old Trail Road
425 West (southbound) stops for Whitley Road
<i>CR 450</i>
450 East (southbound) stops for 500 North
450 East (northbound) stops for Anderson Road
450 East (northbound) stops for County Line Road
450 East (southbound) stops for Old Trail Road
450 North (eastbound) stops for 250 West
450 North (westbound) stops for 350 West
450 North (eastbound) stops for 800 East
450 North (westbound) stops for Blue Lake Road
450 South (eastbound) stops for 950 West
450 West (northbound) stops for 275 North

*Stop and Yield Signs*

450 West (northbound) stops for 700 South

450 West (northbound and southbound) stops for 800 South

450 West (northbound and southbound) stops for 900 South

<i>Stop and Yield Signs</i>
450 West (southbound) stops for Henry Road
450 West (southbound) stops for Lincoln Way West
450 West (southbound) stops for Plattner Road
<i>CR 475</i>
475 North (eastbound) stops for 450 West
475 North (westbound) stops for 550 West
475 West (northbound) stops for 450 West
475 West (southbound) stops for 200 South
475 West (southbound) stops for 700 South
475 West (northbound) yields for Pook Road
<i>CR 500</i>
500 East stops for 500 South
500 East stops for 800 South
500 East yields for 900 South
500 East stops for Lincoln Way East
500 East (northbound) stops for Old Trail East
500 North stops for 250 East
500 North (eastbound) yields for northbound 450 East
500 North (westbound) yields for bend in 250 East
500 North (westbound) stops for 250 West
500 North (westbound) yields for 550 East
500 South (westbound) stops for 950 West
500 South (eastbound) stops for County Line Road
500 West (southbound) yields for Pook Road



***Stop and Yield Signs***

***CR 525***

525 North (eastbound) stops for 550 West

525 North (westbound) stops for 650 West

525 West (southbound) stops for 750 North

525 West (northbound) stops for 900 North

525 West (northbound) yields for County Line Road

## Whitley County - Traffic Code

<i>Stop and Yield Signs</i>
<i>CR 550</i>
550 East stops for 600 North
550 East (southbound) stops for Chapine Road
550 North (westbound) stops for County Line Road
550 North (eastbound) stops for Elder Road
550 South (eastbound) stops for 950 West
550 West (northbound) stops for 750 North
550 West stops for Lincoln Way
<i>CR 575</i>
575 North (eastbound) stops for Blue Lake Road
575 West (northbound) stops for 200 South
575 West (southbound) stops for 200 South
<i>CR 600</i>
600 East stops for 500 South
600 East stops for 800 South
600 East (northbound and southbound) stops for 900 South
600 East stops for Lincoln Way East
600 East (northbound) yields for Old Trail Road
600 North (gravel jog onto 600 North from SR 33 (northbound)) yields for 600 North
600 North (westbound) stops for 250 West
600 North (westbound) stops for 350 West
600 North (eastbound) yields for 375 West
600 North stops for 450 East
600 North (eastbound and westbound) stops for 550 West
600 North (eastbound) stops for 650 East

*Stop and Yield Signs*

600 North (eastbound and westbound) stops for 650 West

600 West (southbound) stops for 750 North

600 West (southbound) stops for 750 West

600 West (northbound and southbound) stops for 800 South

600 West (southbound) stops for 900 South

<b><i>Stop and Yield Signs</i></b>
<b><i>CR 625</i></b>
625 West (northbound) stops for 200 South
<b><i>CR 650</i></b>
650 East (northbound) stops for Anderson Road
650 North (westbound) stops for 250 West
650 North (westbound) stops for 850 West
650 North (westbound) yields for County Line Road
650 West (northbound and southbound) stops for 300 North
650 West (northbound) yields for 300 South
650 West (northbound and southbound) stops for 750 North
650 West (northbound) stops for Lincoln Way West
650 West (southbound) stops for Lincoln Way
650 West (southbound) stops for Whitley Road
<b><i>CR 675</i></b>
675 East (northbound) stops for 300 North
675 East (southbound) stops for Johnson Road
675 West (northbound) stops for 150 South
675 West stops for 200 South
675 West (southbound) stops for 300 South
<b><i>CR 700</i></b>
700 East (northbound and southbound) stops for 400 South
700 East (southbound) stops for 500 South
700 East (northbound) stops for 500 South
700 East (northbound) stops for 575 North

*Stop and Yield Signs*

700 East yields for 800 South

700 East (northbound) stops for Hiler Road

700 East stops for Lincoln Way East

700 East (northbound) stops for Old Trail Road

700 East (northbound) stops for Yellow River Road

<i>Stop and Yield Signs</i>
700 East (northbound) yields for Rindfuze
700 North (westbound) stops for 350 West
700 North stops for 550 West
700 North (eastbound and westbound) stops for 650 West
700 North (eastbound) stops for Etna Road
700 South stops for 200 East
700 South (eastbound and westbound) stops for 350 West
700 South (westbound) stops for 500 East
700 South (eastbound) stops for 500 East
700 South stops for 600 East
700 South (eastbound and westbound) stops for 700 East
700 South (eastbound) stops for County Line Road
700 South (eastbound and westbound) stops for Meridian Road
700 South (eastbound and westbound) stops for Raber Road
700 South (eastbound and westbound) stops for Washington Road
700 West (southbound) stops for 150 South
<i>CR 750</i>
750 East (northbound) stops for County Line Road
750 North (westbound) yields for Etna Road
750 North (eastbound) stops for Etna Road
750 West (southbound) stops for 700 North
750 West stops for 750 North
<i>CR 800</i>
800 East (northbound) stops for 550 North

*Stop and Yield Signs*

800 East (northbound) stops for Old Trail East

800 East (southbound) stops for Anderson Road

800 North (eastbound and westbound) stops for 350 West

800 North (eastbound) stops for 650 West

<i>Stop and Yield Signs</i>
800 North (eastbound and westbound) stops for 750 West
800 South (westbound) yields for 950 West
800 South (eastbound) stops for County Line Road
800 West (northbound) stops for 400 South
800 West (southbound) stops for 500 South
<i>CR 825</i>
825 East (southbound) stops for 150 North
825 East (northbound) stops for 300 North
<i>CR 850</i>
850 West (northbound and southbound) stops for 700 South
850 West (northbound and southbound) stops for 800 South
850 West yields for 900 South
850 West yields for 1000 South
850 West (southbound) stops for Division Road
850 West (northbound) stops for Old Trail Road West
850 West (northbound) stops for River Road
<i>CR 900</i>
900 East (northbound) stops for County Line Road
900 South stops for 200 East
900 South yields for 350 West
900 South (eastbound and westbound) stops for 500 East
900 South (eastbound and westbound) stops for 850 West
900 South (eastbound) stops for County Line Road
900 South (eastbound and westbound) stops for Raber Road
900 South stops for Washington Road



<i>Stop and Yield Signs</i>
900 West (northbound and southbound) stops for 300 South
900 West (northbound and southbound) stops for 400 South
900 West (southbound) yields for 500 South
900 West (northbound) stops for 500 South

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**Whitley County - Traffic Code**

<i>Stop and Yield Signs</i>
900 West (northbound) stops for Division Road
900 West (southbound) stops for River Road
<i>CR 950</i>
950 East (southbound) stops for Hildebrand Road
950 West (northbound and southbound) stops for 900 South
<i>CR 1000</i>
1000 South (eastbound and westbound) stops for 200 East
1000 South (eastbound and westbound) stops for 500 East
1000 South (westbound) stops for 350 West
1000 South (eastbound and westbound) stops for 600 East
1000 South (eastbound) stops for 700 East
1000 South (eastbound and westbound) stops for 850 West
1000 South (eastbound) yields for 950 West
1000 South (westbound) stops for 950 West
1000 South stops for Raber Road
1000 South (eastbound and westbound) stops for Washington Road
Airport Road (northbound and southbound) stops for 500 North

*Stop and Yield Signs*

Airport Road (northbound) stops for 600 North

Anderson Road (westbound) stops for 450 East

Bair Road (eastbound) stops for 250 East

Basin Street (eastbound) yields for Carylwood

Basin Street (westbound) stops for Colony Avenue

Beaver Drive (southbound) stops for 550 North

Binkley Road (northbound) stops for 200 North

Binkley Road (southbound) stops for Old Trail Road

Blue Lake Road (southbound) stops for 300 North

Blue Lake Road (southbound) stops for 550 North

Blue Lake Road stops for Anderson Road

Briarwood (southbound) stops for Business 30 West

<i>Stop and Yield Signs</i>
Brown Road (eastbound) stops for 250 West
Brown Road (southbound) stops for 700 North
Brown Road (northbound) yields for Buckles Road
Buckles Road (westbound) stops for 300 West
Buckles Road (westbound) yields for 350 West
Buckles Road (eastbound) stops for County Line Road
Burd Road (westbound) stops for 350 East
Burd Road (eastbound and westbound) stops for 450 East
Burd Road yields for 450 West
Burd Road (eastbound) stops for 550 East
Business 30 East (westbound) yields for 300 East
Business 30 West (eastbound) stops for Lincoln Way
Cardinal Drive (westbound) stops for Williams Drive
Carylwood Drive (southbound) stops for 500 North
Carylwood Drive (westbound) yields for Basin Road
Chapine Road yields for 450 East
Chapine Road (eastbound and westbound) stops for 450 East
Chapine Road (northbound) stops for Johnson Road
Chapine Road (westbound) stops for Old Trail Road
Cider Mill Road (eastbound and westbound) stops for 450 East
Cider Mill Road (eastbound) yields for 550 East
Clearview Drive (eastbound) yields for 850 East
Colony Avenue (westbound) stops for 250 East
Colony Avenue (westbound) yields for Fish Hatchery Road
County Line Road stops for 150 North

*Stop and Yield Signs*

County Line Road stops for 500 South

County Line Road stops for Lincoln Way Road

County Line Road (westbound) stops for Lincoln Way Road (westbound)

County Line Road yields for Old Trail Road

<i>Stop and Yield Signs</i>
Crampton Avenue (eastbound) stops for 250 East
Crescent Avenue (westbound) yields for Hatchery Road
Crone Road (eastbound) stops for 450 East
Crone Road (westbound) stops for Riley Road
DeLa Balme Road (eastbound) stops for Johnson Road
Division Road (eastbound) stops for 600 West
Division Road stops for 950 West
Dogwood (southbound) stops for Business 30 West
Dowell Road (westbound) stops for 300 West
East Drive (northbound) stops for 550 North
Elder Road (northbound) stops for Lincoln Way West
Elder Road (southbound) yields for Lincoln Way
Ellsworth (westbound) stops for Old Trail Road
Esterline Road (eastbound) yields for Bair Road
Esterline Road (westbound) yields for Bair Road
Etna Road (eastbound) stops for 250 West
Etna Road (eastbound) yields for 350 West
Etna Road (northbound) stops for 500 North
Etna Road (eastbound) stops for Airport Road
Evergreen Road (westbound) stops for 200 East
Evergreen Road (eastbound) stops for Raber Road
Fox Drive (northbound) yields for Wilken Road
Gates Road stops for Park Street
Governors Drive (southbound) stops for Business 30 East
Governors Drive (eastbound) yields for Williams Drive

<i>Stop and Yield Signs</i>
Greenbriar Drive stops for Ridgewood Drive, Blue River Estates
Hall Street (southbound) stops for 250 East
Hall Street (northbound) yields for Beech Avenue
Harrold Road (eastbound) stops for Blue Lake Road

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**Traffic Schedules**

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<i>Stop and Yield Signs</i>
Hartman Road (westbound) stops for 300 East
Hartman Road (northbound) stops for Old Trail Road
Henry Road (eastbound) stops for 350 West
Hildebrand Road (westbound) stops for Johnson Road
Hiler Road (southbound) stops for 400 South
Hiler Road (westbound) stops for 600 East
Hill Drive (eastbound) yields for Shoreline Drive
Hill Drive (westbound) yields for Shoreline Drive
Hill Drive (northbound) yields for Walker Drive
Indiana Drive (northbound) stops for Anderson Road
Irene Drive (southbound) stops for Etna Road
James Street (northbound) yields for Business 30 West
Johnson Road stops for 150 North
Johnson Road (westbound) stops for 550 East
Johnson Road (eastbound) stops for 675 East
Johnson Road (southbound) stops for Old Trail East
Keck Road (northbound) stops for 750 North

*Stop and Yield Signs*

Keiser Road (westbound) stops for 300 South

Keiser Road (eastbound) yields for 300 West

Keiser Road (eastbound) yields for Raber Road

Keiser Road (westbound) stops for Washington Road

Kyler Road (northbound) stops for Mowrey Road

Kyler Road (westbound) stops for Raber Road

Lake Drive (southbound) stops for 500 North

Lake Street (eastbound) yields for Lakewood Drive

Lake Street (westbound) yields for North Lake

Lake View Drive (westbound) yields for Muncie Road

Lakewood Drive (northbound) yields for Basin Street in Thorncreek Township

<i>Stop and Yield Signs</i>
Lakewood Drive (southbound) yields for Meadowood Lane
Lawrence Street (northbound) stops for Business 30 West
Lawrence Street yields for Westgate Avenue
Linker Road (eastbound) stops for 250 East
Lincoln Way East (westbound) stops for 300 East
Lincoln Way (westbound) stops for Business 30 West
Lowell Street (northbound) stops for Business 30 West
Lowell Street (southbound) yields for Westgate Avenue
Lower Linker Road (eastbound) yields for Linker Road
Lower Linker Road (northbound) stops for Linker Road
Lower Linker Road (southbound) yields for Linker Road
Lower Pressler Road (northbound) yields for Pressler Road
Lynn Road (northbound) yields for Linker Road
Lynn Road (southbound) yields for Schug Road
Madallion Boulevard East stops for 100 South
Madallion Boulevard West stops for 100 South
Magley Lane (eastbound) stops for 350 East
Maple Drive (southbound) yields for Bair Road
Mary Lane (northbound) stops for Etna Road
McConnell Road (northbound) stops for 700 North
McConnell Road (northbound) yields for County Line Road
Meadowood Lane (eastbound) yields for Carylwood
Meadowood Lane (westbound) yields for North Lake
Meridian Road (northbound) stops for 500 South
Meridian Road (northbound and southbound) stops for 800 South



*Stop and Yield Signs*

Meridian Road (northbound and southbound) stops for 900 South

Meridian Road (northbound and southbound) stops for 1000 South

Meridian Road yields for Keiser Road

Meridian Road (southbound) stops for Keiser Road

<i>Stop and Yield Signs</i>
Meridian Road (northbound) stops for Washington Road
Mowrey Road (eastbound) stops for 400 East
Muncie Road stops at dead end
Niles Street (northbound) stops for Business 30 West
North Lake Road (northbound) yields for Basin Street
North Lake Road (southbound) yields for Lake Street
North Stalf Road (westbound) stops for 250 East
Oak Drive (northbound) yields for Shoreline Drive
Old Lake Road (southbound) stops for 700 North
Paige Road (eastbound) stops for Old 30 East
Park Street yields for Lincoln Way West
Plattner Road stops for 550 West
Plattner Road (westbound) stops for 650 West
Pleasant Street exit (westbound) yields for Anderson Road
Pook Road (eastbound) stops for 350 West
Raber Road yields for 500 South
Raber Road stops for 800 South
Riley Road (northbound) stops for 300 North
Riley Road (southbound) stops for Cider Mill Road
Rindfuze Road (westbound) stops for 650 East
Rindfuze Road (eastbound) yields for Blue Lake Road
River Road (eastbound) stops for 950 West
Royal Street (northbound) stops for Business 30 West
Royal Street (southbound) yields for Westgate Avenue
Ruckman Road (northbound) stops for Chapine Road

*Stop and Yield Signs*

Ruckman Road (southbound) yields for Chapine Road

Ruckman Road (southbound) yields for Old Trail Road

Schuman Road (westbound) stops for 200 North

Schuman Road (eastbound) yields for Lincoln Way

<i>Stop and Yield Signs</i>
Schrader Road yields for 600 East
Schram Road (northbound) yields for Wilken Road
Scheckler Road stops for 250 West
Scheckler Road (eastbound) stops for Etna Road
Scheckler Road (westbound) stops for Lincoln Way
Schuman Road (eastbound) stops for Lincoln Way West
Scott Avenue (eastbound) yields for Old State Road 102
Shoreline Drive (eastbound) stops for Walker Drive
South Street (westbound) stops for Old Highway 102 in Thorncreek Township
Southshore Drive (eastbound) yields for Carylwood
Southshore Drive (eastbound) yields for Lakewood Drive
Southshore Drive (westbound) yields for Lakewood Drive
Southshore Drive (westbound) yields for North Lake
Spear Road (southbound) stops for 600 North
Stalf Road (westbound) stops for 250 East
Stalf Road North (eastbound) yields for Stalf Road South
Stickler Drive (southbound) yields for Business 30 West
Summit Drive (northbound) stops for Anderson Road
Timberlane Lane (southbound) stops for 575 North
Timberlane Lane (eastbound) stops for Blue Lake Road
Wait Road (westbound) stops for Raber Road
Wait Road (southbound) stops for 400 South
Washington Road (northbound) stops for Keiser Road
Walker Drive (northbound) stops for Etna Road
Walker Drive (northbound) yields for Shoreline Drive

*Stop and Yield Signs*

Westgate Avenue (eastbound) yields for James Street

Whitley Road (westbound) stops for 200 South

Whitley Road (southbound) stops for 300 South

Whitley Road (eastbound) yields for 350 West

<i>Stop and Yield Signs</i>
Whitley Road (northbound) stops for 425 West
Whitley Road (eastbound) stops for 500 West
Whitley Road (northbound) stops for Old Trail Road
Widman Road (northbound) stops for Cider Mill Road
Wilchen Road (eastbound) stops for 250 East
Williams Drive (southbound) stops for Business 30 East
Williams Drive yields for 100 South
Willow Lane (eastbound) stops for Blue Lake Road
Willow Lane (westbound) yields for Timberlane Lane
Wilson Road (northbound) stops for 200 North
Wise Road (westbound) yields for 350 West
Wise Road (northbound) stops for 700 North
Wolf Road stops for Business 30 West
Wolf Road stops for Dowell Road
Wolf Road (eastbound) stops for Lincoln Way West
Wolf Road (southbound) stops for Keiser Road
Wolf Road (southbound) yields for Lincoln Way
Wolf Road (northbound) stops for Old Trail West
Wolf Road (southbound) stops for Old Trail Road
Wolf Road (southbound) stops for Whitley Road
Wolf Road yields for Whitley Road
Woodstrail (westbound) yields for Morsches Road
Yellow River Road (westbound) stops for 700 East
Yellow River Road (eastbound) stops for 700 East
Yellow River Road (eastbound) yields for County Line Road

*Stop and Yield Signs*

Yellow River Road (northbound) yields for Lincoln Way East

(E) Three way stop intersections:

North Street extended and Park Street extended.

## Whitley County - Traffic Code

(F) Four way stop intersections:

<i>Four Way Stop Intersections</i>	
200 East and 800 South	550 East and Anderson Road
300 East and Old Trail Road	700 East and 900 South
350 West and 800 South	700 West and Division Road
400 North and Airport Road	800 South and Washington Road
400 South and 600 East	Mowrey Road, Paige Road and Raber Road

(^86 Code, § 8-17-9-1) (Ord. passed 9-7-47; Ord. 97-01, passed 1-20-97; Ord. 97-04, passed 4-7-97; Ord. 99-02, passed 1-7-99; Ord. 99-11, passed 8-16-99; Ord. 99-12, passed 8-16-99; Ord. 99-13, passed 9-2-99; Ord. 99-14, passed 9-2-99; Ord. 2000-04, passed 6-19-00; Am. Ord. 2003-04, passed 3-3-03; Am. Ord. 2003-05, passed 3-3-03; Am. Ord. 2005-18, passed 10-17-05; Am. Ord. 2006-03, passed 2-6-06; Am. Ord. 2006-04, passed 2-6-06; Am. Ord. 2006-16, passed 9-5-06; Am. Ord. 2013-07, passed 8-19-13; Am. Ord. 2016-11, passed 10-17-16; Am. Ord. 2017-14, passed 11-6-17) Penalty, see § 70.99



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**TITLE IX: GENERAL REGULATIONS**

Chapter

**90. STREETS AND SIDEWALKS**

**91. PUBLIC SAFETY**

**92. ANIMALS**

**93. FAIR HOUSING**



## CHAPTER 90: STREETS AND SIDEWALKS

### Section

- 90.01 County Arterial Highway System
- 90.02 Street and road specifications
- 90.03 Snow removal claims
- 90.04 Snow emergencies
- 90.05 Placement of mailboxes
- 90.06 Standards for issuance of highway road and right-of-way work permits

### § 90.01 COUNTY ARTERIAL HIGHWAY SYSTEM.

The Board of County Commissioners selects the County Arterial Highway System, based on I.C. 8-23-4-3. The identity of the highways included in this System, as added, relocated and deleted, are set forth in a list on file for public inspection in the office of the County Highway Department. (86 Code, § 8-23-4-3) (Ord. passed 4-12-46; Am. Ord. passed 8-17-92; Am. Ord. 0-93-5, passed 2-1-93)

***Statutory reference:***

*County arterial highway system, selection, changes, see IC. 8-23-4-3*

### § 90.02 STREET AND ROAD SPECIFICATIONS.

The document entitled "General and Detailed Specifications for Roads and Streets, Sidewalks, Curbs, Drainage Structures and Other Miscellaneous Items" and setting standards for county highways and streets adopted as a part of Ordinance 92-11 is incorporated in this section by reference. As required by I.C. 36-1-5-4, two copies of this document are on file in the office of the County Auditor and available for public inspection. (86 Code, § 8-17-1-39) (Ord. 92-11, passed 12-21-92; Am. Ord. 93-05, passed 2-1-93)

***Statutory reference:***

*Construction materials, standards and tests, see I.C. 8-17-1-39*

### § 90.03 SNOW REMOVAL CLAIMS.

No claim for snow removal or other labor on county highways shall be approved by the Board of Commissioners unless the labor has first been contracted for by the County Highway Supervisor. (86 Code, § 36-1-9-4) (Ord. passed 4-5-65; Am. Ord. 0-97, passed - -97)

**§ 90.04 SNOW EMERGENCIES.**

(A) This section shall be known as the "Snow Emergency Ordinance of Whitley County, Indiana" and shall apply to all roads, highways or rights-of-way maintained by the Whitley County Highway Department ("roads").

(B) The Board, after consultation with the Whitley County Sheriff, the Emergency Management Director and the Whitley County Highway Director, if available, or the respective representative designated by each as the person to consult in his or her absence for purposes of recommending a snow emergency declaration, may declare a snow emergency by executive order when, in the Board's judgment, such order would be in the best interests of the public safety and welfare of the residents of Whitley County, Indiana. If only one member of the Board is available, he or she can declare a snow emergency if at least two of the officials (or the respective designated representatives of each) also recommend a declaration. If no members of the Board are available to declare a snow emergency, then all three of the officials (or the respective designated representatives of each) may declare a snow emergency. The emergency shall continue in effect until the above mentioned Board members and/or officials or their respective designees who declared the emergency thereafter determine an emergency no longer exists and terminate the emergency order.

(C) If a snow emergency is declared as provided in this section, all motor vehicle travel on roads is prohibited. Motorists shall travel at their own risk and are in violation of this section if they block or impede the travel of any vehicle on a road, including any blocking or impediment caused by a stuck, stalled or abandoned vehicle.

(D) Publication and broadcast of a snow emergency declaration order shall be made or caused to be made by the Board or other officials designating the emergency using a press release to all law enforcement agencies, fire departments, hospitals and news media. The declaration shall be filed with the Whitley County Emergency Management Agency, State Emergency Management Agency, Whitley County Clerk and the Whitley County Auditor.

(E) Those vehicles exempt from this section shall include medical assistance, law enforcement, fire department, emergency management, public utility and fuel hauling vehicles and employees of any of the above exempt services if engaged in performing their respective duties. Any other vehicles violating this section are subject to removal by towing or other means at the expense of the owner of the vehicle when the towing and/or removal is deemed necessary by the County Highway Department, the County Sheriff's Department, the State Conservation Officer or the Indiana State Police.

(F) Any person violating any provisions of this section shall be guilty of the commission of an infraction and may be fined any sum not to exceed \$100 and such shall be enforceable in any court of law duly authorized by Indiana state law, and in addition to such fine the court shall be authorized to direct the violator to repay the County of Whitley any monetary losses or expenses incurred in the incident.

(Ord. 089-13, passed 11-13-89; Am. Ord. 0-93-5, passed 2-1-93; Am. Ord. 99-20, passed 12-20-99)

**§ 90.05 PLACEMENT OF MAILBOXES.**

(A) This section applies to all mailboxes placed or installed within the right-of-way of any county road in the county after November 1, 2005.

(B) On Lincolnway East and Lincolnway West, no part of any mailbox shall be closer than ten feet to the edge of the road.

(C) On all other county roads, no part of any mailbox shall be closer than 30 inches to the edge of the road.

(D) The term "edge of the road" shall refer to the edge of the road surface material that constitutes the traveled portion of the road (e.g., the edge of the pavement in the case of a paved road).

(E) The distance of any mailbox from the edge of the road shall be measured perpendicularly from a vertical line projecting upwards from the edge of the road.

(F) All mailbox posts shall be made of a break-away material (i.e., wooden post with a diameter of not greater than four and one-half inches or steel post with a diameter of not greater than two inches). All mailbox posts shall be imbedded not more than 24 inches in the ground.

(G) In addition to any remedy for enjoinder or abatement of the violation, the owner(s) of any property found to be in violation of this section shall be subject to an ordinance violation penalty in the amount of \$25. Each day that the violation exists or continues constitutes a separate violation. (Ord. 2005-15, passed 10-17-05)

**§ 90.06 STANDARDS FOR ISSUANCE OF HIGHWAY ROAD AND RIGHT-OF-WAY WORK PERMITS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COUNTY HIGHWAY ENGINEER.** The Whitley County Engineer.

**PAVEMENT.** Any hard surface treatment on the road such as chip and seal, asphalt, or concrete.

**PERMIT HOLDER.** The individual, corporation, utility or other entity that is submitting a road or right-of-way permit application.

**REGULATED DRAIN.** An open drain, a tiled drain, or a combination of the two as defined in I.C. 36-9-27-2.

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**RIGHT-OF-WAY.** The land under the driving surface and beyond the edges of the driving surface that the public has the right to use and the Board of Commissioners has the right to control.

**ROAD.** The driving surface, including but not limited to an asphalt, concrete, or gravel surface.

**WORK.** Any activity such as, but not limited to, excavating, cutting, trenching, digging, tearing, boring, installing, filling, drilling, and/or placing.

(B) *Application charges.* Prior to the commencement of any work in the right-of-way, a permit application shall be submitted to the County Highway Engineer. A non-refundable \$40 processing fee shall be submitted with the permit application(s). Unless the County Highway Engineer determines that the permit application is for an entire project, a separate permit is required for each road.

(C) *Permitting fees.*

(1) Open cut on pavement: Permit holder will be charged a fee of \$500 per single cut.

(2) Open cut on gravel road: Permit holder will be charged a fee of \$250 per single cut.

(3) Boring: For all Whitley County roads, the permit holder will be charged a fee of \$50 per crossing.

(4) Driveway permit: Permit holder will be charged a \$50 flat fee. Processing fee does not apply to driveway permits.

(D) *Application process.* Applicants shall perform and discharge all duties and responsibilities required in the application. The County Highway Engineer shall have the authority to review and issue the permit unless a known circumstance exists raising a question as to whether the permit should be issued, in which event the permit shall be conceded to the Board of Commissioners during a formal meeting. The Board of Commissioners typically meets every first and third Monday of the month.

(E) *Utility work.*

(1) In all instances where it is necessary to install all underground utility line across a paved road, the permit holder shall bore under the existing pavement. If the permit holder requests to cut the pavement and it is determined necessary by the County Highway Engineer, the Whitley County Commissioners may authorize the pavement to be cut.

(2) Open cutting of the road without the approval of the Commissioners shall only occur on gravel roads.

(F) *Private or agricultural work.* In all instances where a property owner desires to perform any work in the right-of-way, a permit is required. Right-of-way work includes, but is not limited to the following:

- (1) Any excavation;
- (2) Any filling, regrading, and/or contouring of the roadside ditch or a drainage swale; and
- (3) Any installing, repairing, or replacing of private tiles across or through the right-of-way.

(G) *Installation of tile and filling in roadside ditch.* The installation of tile and filling in of a roadside ditch is prohibited. A formal written request may be submitted to the County Highway Engineer for consideration and may be approved under special circumstances. Any roadside ditch that is filled in without the consent of the County Highway Engineer shall be excavated and re-contoured by the Whitley County Highway Department at the expense of the individual that filled in the roadside ditch without consent.

(H) *Driveway work.* The installation of a new access to any property from a Whitley County maintained road requires a driveway permit to be submitted for approval prior to driveway work being completed and that permit must meet the following applicable specifications:

- (1) Driveway must be sloped to allow surface water to drain away from the road;
- (2) A culvert pipe may be necessary under the driveway in the side ditch and must meet specified size requirements;
- (3) Side ditches are necessary for the maintenance of the county roads and they must be constructed by the owner to allow unrestricted flow of water in the right-of-way;
- (4) There shall be no landscaping in the right-of-way; and
- (5) Mailbox installations shall comply with § 90.05.

(I) *Emergency work.* Emergency work may be made without a permit any time human life may be endangered. Subsequent to the emergency work and within one working day, the County Highway Engineer shall be notified. If required, as determined by the County Highway Engineer, a formal permit must be thereafter obtained.

(J) *County regulated drains.* If the work impinges on a county regulated drain, a separate permit must be submitted to the Whitley County Drainage Board. All drains can be accessed on Beacon Whitley County.

(K) *Standards of performance.*

(1) All installations covered by this section shall be performed in accordance with the standard practices and regulations currently in use and recognized and will be designed and followed to minimize inconvenience and danger to the public at large.



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(2) Whenever an open cut is permitted, the permit holder shall, upon the completion of the installation, backfill the trench with material as specified by the County Highway Engineer, the road surface shall then be promptly replaced with like materials in a condition that is at least equal to or better than it was prior to the open cut. The surface that has been disturbed must maintain a smooth and uniform condition for a period of six months after the work is completed at the permit holder's expense. When any installation is commenced, the work shall be carried on expeditiously and without any unnecessary delay.

(3) It shall be the duty of the permit holder to erect proper warning signs and/or barricades and to provide flag-men or other appropriate warning devices proportionate to the risks involved throughout the process of the work and all permit holders shall indemnify and hold Whitley County, its agents, employees, elected officials, and assigns, harmless from any and all claims and causes of action, if any, which may be asserted or filed against the county by any persons, firms, corporations, if any, who have been injured or damaged or claim to have been injured or damaged, on account of any installations made pursuant to this section or on account of any work done in the making of such installation.

(L) *Fines.* All fines are defined below and apply to a first offense. In the event that the failure to obtain a permit happens on multiple occasions, the Whitley County Board of Commissioners may fine the responsible person(s)/company in an amount they deem suitable.

(1) *Open cut on pavement.* Failure to obtain a permit prior to making an open cut on pavement will incur a fine of at least \$1,000 per cut and will not exceed a maximum of \$2,500 per cut.

(2) *Open cut on gravel road.* Failure to obtain a permit prior to making an open cut on a gravel road incur a fine at least \$500 per cut and will not exceed a maximum of \$1,500 per cut.

(3) *Boring.* Failure to obtain a permit prior to boring will incur a fine of \$250 per crossing.

(4) *Driveway.* Failure to obtain a permit prior to installing a new access to any property from a Whitley County road will incur a fine of \$100.  
(Ord. 2020-14, passed 12-21-2020)

## CHAPTER 91: PUBLIC SAFETY

### Section

- 91.01 Smoke detectors
- 91.02 Enhanced emergency telephone system fees
- 91.03 Synthetic cannabinoid
- 91.04 Sharps, needles and medical waste disposal
- 91.05 Regulation of clandestine drug labs locations
  
- 91.99 Penalty

### § 91.01 SMOKE DETECTORS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ALARM SIGNAL.*** An audible signal indicating the detection of visible or invisible particles or products of combustion other than heat.

***AUTHORITY HAVING JURISDICTION.*** The County Building Department.

***FAMILY LIVING UNIT.*** That structure, area, room or combination of rooms in which a family (or individual) lives. This is meant to cover living area only and not common usage areas in multi family buildings such as corridors, lobbies, basements and the like.

***LABELED.*** Equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the authority having jurisdiction.

***LISTED.*** Equipment or materials included in a list published by an organization acceptable to the authority having jurisdiction and which product meets appropriate standards or has been tested and found suitable for use in a specified manner.

***NFPA74.*** Standard 74 of the National Fire Protection Association, which is located in Batterymarch Park, Quincy, MD 02269.

***RENTAL AGENT.*** A person, partnership or corporation who rents, subleases, lets or otherwise grants for a consideration the right to occupy premises not owned by the occupant. This term does not mean a real estate agent who is employed for the sole purpose of selling residential units.

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***SLEEPING AREA.*** The area or areas of the family living unit in which the bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms (but not bathrooms), are considered sleeping areas. The principal sleeping areas are defined as being that sleeping area which is customarily occupied by family members.

***SMOKE DETECTOR.*** A device which detects visible or invisible particles or products of combustion other than heat, as approved by Underwriters Laboratories, Inc. or Factory Mutual. The smoke detector shall be equipped with a test button and produce an alarm signal upon detection of any visible or invisible particles or products of combustion. It may be either battery powered with a minimum nine volt or it may be powered by a 100 volt alternating current.

(B) *Basic requirements.* All family living units within the jurisdictional area of the county shall be equipped with a minimum of one functional, properly located, labeled and listed smoke detector, or its equivalent or better, as described in the NFPA74.

(C) *Installation location.*

(1) A minimum of one smoke detector, or its equivalent or better, as described in the NFPA74, shall be installed in each family living unit within the jurisdictional area of the county.

(2) All smoke detectors must be installed according to the manufacturer's instruction and subject to the approval of the authority having jurisdiction.

(3) The smoke detector shall be installed to protect the sleeping areas and shall be located outside of the bedrooms but in the immediate vicinity or the principal sleeping area within 15 feet of the room used for the principal sleeping area.

(4) The smoke detector shall be installed on or near the ceiling, not less than six inches nor more than 12 inches from the ceiling. Its installation is subject to approval by the authority having jurisdiction. A smoke detector shall not be recessed into the ceiling.

(5) All smoke detectors shall be accessible for servicing and testing.

(6) If a smoke detector is alternating current powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of alternating current powered detectors shall conform to all electrical standards adopted by the County Building Department. A smoke detector required under this section shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any county electrical standard, the county electrical standard takes precedence.

(D) *Maintenance.*

(1) *General.* It is unlawful for a person to tamper with or remove a smoke detector, except when necessary for maintenance or inspection purposes. A smoke detector removed for repair or

replacement shall be reinstalled or replaced so that it is operable and in place during normal sleeping hours.

(2) *Rented residential dwelling units.* Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six month intervals in every individual residential dwelling unit and maintained as necessary to ensure it is in operable condition. At any change of tenancy, smoke detectors shall be tested and be in operable condition before the unit is re-occupied.

(3) *Owner occupied dwelling units.* Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six month intervals and maintained as necessary to ensure it is in operable condition.

(E) *Duty of property owner, manager or rental agent.* Every owner, or the manager or rental agent of the owner of the residential dwelling unit, is responsible for the installation of all smoke detectors. The tenant shall maintain all smoke detectors provided by the owner in good working order until the tenant vacates the premises unless the smoke detector requires an alternating current power supply, then the responsibility for maintaining the smoke detector is the responsibility of the owner, manager or rental agent of the property.

(F) *Enforcement.* The County Building Department shall enforce this section and shall require compliance with this section before issuing approval of any new construction, renovation or remodeling, which is the subject of building permits. The County Building Department may enforce this section upon complaint received from the Volunteer Fire Department of a township within the county serving the jurisdictional area of the county and the County Sheriff's Department.

(`86 Code, § 36-8-2-3) (Ord. 88-2, passed 9-6-99; Am. Ord. O-93-5, passed 2-1-93) Penalty, see § 91.99

***Statutory reference:***

*Fire fighting and fire prevention, see I.C. 36-8-2-3*

**§ 91.02 ENHANCED EMERGENCY TELEPHONE SYSTEM FEES.**

(A) Pursuant to I.C. 36-8-16.7-1 *et seq.*, there is established an emergency telephone system fee in the amount of \$1.60 per telephone access line or other exchange access facility and each service supplier shall collect such fee from each service user.

(B) Each service supplier shall be entitled to retain an administrative fee of 3% of the monthly fees collected as compensation for collecting the fees.

(C) All monthly fees collected, except for the 3% administrative fee, shall be remitted to the County Treasurer within ten days after the last day of each calendar quarter and the service supplier shall also supply, together with the fees disbursed to the Treasurer, a collection report to the Auditor.

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(D) During January of each calendar year, each service supplier that is required to collect the enhanced emergency telephone system fee shall provide the Treasurer with a delinquent fee report setting forth the name and address of each service user who is two or more months delinquent in paying the fee and shall also indicate the amount of delinquency for which each person included on the list is liable.

(E) The Treasurer shall deposit all fees disbursed by service suppliers in a separate fund entitled "Whitley County Emergency Telephone System Fund." The Treasurer may invest said funds in the same manner that other monies of the county may be invested, with all interest earned from such investments to be deposited in the Emergency Telephone System Fund.

(^86 Code, § 36-8-16-6) (Ord. O-90-14, passed 11-16-90; Am. Ord. O-93-5, passed 2-1-93; Am. Ord. 2003-12, passed 11-4-03)

***Cross reference:***

*Taxation, finance and funds, see Ch. 35*

**§ 91.03 SYNTHETIC CANNABINOID.**

(A) It is hereby declared to be unlawful for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following chemicals within the boundaries of the county:

(1) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol {also known as CP 47,497 and its C6, C7, C8, and C9 homologues}.

(2) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol {also known as HU-210}.

(3) Naphthalen-1-yl-(1-pentylindol-3-yl)methanone {also known as 1 Pentyl-3-(1-naphthoyl) indole or JWH-018}.

(4) Naphthalen-1-yl-(1-butylyndol-3-yl)methanone {also known as 1-Butyl-3-(1-naphthoyl) indole or JWH-073}.

(B) This section shall be enforced by all police agencies of the county. If any of the substances listed in division (A) of this section are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.

(C) It is not an offense under division (A) of this section if the person was acting at the direction of an authorized law enforcement agent to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance.

(D) This section does not apply to any person who commits any act described in this section pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This section likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose.

(E) Any business found to be in violation of this section will be subject to a civil fine of \$2,500. Any person found in violation of this section will be subject to a civil fine of \$1,000.

(F) The County Attorney shall have the authority to seek an injunction to close any business which refuses to or fails to comply with this section.

(G) If any provision of this section is held invalid, such invalidity shall not affect the remaining provisions of the section, which shall remain effective absent the invalid provision, and to this end, the provisions of this section are declared severable.

(Ord. 2010-12, passed 9-20-10)

**§ 91.04 SHARPS, NEEDLES AND MEDICAL WASTE DISPOSAL.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MEDICAL WASTE.** Includes any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals. This definition includes, but is not limited to: blood-soaked bandages, culture dishes and other glassware, and discarded surgical gloves.

**SHARPS.** Include home-generated sharps waste (hypodermic needles, pen needles, intravenous needles, lancets, and other devices that are used to penetrate the skin for the delivery of medications to both humans and animals).

(B) A person shall not knowingly place home-generated sharps waste, needles or medical waste in any of the following containers:

(1) Any container used for the collection of recyclable materials.

(2) Any container used for the commercial collection of recyclable materials from business establishments.

(3) Any roll-off container used for the collection of recyclable materials.

(Ord. --, passed 9-22-15; Am. Ord. 2015-11, passed 10-19-15)

**§ 91.05 REGULATION OF CLANDESTINE DRUG LABS LOCATIONS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CHEMICALS USED IN THE ILLEGAL MANUFACTURE OF CONTROLLED SUBSTANCES.*** All substances used in or resulting from the illegal manufacture of controlled substances and includes the following:

- (a) Controlled substances as defined in I.C. 35-48-1-9.
- (b) Immediate precursor as defined in I.C. 35-48-1-17.
- (c) Chemical agents and precursors as defined in I.C. 35-48-4-14.5.
- (d) Waste produced from:
  - 1. The illegal manufacture of a controlled substance; or
  - 2. The immediate precursor of a controlled substance.

***CLANDESTINE DRUG LAB OPERATION.*** Unlawful manufacture or attempt to manufacture a controlled substance within or about any dwelling, structure, or property.

***DECONTAMINATION.*** Methods such as assessment, evaluation, testing, venting, detergent scrubbing, enclosure, encapsulation, demolition, and/or removal of contaminated materials and/or substances hazardous to humans and/or the environment, and includes the proper treatment, storage, transportation, and disposal of waste in accordance with all applicable laws, regulations, and guidelines for management of solid and hazardous wastes.

***HEALTH DEPARTMENT.*** The Whitley County Health Department.

***HEALTH OFFICER.*** The Whitley County Health Officer.

***ISDH.*** Indiana State Department of Health.

***LOCATION.*** A property, dwelling, building, motor vehicle, mobile home, recreational vehicle, boat, any other human or animal conveyance and/or similar location, either fixed or temporary.

***OWNER OR OWNERS.*** Any person, firm or corporation who owns, in whole or in part, a legal or equitable interest in any dwelling, structure, vehicle, conveyance, or property.

(B) *Standard operating procedures.* Now, therefore, be it further resolved that upon notification of a clandestine drug lab site, operation, presence or a controlled substance, the Whitley County Health Department and/or Whitley County Health Officer may do any of the following:

(1) Order or declare that all or any part of a clandestine drug lab location as unfit for human habitation and/or a public nuisance, and declare the location to be restricted to Health Department personnel or law enforcement, or any other person, department, or agency authorized to enter the location by the Health Department or law enforcement.

(2) Order or declare that any part or all of the clandestine drug lab site be vacated.

(3) Post a warning sign at each entrance of the affected location with sufficient information to alert all persons that the location may be dangerous to enter and must not be entered. Any such entry of unauthorized persons may result in criminal prosecution for trespass.

(4) Order that all or any part of the clandestine drug lab site be removed, abated, contained, suspended, altered, improved, cleansed, disinfected, repaired, or purified.

(5) Orders or declarations issued by the Health Department within the scope of this section shall be noticed to the owner, tenant or occupant of the clandestine drug lab and specify a time period for compliance. Where circumstances warrant, such notice or relevant information may be provided to neighboring land owners, government officials, law enforcement, or necessary Indiana state departments.

(6) The notice of the order or declaration may be placed of record with the Whitley County Recorder, Indiana Bureau of Motor Vehicles, or holders of liens of said properties or locations upon or within which a clandestine drug lab occurred.

(7) The Health Department may request that utilities, if applicable, may be terminated at the location of a clandestine drug lab if violations to the section occur.

(8) Required third party validation testing for post-abatement sampling to ensure unbiased results.

(9) Amend or modify any of the foregoing.

(C) *Orders.*

(1) Owners, tenants, and/or occupants of a clandestine drug lab locations shall vacate the location upon verbal or written order of the Whitley County Health Department and/or Whitley County Health Officer.

(2) Owners, tenants, and/or occupants shall contact ISDH qualified inspector within ten days of the receipt of the written order or declaration issued by the Health Department.



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(3) Owners, tenant, and/or occupants shall have the clandestine drug lab location testing for the presence of methamphetamine, controlled substances, and/or its precursors within 30 days of the receipt of the Health Department Officer.

(4) Owners, tenant, and/or occupants shall have the clandestine drug lab location decontaminated within 90 days of the receipt of the Health Department Order.

(5) Until the ISDH qualified inspector issues the Health Department a manifest of decontamination, owners, tenants, and/or occupants of said clandestine drug lab may not enter in or upon the location, or remove any items from said location without Health Department of law enforcement permission. Entry upon or within said locations may result in prosecution of said persons for trespass. All items found to be inside the contaminated location must be disposed of in a proper landfill and the manifest of disposed items must accompany the final notice of decontamination. Except for law enforcement personnel, no items found within contaminated location can be seized, distributed, given, or taken from the location, as except to a proper disposal.

(6) The Health Department may review any written requests of an extension of time for decontamination of a clandestine drug lab, and release a notice of extension within five days of the request.

(7) The Health Department may request a judicial review and order for the demolition of any location.

(D) *Fines, penalties, and fees.*

(1) The Health Department may impose fines and penalties to and/or collect fees from the owners, tenants, and/or occupants of a clandestine drug lab or any other person in violation of this section, as they related to mandates, set in division (C). These fines may be imposed for the following:

- (a) Post warning notices;
- (b) Notification of affected persons;
- (c) Securing the site, providing limited access to the site, and prosecution of said owners, tenants, and/or occupants or any other person found in violation of this section;
- (d) Expenses related to the recovery of costs, including environmental assessment process;
- (e) Laboratory fees;
- (f) Remediation services;
- (g) Administrative fees; and

(h) Other associated costs.

(2) The Health Department may collect said fines and penalties through civil action in a Whitley County Court of Law or through the Whitley County Violation Bureau # 2005-14.

(E) *Right of entry.* The Health Officer may enter upon, into, or within any said location at any reasonable and proper time for the purposes of inspection, observations, measurements, sampling, and testing necessary to carry out and assure compliance with the provisions of this section or any applicable state laws.

(F) *Health Officer Authority.*

(1) It is hereby, acknowledged, understood, and declared by the Board of Commissioners of the County of Whitley, Indiana, that under this section the Health Officer is required to exercise and is vested with the authority to exercise his/her discretion and judgment in order to protect and preserve the public health, safety, and general welfare of the citizen of the County of Whitley, Indiana, with regards to the regulation of clandestine drug labs.

(2) The authority of the Health Officer to issue, deny, revoke, suspend any order or similar declaration under this section is hereby declared to be discretionary.  
(Ord. 2014-06, passed - -; Am. Ord. 2018-10, passed - -)

**§ 91.99 PENALTY.**

(A) Whoever violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(B) (1) A person, firm or corporation violating this section or who fails to comply with an order as affirmed or modified by the authority having jurisdiction is subject to a fine of \$50.

(2) Each day a violation is permitted to continue constitutes a separate offense.

(3) The violation and penalty as described in this division is not subject to any other fine or penalty within this section.

(<sup>86</sup> Code, § 36-8-2-3) (Ord. 88-2, passed 9-6-99; Am. Ord. O-93-5, passed 2-1-93)

***Statutory reference:***

*Fire fighting and fire prevention, see I.C. 36-8-2-3*



## CHAPTER 92: ANIMALS

### Section

#### 92.01 Cattle testing program

### § 92.01 CATTLE TESTING PROGRAM.

(A) *Title.* This section shall be known as the "Market Cattle Testing Program."

(B) *Purpose.*

(1) The purpose of this section is to facilitate the operation and cooperation needed in making the Market Cattle Testing Program (MCT) effective. The MCT Program shall replace the Brucellosis and Tuberculosis control program which was paid for by tax funds and which consisted of testing all eligible cattle in the county once every six years.

(2) The MCT Program provides for the collection of blood for tests and the examination of the carcasses of all slaughter animals for evidence of Brucellosis or Tuberculosis. Infected animals can be traced to the herd of origin by identification through backtags. Negative animals shall be credited to the county of origin, until the entire state has qualified as a certified Brucellosis free area and as an accredited Tuberculosis free area. (M. Bovis in cattle).

(C) *Area of responsibility.*

(1) Every herd owner and livestock dealer shall allow an official backtag to be applied to all female bovine animals two years of age and over, to any heifer showing udder development and to all bulls over six months of age that are going to slaughter.

(2) Any public livestock marketing facility within the county shall identify and apply official tags to all bovine animals as described in subsection (1) above. Identifying backtags shall be supplied free of charge to the auction markets to identify all species of animals for their convenience.

(3) Every slaughtering establishment within the county which buys identified animals from a market or direct or untagged animals shall collect and identify all blood samples from those animals as described in subsection (C)(1) and send them to the Purdue Diagnostic Laboratory for testing. The county shall supply all necessary equipment and postage.

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(4) Any livestock dealer purchasing untagged livestock within the county shall identify and apply official tags to all animals described in subsection (C)(1), unless a public livestock marketing facility agrees to provide that service to the dealer. The dealer shall identify the source of each animal presented at the market.

(5) All persons required to identify animals in accordance with this section shall file reports of that identification on forms supplied by the State Board of Animal Health.

(6) If the Market Cattle Test disclosed any reactor animal, the herd of origin shall be tested within 15 days under supervision of the State Board of Animal Health.

(7) If the owner fails to comply, a quarantine shall be enforced with attending restrictions and penalties.

(86 Code, § 15-2.1-7-1) (Ord. 3, 1970, passed 7-14-70)

***Statutory reference:***

*Tuberculosis-bovine testing, see I.C. 15-2.1-7-1;*

*Brucellosis-bovine, see I.C. 15-2.1-8-1 et seq.*

## CHAPTER 93: FAIR HOUSING

### Section

- 93.01 Policy statement
- 93.02 Definitions
- 93.03 Unlawful practice
- 93.04 Discrimination in the sale or rental of housing
- 93.05 Discrimination in residential real estate-related transactions
- 93.06 Discrimination in the provision of brokerage service
- 93.07 Interference, coercion or intimidation
- 93.08 Prevention of intimidation in fair housing cases
- 93.09 Exemptions
- 93.10 Administrative enforcement

### § 93.01 POLICY STATEMENT.

It shall be the policy of Whitley County to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, the Federal Housing and Community Development Act of 1974, as amended, and I.C. 22-9.5-1 *et seq.*

(Ord. 2000-06, passed 7-5-00)

### § 93.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGGRIEVED PERSON.** Any person who (I.C. 22-9.5-2-2):

- (1) Claims to have been injured by a discriminatory housing practice; or
- (2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.

**COMMISSION** (I.C. 22-9.5-2-3). The Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4 *et seq.*

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**COMPLAINANT (I.C. 22-9.5-2-4).** A person, including the Commission, who files a complaint under I.C. 22-9.5-6.

**DISABILITY.** With respect to a person:

- (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (2) A record of having such an impairment;
- (3) Being regarded as having such an impairment;
- (4) An impairment described or defined pursuant to the Federal Americans with Disabilities Act of 1990;
- (5) Any other impairment defined under I.C. 22-9.5-2-10.

The term **DISABILITY** shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code (I.C. 22-9.5-2-10(b)), nor does the term **DISABILITY** include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c)).

**DISCRIMINATORY HOUSING PRACTICE.** An act that is unlawful under this chapter or I.C. 22-9.5-5.

**DWELLING.** Any building, structure or part of a building or structure that is occupied as or designed or intended for occupancy as a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure or part of a building or structure that is occupied as or designed or intended for occupancy as a residence by one or more families (I.C. 22-9.5-2-8).

**FAMILIAL STATUS.** Discrimination on the basis of familial status means discrimination because the person is (1) pregnant; (2) domiciled with an individual under the age of 18 years of age in regard to whom the person is (a) the parent or legal custodian or (b) has the written permission of the parent or legal custodian for domicile with that person; or (3) in the process of obtaining legal custody of an individual younger than 18 years of age.

**FAMILY.** An individual as defined in I.C. 22-9.5-2-9 and individuals and families regardless of the actual or perceived sexual orientation, gender identity, or marital status as its members.

**PERSON (I.C. 22-9.5-2-11).** Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, nonincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers and fiduciaries.

**TO RENT** (I.C. 22-9.5-2-13). To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.  
(Ord. 2000-06, passed 7-5-00; Am. Ord. 2013-08, passed 8-19-13)

**§ 93.03 UNLAWFUL PRACTICE.**

Subject to the provisions of division (B) of this section, § 93.09 and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in I.C. 22-9.5-5-1 and in § 93.04 shall apply to:

(A) All dwellings except as exempted by division (B) of this section and I.C. 22-9.5-3;

(B) Other than the provisions of division (C) of this section, nothing in § 93.04 shall apply to:

(1) Any single family house sold or rented by an owner where the private individual owner does not own more than three such single family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any 24 month period. The private individual owner may not own any interest in, nor have owned or reserved on his or her behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single family houses at any one time. The sale or rental of any such single family house shall be excepted from application of this section only if such house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesperson or any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent or salesperson or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of § 93.04(C), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence;

(C) For the purposes of division (B) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or



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(2) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or services in two or more transaction involving the sale or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling unit designed or intended for occupancy by or occupied by five or more families.

(Ord. 2000-06, passed 7-5-00) Penalty, see § 10.99

**§ 93.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.**

As made applicable by § 93.03 and except as exempted by § 93.03(B) and § 93.09, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, disability, familial status or national origin;

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services of facilities in connection therewith, because of race, color, religion, sex, disability, familial status or national origin;

(C) To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, disability, familial status or national origin or an intention to make any such preference, limitation or discrimination;

(D) To represent to any person because of race, color, religion, sex, disability, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;

(E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status or national origin;

(F) (1) To discriminate in the sale or rental or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person;

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with such dwelling because of a disability of:

(a) That person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person;

(3) For purposes of this subsection, discrimination includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(c) In connection with the design and construction of covered multi family dwellings for first occupancy after the date that is 30 months after January 1, 2003 a failure to design and construct those dwellings in such a manner that:

1. The public use and common use portions of such dwellings are readily accessible to and usable by disabled persons;

2. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

3. All premises within such dwellings contain the following features of adaptive design;

4. An accessible route into and through the dwelling;

5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

6. Reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space;

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(4) Compliance with the appropriate requirement Americans With Disabilities Act of 1990 and of the American National Standards Institution (ANSI) standards for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of subsection (3)(c)3;

(5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.  
(Ord. 2000-06, passed 7-5-00) Penalty, see § 10.99

**§ 93.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.**

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, disability, familial status or national origin.

(B) As used in this section, the term ***RESIDENTIAL REAL ESTATE-RELATED TRANSACTION*** means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
  - (a) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
  - (b) Secured by residential real estate;
- (2) The selling, brokering or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, disability or familial status.  
(Ord. 2000-06, passed 7-5-00) Penalty, see § 10.99

**§ 93.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICE.**

It shall be unlawful to deny any person access to or membership or participation in any multiplelisting service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against him or her in the terms or conditions of such access, membership or participation on account of race, color, religion, sex, disability, familial status or national origin.  
(Ord. 2000-06, passed 7-5-00) Penalty, see § 10.99

**§ 93.07 INTERFERENCE, COERCION OR INTIMIDATION.**

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of his or her having exercised or enjoyed or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this chapter.

(Ord. 2000-06, passed 7-5-00) Penalty, see § 10.99

**§ 93.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.**

(A) No person, whether or not acting under color or law, shall by force or threat of force willfully injure, intimidate or interfere with or attempt to injure, intimidate or interfere with:

(1) Any person because of his or her race, color, religion, sex, disability, familial status or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings;

(2) Any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion, sex, disability, familial status or national origin, in any of the activities, services, organizations or facilities described in §§ 93.04 through 93.06; or

(b) Affording another person or class of persons opportunity or protection so to participate; or

(3) Any person because he or she is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, familial status or national origin, in any of the activities, services, organizations or facilities described in division (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate.

(B) Any person violating this section shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(Ord. 2000-06, passed 7-5-00)

**§ 93.09 EXEMPTIONS.**

(A) Exemptions defined or set forth under I.C. 22-9.5-3 *et seq.* shall be exempt from the provisions of this chapter to include those activities or organizations set forth under divisions (B) and (C) of this section.

(B) Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

(C) (1) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, ***HOUSING FOR OLDER PERSONS*** means housing:

(a) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program);

(b) Intended for and solely occupied by a person 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit.

(Ord. 2000-06, passed 7-5-00)

**§ 93.10 ADMINISTRATIVE ENFORCEMENT.**

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commissioner as set forth in division (B) shall be vested in the chief elected official of Whitley County, Indiana.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, Whitley County, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter herein elects to refer all formal complaints of violation of the articles of this chapter by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to I.C. 22-9.5-6 and the chief elected official of Whitley County, Indiana, shall refer all said complaints to the Commission as provided for under division (A) of this section to the Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. 22-9.5-6.

(C) All executive departments and agencies of Whitley County, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the chief elected official and the Commission to further such purposes.

(D) The chief elected official of Whitley County , Indiana, or the chief elected official's designee shall provide information on remedies available to any aggrieved person or complainant requesting such information.

(Ord. 2000-06, passed 7-5-00)

**TITLE IX: GENERAL REGULATIONS**

Chapter

**90. STREETS AND SIDEWALKS**

**91. PUBLIC SAFETY**

**92. ANIMALS**

**93. FAIR HOUSING**





## CHAPTER 90: STREETS AND SIDEWALKS

### Section

- 90.01 County Arterial Highway System
- 90.02 Street and road specifications
- 90.03 Snow removal claims
- 90.04 Snow emergencies
- 90.05 Placement of mailboxes

### § 90.01 COUNTY ARTERIAL HIGHWAY SYSTEM.

The Board of County Commissioners selects the County Arterial Highway System, based on I.C. 8-23-4-3. The identity of the highways included in this System, as added, relocated and deleted, are set forth in a list on file for public inspection in the office of the County Highway Department. (86 Code, § 8-23-4-3) (Ord. passed 4-12-46; Am. Ord. passed 8-17-92; Am. Ord. 0-93-5, passed 2-1-93)

**Statutory reference:**

*County arterial highway system, selection, changes, see IC. 8-23-4-3*

### § 90.02 STREET AND ROAD SPECIFICATIONS.

The document entitled "General and Detailed Specifications for Roads and Streets, Sidewalks, Curbs, Drainage Structures and Other Miscellaneous Items" and setting standards for county highways and streets adopted as a part of Ordinance 92-11 is incorporated in this section by reference. As required by I.C. 36-1-5-4, two copies of this document are on file in the office of the County Auditor and available for public inspection.

(86 Code, § 8-17-1-39) (Ord. 92-11, passed 12-21-92; Am. Ord. 93-05, passed 2-1-93)

**Statutory reference:**

*Construction materials, standards and tests, see I.C. 8-17-1-39*

### § 90.03 SNOW REMOVAL CLAIMS.

No claim for snow removal or other labor on county highways shall be approved by the Board of Commissioners unless the labor has first been contracted for by the County Highway Supervisor.

(86 Code, § 36-1-9-4) (Ord. passed 4-5-65; Am. Ord. 0-97, passed - -97)

**§ 90.04 SNOW EMERGENCIES.**

(A) This section shall be known as the "Snow Emergency Ordinance of Whitley County, Indiana" and shall apply to all roads, highways or rights-of-way maintained by the Whitley County Highway Department ("roads").

(B) The Board, after consultation with the Whitley County Sheriff, the Emergency Management Director and the Whitley County Highway Director, if available, or the respective representative designated by each as the person to consult in his or her absence for purposes of recommending a snow emergency declaration, may declare a snow emergency by executive order when, in the Board's judgment, such order would be in the best interests of the public safety and welfare of the residents of Whitley County, Indiana. If only one member of the Board is available, he or she can declare a snow emergency if at least two of the officials (or the respective designated representatives of each) also recommend a declaration. If no members of the Board are available to declare a snow emergency, then all three of the officials (or the respective designated representatives of each) may declare a snow emergency. The emergency shall continue in effect until the above mentioned Board members and/or officials or their respective designees who declared the emergency thereafter determine an emergency no longer exists and terminate the emergency order.

(C) If a snow emergency is declared as provided in this section, all motor vehicle travel on roads is prohibited. Motorists shall travel at their own risk and are in violation of this section if they block or impede the travel of any vehicle on a road, including any blocking or impediment caused by a stuck, stalled or abandoned vehicle.

(D) Publication and broadcast of a snow emergency declaration order shall be made or caused to be made by the Board or other officials designating the emergency using a press release to all law enforcement agencies, fire departments, hospitals and news media. The declaration shall be filed with the Whitley County Emergency Management Agency, State Emergency Management Agency, Whitley County Clerk and the Whitley County Auditor.

(E) Those vehicles exempt from this section shall include medical assistance, law enforcement, fire department, emergency management, public utility and fuel hauling vehicles and employees of any of the above exempt services if engaged in performing their respective duties. Any other vehicles violating this section are subject to removal by towing or other means at the expense of the owner of the vehicle when the towing and/or removal is deemed necessary by the County Highway Department, the County Sheriff's Department, the State Conservation Officer or the Indiana State Police.

(F) Any person violating any provisions of this section shall be guilty of the commission of an infraction and may be fined any sum not to exceed \$100 and such shall be enforceable in any court of law duly authorized by Indiana state law, and in addition to such fine the court shall be authorized to direct the violator to repay the County of Whitley any monetary losses or expenses incurred in the incident.

(Ord. 089-13, passed 11-13-89; Am. Ord. 0-93-5, passed 2-1-93; Am. Ord. 99-20, passed 12-20-99)

**§ 90.05 PLACEMENT OF MAILBOXES.**

(A) This section applies to all mailboxes placed or installed within the right-of-way of any county road in the county after November 1, 2005.

(B) On Lincolnway East and Lincolnway West, no part of any mailbox shall be closer than ten feet to the edge of the road.

(C) On all other county roads, no part of any mailbox shall be closer than 30 inches to the edge of the road.

(D) The term "edge of the road" shall refer to the edge of the road surface material that constitutes the traveled portion of the road (e.g., the edge of the pavement in the case of a paved road).

(E) The distance of any mailbox from the edge of the road shall be measured perpendicularly from a vertical line projecting upwards from the edge of the road.

(F) All mailbox posts shall be made of a break-away material (i.e., wooden post with a diameter of not greater than four and one-half inches or steel post with a diameter of not greater than two inches). All mailbox posts shall be imbedded not more than 24 inches in the ground.

(G) In addition to any remedy for enjoinder or abatement of the violation, the owner(s) of any property found to be in violation of this section shall be subject to an ordinance violation penalty in the amount of \$25. Each day that the violation exists or continues constitutes a separate violation.  
(Ord. 2005-15, passed 10-17-05)



## CHAPTER 91: PUBLIC SAFETY

### Section

- 91.01 Smoke detectors
- 91.02 Enhanced emergency telephone system fees
  
- 91.99 Penalty

### § 91.01 SMOKE DETECTORS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ALARM SIGNAL.*** An audible signal indicating the detection of visible or invisible particles or products of combustion other than heat.

***AUTHORITY HAVING JURISDICTION.*** The County Building Department.

***FAMILY LIVING UNIT.*** That structure, area, room or combination of rooms in which a family (or individual) lives. This is meant to cover living area only and not common usage areas in multi family buildings such as corridors, lobbies, basements and the like.

***LABELED.*** Equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the authority having jurisdiction.

***LISTED.*** Equipment or materials included in a list published by an organization acceptable to the authority having jurisdiction and which product meets appropriate standards or has been tested and found suitable for use in a specified manner.

***NFPA74.*** Standard 74 of the National Fire Protection Association, which is located in Batterymarch Park, Quincy, MD 02269.

***RENTAL AGENT.*** A person, partnership or corporation who rents, subleases, lets or otherwise grants for a consideration the right to occupy premises not owned by the occupant. This term does not mean a real estate agent who is employed for the sole purpose of selling residential units.

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***SLEEPING AREA.*** The area or areas of the family living unit in which the bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms (but not bathrooms), are considered sleeping areas. The principal sleeping areas are defined as being that sleeping area which is customarily occupied by family members.

***SMOKE DETECTOR.*** A device which detects visible or invisible particles or products of combustion other than heat, as approved by Underwriters Laboratories, Inc. or Factory Mutual. The smoke detector shall be equipped with a test button and produce an alarm signal upon detection of any visible or invisible particles or products of combustion. It may be either battery powered with a minimum nine volt or it may be powered by a 100 volt alternating current.

(B) *Basic requirements.* All family living units within the jurisdictional area of the county shall be equipped with a minimum of one functional, properly located, labeled and listed smoke detector, or its equivalent or better, as described in the NFPA74.

(C) *Installation location.*

(1) A minimum of one smoke detector, or its equivalent or better, as described in the NFPA74, shall be installed in each family living unit within the jurisdictional area of the county.

(2) All smoke detectors must be installed according to the manufacturer's instruction and subject to the approval of the authority having jurisdiction.

(3) The smoke detector shall be installed to protect the sleeping areas and shall be located outside of the bedrooms but in the immediate vicinity or the principal sleeping area within 15 feet of the room used for the principal sleeping area.

(4) The smoke detector shall be installed on or near the ceiling, not less than six inches nor more than 12 inches from the ceiling. Its installation is subject to approval by the authority having jurisdiction. A smoke detector shall not be recessed into the ceiling.

(5) All smoke detectors shall be accessible for servicing and testing.

(6) If a smoke detector is alternating current powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of alternating current powered detectors shall conform to all electrical standards adopted by the County Building Department. A smoke detector required under this section shall be installed according to the directors and specifications of the manufacturer, but if in conflict with any county electrical standard, the county electrical standard takes precedence.

(D) *Maintenance.*

(1) *General.* It is unlawful for a person to tamper with or remove a smoke detector, except when necessary for maintenance or inspection purposes. A smoke detector removed for repair or





replacement shall be reinstalled or replaced so that it is operable and in place during normal sleeping hours.

(2) *Rented residential dwelling units.* Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six month intervals in every individual residential dwelling unit and maintained as necessary to ensure it is in operable condition. At any change of tenancy, smoke detectors shall be tested and be in operable condition before the unit is re-occupied.

(3) *Owner occupied dwelling units.* Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six month intervals and maintained as necessary to ensure it is in operable condition.

(E) *Duty of property owner, manager or rental agent.* Every owner, or the manager or rental agent of the owner of the residential dwelling unit, is responsible for the installation of all smoke detectors. The tenant shall maintain all smoke detectors provided by the owner in good working order until the tenant vacates the premises unless the smoke detector requires an alternating current power supply, then the responsibility for maintaining the smoke detector is the responsibility of the owner, manager or rental agent of the property.

(F) *Enforcement.* The County Building Department shall enforce this section and shall require compliance with this section before issuing approval of any new construction, renovation or remodeling, which is the subject of building permits. The County Building Department may enforce this section upon complaint received from the Volunteer Fire Department of a township within the county serving the jurisdictional area of the county and the County Sheriff's Department.

(<sup>^</sup>86 Code, § 36-8-2-3) (Ord. 88-2, passed 9-6-99; Am. Ord. O-93-5, passed 2-1-93) Penalty, see § 91.99

**Statutory reference:**

*Fire fighting and fire prevention, see I.C. 36-8-2-3*

**§ 91.02 ENHANCED EMERGENCY TELEPHONE SYSTEM FEES.**

(A) Pursuant to I.C. 36-8-16-1 *et seq.*, there is established an emergency telephone system fee in the amount of \$1.60 per telephone access line or other exchange access facility and each service supplier shall collect such fee from each service user.

(B) Each service supplier shall be entitled to retain an administrative fee of 3% of the monthly fees collected as compensation for collecting the fees.

(C) All monthly fees collected, except for the 3% administrative fee, shall be remitted to the County Treasurer within ten days after the last day of each calendar quarter and the service supplier

shall also supply, together with the fees disbursed to the Treasurer, a collection report to the Auditor.

(D) During January of each calendar year, each service supplier that is required to collect the enhanced emergency telephone system fee shall provide the Treasurer with a delinquent fee report setting forth the name and address of each service user who is two or more months delinquent in paying the fee and shall also indicate the amount of delinquency for which each person included on the list is liable.

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(E) The Treasurer shall deposit all fees disbursed by service suppliers in a separate fund entitled "Whitley County Emergency Telephone System Fund." The Treasurer may invest said funds in the same manner that other monies of the county may be invested, with all interest earned from such investments to be deposited in the Emergency Telephone System Fund.

(^86 Code, § 36-8-16-6) (Ord. O-90-14, passed 11-16-90; Am. Ord. O-93-5, passed 2-1-93; Am. Ord. 2003-12, passed 11-4-03)

***Cross reference:***

*Taxation, finance and funds, see Ch. 35*

***Statutory reference:***

*Uniform fee, see I.C. 36-8-16-6*

**§ 91.99 PENALTY.**

(A) Whoever violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(B) (1) A person, firm or corporation violating this section or who fails to comply with an order as affirmed or modified by the authority having jurisdiction is subject to a fine of \$50.

(2) Each day a violation is permitted to continue constitutes a separate offense.

(3) The violation and penalty as described in this division is not subject to any other fine or penalty within this section.

(^86 Code, § 36-8-2-3) (Ord. 88-2, passed 9-6-99; Am. Ord. O-93-5, passed 2-1-93)

***Statutory reference:***

*Fire fighting and fire prevention, see I.C. 36-8-2-3*

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## CHAPTER 92: ANIMALS

### Section

#### 92.01 Cattle testing program

### § 92.01 CATTLE TESTING PROGRAM.

(A) *Title.* This section shall be known as the "Market Cattle Testing Program."

(B) *Purpose.*

(1) The purpose of this section is to facilitate the operation and cooperation needed in making the Market Cattle Testing Program (MCT) effective. The MCT Program shall replace the Brucellosis and Tuberculosis control program which was paid for by tax funds and which consisted of testing all eligible cattle in the county once every six years.

(2) The MCT Program provides for the collection of blood for tests and the examination of the carcasses of all slaughter animals for evidence of Brucellosis or Tuberculosis. Infected animals can be traced to the herd of origin by identification through backtags. Negative animals shall be credited to the county of origin, until the entire state has qualified as a certified Brucellosis free area and as an accredited Tuberculosis free area. (M. Bovis in cattle).

(C) *Area of responsibility.*

(1) Every herd owner and livestock dealer shall allow an official backtag to be applied to all female bovine animals two years of age and over, to any heifer showing udder development and to all bulls over six months of age that are going to slaughter.

(2) Any public livestock marketing facility within the county shall identify and apply official tags to all bovine animals as described in subsection (1) above. Identifying backtags shall be supplied free of charge to the auction markets to identify all species of animals for their convenience.

(3) Every slaughtering establishment within the county which buys identified animals from a market or direct or untagged animals shall collect and identify all blood samples from those animals as described in subsection (C)(1) and send them to the Purdue Diagnostic Laboratory for testing. The county shall supply all necessary equipment and postage.

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(4) Any livestock dealer purchasing untagged livestock within the county shall identify and apply official tags to all animals described in subsection (C)(1), unless a public livestock marketing facility agrees to provide that service to the dealer. The dealer shall identify the source of each animal presented at the market.

(5) All persons required to identify animals in accordance with this section shall file reports of that identification on forms supplied by the State Board of Animal Health.

(6) If the Market Cattle Test disclosed any reactor animal, the herd of origin shall be tested within 15 days under supervision of the State Board of Animal Health.

(7) If the owner fails to comply, a quarantine shall be enforced with attending restrictions and penalties.

(86 Code, § 15-2.1-7-1) (Ord. 3, 1970, passed 7-14-70)

***Statutory reference:***

*Tuberculosis-bovine testing, see I.C. 15-2.1-7-1;*

*Brucellosis-bovine, see I.C. 15-2.1-8-1 et seq.*

## CHAPTER 93: FAIR HOUSING

### Section

- 93.01 Policy statement
- 93.02 Definitions
- 93.03 Unlawful practice
- 93.04 Discrimination in the sale or rental of housing
- 93.05 Discrimination in residential real estate-related transactions
- 93.06 Discrimination in the provision of brokerage service
- 93.07 Interference, coercion or intimidation
- 93.08 Prevention of intimidation in fair housing cases
- 93.09 Exemptions
- 93.10 Administrative enforcement

### § 93.01 POLICY STATEMENT.

It shall be the policy of Whitley County to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, the Federal Housing and Community Development Act of 1974, as amended, and I.C. 22-9.5-1 *et seq.*

(Ord. 2000-06, passed 7-5-00)

### § 93.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGGRIEVED PERSON.** Any person who (I.C. 22-9.5-2-2):

- (1) Claims to have been injured by a discriminatory housing practice; or
- (2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.

**COMMISSION** (I.C. 22-9.5-2-3). The Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4 *et seq.*

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**COMPLAINANT (I.C. 22-9.5-2-4).** A person, including the Commission, who files a complaint under I.C. 22-9.5-6.

**DISABILITY.** With respect to a person:

- (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (2) A record of having such an impairment;
- (3) Being regarded as having such an impairment;
- (4) An impairment described or defined pursuant to the Federal Americans with Disabilities Act of 1990;
- (5) Any other impairment defined under I.C. 22-9.5-2-10.

The term **DISABILITY** shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code (I.C. 22-9.5-2-10(b)), nor does the term **DISABILITY** include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c)).

**DISCRIMINATORY HOUSING PRACTICE.** An act that is unlawful under this chapter or I.C. 22-9.5-5.

**DWELLING.** Any building, structure or part of a building or structure that is occupied as or designed or intended for occupancy as a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure or part of a building or structure that is occupied as or designed or intended for occupancy as a residence by one or more families (I.C. 22-9.5-2-8).

**FAMILIAL STATUS.** Discrimination on the basis of familial status means discrimination because the person is (1) pregnant; (2) domiciled with an individual under the age of 18 years of age in regard to whom the person is (a) the parent or legal custodian or (b) has the written permission of the parent or legal custodian for domicile with that person; or (3) in the process of obtaining legal custody of an individual younger than 18 years of age.

**FAMILY.** An individual (I.C. 22-9.5-2-9) or individuals having familial status at that term is defined in this section.

**PERSON (I.C. 22-9.5-2-11).** Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, nonincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers and fiduciaries.



**TO RENT** (I.C. 22-9.5-2-13). To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.  
(Ord. 2000-06, passed 7-5-00)

**§ 93.03 UNLAWFUL PRACTICE.**

Subject to the provisions of division (B) of this section, § 93.09 and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in I.C. 22-9.5-5-1 and in § 93.04 shall apply to:

(A) All dwellings except as exempted by division (B) of this section and I.C. 22-9.5-3;

(B) Other than the provisions of division (C) of this section, nothing in § 93.04 shall apply to:

(1) Any single family house sold or rented by an owner where the private individual owner does not own more than three such single family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any 24 month period. The private individual owner may not own any interest in, nor have owned or reserved on his or her behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single family houses at any one time. The sale or rental of any such single family house shall be excepted from application of this section only if such house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesperson or any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent or salesperson or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of § 93.04(C), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence;

(C) For the purposes of division (B) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

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(2) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or services in two or more transaction involving the sale or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling unit designed or intended for occupancy by or occupied by five or more families.

(Ord. 2000-06, passed 7-5-00) Penalty, see § 10.99

**§ 93.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.**

As made applicable by § 93.03 and except as exempted by § 93.03(B) and § 93.09, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, disability, familial status or national origin;

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services of facilities in connection therewith, because of race, color, religion, sex, disability, familial status or national origin;

(C) To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, disability, familial status or national origin or an intention to make any such preference, limitation or discrimination;

(D) To represent to any person because of race, color, religion, sex, disability, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;

(E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status or national origin;

(F) (1) To discriminate in the sale or rental or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person;

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with such dwelling because of a disability of:

(a) That person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person;

(3) For purposes of this subsection, discrimination includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(c) In connection with the design and construction of covered multi family dwellings for first occupancy after the date that is 30 months after January 1, 2003 a failure to design and construct those dwellings in such a manner that:

1. The public use and common use portions of such dwellings are readily accessible to and usable by disabled persons;

2. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

3. All premises within such dwellings contain the following features of adaptive design;

4. An accessible route into and through the dwelling;

5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

6. Reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space;

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(4) Compliance with the appropriate requirement Americans With Disabilities Act of 1990 and of the American National Standards Institution (ANSI) standards for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of subsection (3)(c)3;

(5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.  
(Ord. 2000-06, passed 7-5-00) Penalty, see § 10.99

**§ 93.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.**

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, disability, familial status or national origin.

(B) As used in this section, the term ***RESIDENTIAL REAL ESTATE-RELATED TRANSACTION*** means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
  - (a) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
  - (b) Secured by residential real estate;
- (2) The selling, brokering or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, disability or familial status.  
(Ord. 2000-06, passed 7-5-00) Penalty, see § 10.99

**§ 93.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICE.**

It shall be unlawful to deny any person access to or membership or participation in any multiplelisting service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against him or her in the terms or conditions of such access, membership or participation on account of race, color, religion, sex, disability, familial status or national origin.  
(Ord. 2000-06, passed 7-5-00) Penalty, see § 10.99

**§ 93.07 INTERFERENCE, COERCION OR INTIMIDATION.**

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of his or her having exercised or enjoyed or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this chapter.

(Ord. 2000-06, passed 7-5-00) Penalty, see § 10.99

**§ 93.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.**

(A) No person, whether or not acting under color or law, shall by force or threat of force willfully injure, intimidate or interfere with or attempt to injure, intimidate or interfere with:

(1) Any person because of his or her race, color, religion, sex, disability, familial status or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings;

(2) Any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion, sex, disability, familial status or national origin, in any of the activities, services, organizations or facilities described in §§ 93.04 through 93.06; or

(b) Affording another person or class of persons opportunity or protection so to participate; or

(3) Any person because he or she is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, familial status or national origin, in any of the activities, services, organizations or facilities described in division (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate.

(B) Any person violating this section shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(Ord. 2000-06, passed 7-5-00)

**§ 93.09 EXEMPTIONS.**

(A) Exemptions defined or set forth under I.C. 22-9.5-3 *et seq.* shall be exempt from the provisions of this chapter to include those activities or organizations set forth under divisions (B) and (C) of this section.

(B) Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

(C) (1) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, ***HOUSING FOR OLDER PERSONS*** means housing:

(a) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program);

(b) Intended for and solely occupied by a person 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit.

(Ord. 2000-06, passed 7-5-00)

**§ 93.10 ADMINISTRATIVE ENFORCEMENT.**

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commissioner as set forth in division (B) shall be vested in the chief elected official of Whitley County, Indiana.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, Whitley County, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter herein elects to refer all formal complaints of violation of the articles of this chapter by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to I.C. 22-9.5-6 and the chief elected official of Whitley County, Indiana, shall refer all said complaints to the Commission as provided for under division (A) of this section to the Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. 22-9.5-6.

(C) All executive departments and agencies of Whitley County, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the chief elected official and the Commission to further such purposes.

(D) The chief elected official of Whitley County , Indiana, or the chief elected official's designee shall provide information on remedies available to any aggrieved person or complainant requesting such information.

(Ord. 2000-06, passed 7-5-00)





**TITLE XI: BUSINESS REGULATIONS**

Chapter

**110.GENERAL BUSINESS REGULATIONS**

**111.TATTOO PARLORS**

**112.FOOD ESTABLISHMENTS**

**113.BROADBAND READY COMMUNITY**



## CHAPTER 110: GENERAL BUSINESS REGULATIONS

### Section

#### 110.01 License fees for horse-drawn vehicles

### § 110.01 LICENSE FEES FOR HORSE-DRAWN VEHICLES.

(A) *Enactment.* This section is enacted pursuant to Title 36 of the Indiana Code.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***HORSE-DRAWN VEHICLE.*** A buggy, carriage, dray or wagon designed and intended to use a horse or horses as motive power. The term does not include horse-drawn agricultural implements.

***OWNER.*** Includes, but is not limited to, any person, corporation, limited liability company, partnership, or other entity, trustee, lessee, or receiver, who owns, rents, leases or has exclusive use of a horse-drawn vehicle for a period of at least 30 days.

(C) *Number of horses; fee; tags.*

(1) All Township Assessors, upon the assessing of property within his or her township, shall make diligent inquiry as to the number of horse-drawn vehicles of which the property owner has in his or her possession.

(2) Every owner of a horse-drawn vehicle shall pay to the County Auditor a license fee of \$35 per calendar year for every horse-drawn vehicle owned for all or part of said calendar year.

(3) The County Auditor shall deliver to the owner a proper receipt and a numbered metallic tag for each horse-drawn vehicle upon the receipt of the license fee.

(4) The County Auditor shall note upon his or her record the description of every horse-drawn vehicle, the number of the tag delivered, and the name of the owner.

(5) The County Auditor shall assess against any person failing to pay required fees the amount of fees the person owes on or about May 15 of each calendar year. This amount shall be placed on the tax duplicate by the County Auditor to be collected as other taxes are collected.

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(D) *Records and fees.* The County Auditor shall make a record of the same and deposit the fees collected in the County Highway Fund.

(E) *Use regulated.* No owner or other person shall use or operate a horse-drawn vehicle upon a public highway, unless the metallic tag required by subsection (C)(3) is attached to the horse-drawn vehicle. It shall also be unlawful to use or operate a horse-drawn vehicle upon a public highway in the county with an expired metallic tag required in this section. Only one metallic tag provided by this section may be attached to any horse-drawn vehicle at any time, and it shall be unlawful to transfer the numbered metallic tag from one horse-drawn vehicle to another horse-drawn vehicle, or from one owner to another owner.

(F) *Violations; penalty.* Any person who violates any provision of this section shall be deemed to have committed an ordinance violation and, upon conviction, shall be fined as set forth in § 10.99. (86 Code, § 8-17-15-1; Ord. passed 11-8-72; Am. Ord. 1984-1, passed 2-6-84; Am. Ord. 2003-02, passed 1-21-03; Am. Ord. 2011-02, passed 3-7-11)

## CHAPTER 111: TATTOO PARLORS

### Section

#### *General Provisions*

- 111.01 Sanitary operation of tattoo/body piercing establishments
- 111.02 Definitions
- 111.03 Tattoo operator's training responsibilities
- 111.04 Tattoo establishment requirements
- 111.05 Tattoo operator's responsibilities
- 111.06 Tattoo operator policies
- 111.07 Tattoo artist minimum training and certification requirements
- 111.08 Patron records
- 111.09 Licenses
- 111.10 Inspections
- 111.11 Revocation/suspension of license

#### *Regulations and Requirements*

- 111.25 Illness
- 111.26 Handwashing
- 111.27 Personal protective equipment
- 111.28 Tattooing/body piercing equipment
- 111.29 Needles
- 111.30 Reusable equipment
- 111.31 Dyes or pigments, jewelry
- 111.32 Work environment
- 111.33 Infectious waste containment and transport
  
- 111.99 Penalty

**GENERAL PROVISIONS****§ 111.01 SANITARY OPERATION OF TATTOO/BODY PIERCING ESTABLISHMENTS.**

All places, individuals and businesses that offer to affix any type of permanent tattoo or temporary/permanent body piercing to a person shall be regulated by this chapter and shall be subject to all content within. All persons, individuals, and businesses must be licensed by the Whitley County Health Department prior to tattooing or body piercing. All persons or business performing tattoo/body piercing within the legal bounds of Whitley County must be licensed through the Whitley County Health Department. All licensed tattoo/body piercing establishments shall maintain on the premises, in which tattoos/body piercings are performed, equipment maintained in a sanitary manner in accordance with this chapter.

(Ord. 2017-06, passed 7-17-17)

**§ 111.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BLOOD.** Human blood.

**BLOOD BORNE PATHOGENS.** Pathogenic microorganisms that are present in human blood and can cause disease in humans, including, but not limited to, the following:

- (1) HBV;
- (2) HCV; and
- (3) HIV.

**BODY PIERCING.** Any piercing of the mucous membranes or the skin through which needles or other items are inserted for temporary or permanent placement upon a person.

**CLEANED.** The removal of all visible dust, soil, or any other foreign material.

**CONTAMINATED.** The presence or reasonably anticipated presence of blood or other potentially infectious materials (OPIM) on an item or surface.

**DECONTAMINATED.** The use of physical or chemical means to remove, inactivate, or destroy blood borne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

**DEPARTMENT.** The Whitley County Health Department.

**HBV.** The Hepatitis B Virus.

**HCV.** The Hepatitis C Virus.

**HIV.** The Human Immunodeficiency Virus.

**HEALTH DEPARTMENT.** The Whitley County Health Department, and referred to hereafter as Department.

**HEALTH OFFICER.** The duly appointed Health Officer as set forth in I.C. 16-20-2-16. The County Health Officer or his/her designee shall be designated as the official in charge of enforcing this chapter. The Health Officer may designate a representative in the department to perform those duties and responsibilities of the Health Officer.

**INFECTIOUS WASTE.** Waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to:

- (1) Contaminated sharps, or contaminated objects that could potentially become contaminated sharps.
- (2) Infectious biological cultures, infectious associated biologicals, and infectious agent stock.
- (3) Pathological waste.
- (4) Blood and blood products in liquid and semi-liquid form.
- (5) Carcasses, body parts, blood, and body fluids in liquid and semi-liquid form, and bedding of laboratory animals.
- (6) Other waste that has been intermingled with infectious waste.

**OTHER POTENTIALLY INFECTIOUS MATERIALS or OPIM.**

- (1) Human body fluid as follows:
  - (a) Semen;

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- (b) Vaginal secretions;
- (c) Cerebrospinal fluid;
- (d) Synovial fluid;
- (e) Pleural fluid;
- (f) Peritoneal fluid;
- (g) Amniotic fluid;
- (h) Saliva in dental procedures;
- (i) Any bodily fluid that is visibly contaminated with blood; and
- (j) All body fluids where it is difficult or impossible to differentiate between body fluids.

(2) Any unfixed tissue or organ, other than intact skin, from a human, living or dead.

(3) HIV-containing cell or tissue cultures, and HIV-containing or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animal infected with HIV or HBV.

***PARENTERAL.*** Piercing the mucous membranes or the skin barrier by needle sticks, human bites, cuts or abrasions.

***PERSONAL PROTECTIVE EQUIPMENT.*** Specialized clothing or equipment worn for protection against contain with blood or OPIM.

***SECURE AREA.*** An area that is designated and maintained to prevent the entry of unauthorized persons.

***SEMI-LIQUID BLOOD, BLOOD PRODUCTS.*** Blood or blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

***STERILIZE.*** The use of physical or chemical procedures to destroy all microbial life, including highly resistant bacterial endospores.

***STORE.*** The containment of infectious waste in such a manner as not to constitute collection, treatment, transport, or disposal.



***TATTOO.***

(1) Any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or

(2) Any design, letter, scroll, figure, or symbol done by scarring upon or under the skin.

***TATTOO ARTIST.*** Any person who provides a tattoo or body piercing who works for a tattoo operator or also may be a tattoo operator.

***TATTOO OPERATOR.*** Any person who controls, operates, conducts, manages, or owns a tattoo establishment.

***TATTOO ESTABLISHMENT.*** Any room where tattooing or body piercing is provided or where the business of tattooing/body piercing is conducted.

***UNIVERSAL PRECAUTIONS.*** An approach to infection control in which all human blood and certain human body fluids are treated as if known to be infected with blood borne pathogens. (Ord. 2017-06, passed 7-17-17)

**§ 111.03 TATTOO OPERATOR’S TRAINING RESPONSIBILITIES.**

Any licensed individual or entity that is a tattoo operator shall comply with the following training responsibilities:

(A) Ensure that the training described in the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030) is provided to all tattoo artist's, anyone employed by a tattoo establishment, or anyone acting on behalf of a tattoo establishment, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM. The tattoo operator must keep a copy of all blood borne pathogen training for each artist or employee at the tattoo establishment and produce them upon request.

(B) Ensure that training on the handling of infectious waste is provided to all tattoo artists, anyone employed by the tattoo establishment, or anyone acting on behalf of the tattoo establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM. The operator must maintain at the establishment a copy of infectious waste training for each artist or employee and produce them upon request.

(Ord. 2017-06, passed 7-17-17)

**§ 111.04 TATTOO ESTABLISHMENT REQUIREMENTS.**

(A) A tattoo establishment cannot be part of or attached to a dwelling, residence, hotel/motel, food service/food market locations, or apartment complex as defined in the Indiana Building Code.

(B) A tattoo establishment must be housed within a structure that is well maintained, with adequate ventilation, and with proper heating and cooling equipment.

(C) A tattoo establishment must be housed within a separate designated structure, apart from a residence.

(D) If tattoo establishment is not supplied with sanitary sewer and public water services, then the establishment have hot and cold running water that is tested monthly for coliform bacteria from a certified lab and nitrates once a year from a certified lab. A permitted and inspected septic system must be installed strictly for the use of the tattoo establishment. A tattoo establishment cannot use or connect to a septic system from another structure.

(E) A tattoo establishment must be in compliance with the regulations of all other governmental entities, including but not limited to zoning, building, planning, fire, and law enforcement. A tattoo establishment must maintain a current business license from the State of Indiana and produce it upon inspection of the facility by Health Department personnel.

(Ord. 2017-06, passed 7-17-17)

**§ 111.05 TATTOO OPERATOR'S RESPONSIBILITIES.**

(A) The tattoo operator shall ensure that all tattoo artists, anyone employed by the tattoo establishment, or anyone acting on behalf of the tattoo establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM, are provided with personal protective equipment and disposables needed to implement the precautions required by this rule and the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030).

(B) The tattoo operator shall require tattoo artist, anyone employed by the tattoo establishment, or anyone acting on behalf of the tattoo establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM to provide evidence with compliance with universal precautions education requirements contained in § 111.07 and keep a signed copy of that education at the tattoo establishment and must present it upon request.

(C) The tattoo operator shall display a description of compliance with the requirements contained in division (D).

(D) The tattoo operator shall display written materials prepared or approved by the Department explaining universal requirements and patron's rights under this rule. These materials shall include information on how to report violations of universal precautions and shall include information regarding the Department's duties to investigate.

(E) The tattoo operator shall ensure that no illicit drugs, alcohol, smoking, or vaping are consumed or permitted in the tattoo establishment.

(F) The tattoo operator shall ensure that no tattoo/body piercing shall be affixed/performed to any person that is intoxicated, suffering from delusions, or is suspected of being on mind-altering illegal or legal drugs.

(Ord. 2017-06, passed 7-17-17)

#### **§ 111.06 TATTOO OPERATOR POLICIES.**

The tattoo operator shall develop a written policy in compliance with this chapter and the requirements of the Indiana Occupational Safety and Health Administration's blood borne pathogen standard (as found in 29 CFR 1910.1030) that:

(A) Requires the use of universal precautions when performing tattooing/body piercing or any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM;

(B) Includes the safe handling of infectious waste; and

(C) Provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions and/or handle infectious waste safely.

(Ord. 2017-06, passed 7-17-17)

#### **§ 111.07 TATTOO ARTIST MINIMUM TRAINING AND CERTIFICATION REQUIREMENTS.**

All tattoo artists, anyone employed by the tattoo establishment, or anyone acting on behalf of the tattoo establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM shall complete the training program that is required under the requirements of the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030). The programs under this section shall be as follows:

(A) Blood borne pathogen training session provided by the tattoo operator meeting the requirements of the Indiana Occupational Safety and Health Administration's blood borne pathogen standard (as found in 29 CFR 1910.1030).

(B) Any blood borne pathogen continuing education program accredited by a health care licensing entity.

(C) All tattoo artists, anyone employed by the tattoo establishment and anyone acting on behalf of the tattoo establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM must be trained in the tattoo establishment's policies on the handling of infectious waste.

(Ord. 2017-06, passed 7-17-17)

### **§ 111.08 PATRON RECORDS.**

The establishment must maintain records of each patron for a minimum two years from the date of service. The record shall include the following:

(A) Patron's full name;

(B) Current and legal address;

(C) Current age of patron;

(D) A patron's identify must be verified by two forms of identification (ID), one being a form of ID with a current photograph and one being a government issued ID (they may be the same, but only constitutes one form). Types of identification that are suitable: Driver license, passport, military ID, current school year ID, birth certificate, marriage license (credit or debit cards are not suitable forms of ID);

(E) The date the tattoo or piercing is started and the date of subsequent tattooing of same tattoo. New applications must be made for separate and distinct tattoos;

(F) The design of the tattoo;

(G) The location of the tattoo;

(H) The full and legal name of the tattoo artist who performed the work; and

(I) Parental consent must be in writing when performed on any minor as required by law (anyone younger than 18 years of age). Parent or guardian must comply with division (D) and provide the same type and amount of identification.

(Ord. 2017-06, passed 7-17-17)

**§ 111.09 LICENSES.**

(A) *Facility.* Each tattoo/body piercing facility operation shall obtain a license from the Department. A license must be purchased prior to the operation of the facility. The license shall provide the name and home address of the owner. The name and address of the facility. The name of each artist employed by the facility. The cost of the license shall be \$500 annually and expiring on December 31 of every year. Any holder of the license shall be subject to inspection during normal business hours. The Department shall provide appropriate forms for obtaining a license. Said license shall be posted in a conspicuous place inside the facility.

(B) *Tattoo artist.* Every person that desires to perform tattooing/body piercing shall obtain a license from the Department. This license must be obtained prior to the performance of tattooing/body piercing. The applicant must satisfy the minimum requirements as set forth herein § 111.09. The cost of said license shall be \$100 annually and each license will expire on December 31 of each year. Any holder of a license will be subject to inspection by the Department during normal business hours. The Department shall provide appropriate forms for obtaining a license. Each individual license shall be posted in a conspicuous location inside the facility.

(C) *Owner/operator.* If a tattoo/body piercing facility owner is a sole proprietorship and the owner also performs tattooing for his/her business, the owner shall be only required to obtain a facility license.

This provision shall not be transferred to any other artist.

(D) *Pro-rated fees.* If an owner/artist applies for a license at any time after July 1 of each year, the fees for that license shall be one-half the annual cost. Any pro-rated license purchased shall expire December 31 of the year it was purchased.

(Ord. 2017-06, passed 7-17-17)

**§ 111.10 INSPECTIONS.**

The Department shall conduct inspections of each and every tattoo/body piercing facility located in Whitley County, Indiana. The Department shall conduct a minimum of four inspections every year. Preferably inspections of said facilities shall occur once per quarter of each calendar year, but this is not a requirement. Additional inspections may be conducted by the Department as it determines and/or in response to complaints submitted in writing, to the Department. The results of the inspections shall be provided to the operator/owner. Violations noted by the Department shall be corrected immediately. The Department shall conduct follow-up inspections to determine compliance with this chapter.

(Ord. 2017-06, passed 7-17-17)

**§ 111.11 REVOCATION/SUSPENSION OF LICENSE.**

The Health Officer or his/her designee may suspend or revoke the license of any facility or artist for any period of time for any violation of this chapter or law enforcement action. The suspension and/or revocation shall be effective upon issuance by the Health Officer or his/her designee. The facility/artist may have their license reinstated upon compliance with this chapter, and/or state or federal regulations. Appeals of orders, or orders of suspension/revocation shall be conducted pursuant to I.C. 4-21.5-3-1 *et seq.* by the Department. The Department shall conduct administrative hearings concerning appeals to orders pursuant to I.C. 4-21.5-3-1 *et seq.*  
(Ord. 2017-06, passed 7-17-17)

***REGULATIONS AND REQUIREMENTS*****§ 111.25 ILLNESS.**

Tattoo artists who are experiencing symptoms of acute disease that include, but are not limited to the following list, shall refrain from providing tattoos/body piercings:

- (A) Diarrhea;
- (B) Vomiting;
- (C) Fever;
- (D) Rash;
- (E) Productive cough;
- (F) Jaundice; or

(G) Draining (or open) skin infections, boils, impetigo, or scabies.  
(Ord. 2017-06, passed 7-17-17)

**§ 111.26 HANDWASHING.**

Handwashing facilities shall be within 20 feet of the tattooing/body piercing bench, seat, location and in the same room as the bench, seat, location. Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment. Only single use towels shall be used.  
(Ord. 2017-06, passed 7-17-17)

**§ 111.27 PERSONAL PROTECTIVE EQUIPMENT.**

Appropriate personal protective equipment shall be worn as follows:

(A) A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination by blood or OPIM.

(B) Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(C) Disposable gloves shall be worn during the tattooing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

(D) Gloves shall be worn decontaminating environmental surfaces and equipment.  
(Ord. 2017-06, passed 7-17-17)

**§ 111.28 TATTOOING/ BODY PIERCING EQUIPMENT.**

(A) Only single use razors shall be used to shave the area to be tattooed/pierced.

(B) All stencils shall be properly disposed of after a single use.

(C) If the design is drawn directly onto the skin, it shall be applied with a single use article only.  
(Ord. 2017-06, passed 7-17-17)

**§ 111.29 NEEDLES.**

(A) Needles shall be individually packaged and sterilized prior to use.

(B) Needles and needle bars shall be single use only.

(C) Needles and needle bars shall be discarded in a sharps containers immediately after each use.

(D) Contaminated needles shall not be broken, bent, or otherwise manipulated by hand.  
(Ord. 2017-06, passed 7-17-17)

**§ 111.30 REUSABLE EQUIPMENT.**

(A) A monthly tested heat and steam autoclave, capable of sterilization, must be used when nondisposable equipment must be sterilized.

(B) A record of sterilization must be maintained to document the following:

(1) Duration of sterilization time;

(2) Identification of equipment being sterilized;

(3) Time and date of sterilization;

(4) Determination of effective sterility, such as use of a biological indicator, performed monthly; and

(5) Equipment is maintained as recommended by the owner's manual and proof is available that the owner's manual recommendations are reviewed monthly.

(C) Reusable contaminated equipment shall be:

(1) Placed in a commercially made "sharps" container, for broken equipment that may puncture skin;

(2) Labeled with a biohazard symbol;

(3) Leak-proof on both sides and bottom; and

(4) Stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.

(D) Contaminated reusable equipment shall be effectively cleaned prior to sterilization.

(E) Reusable tubes shall be effectively cleaned and sterilized before re-use.

(Ord. 2017-06, passed 7-17-17)

**§ 111.31 DYES OR PIGMENTS, JEWELRY.**

(A) All dyes or pigments in tattooing shall be from commercial suppliers specifically providing dyes or pigments for the tattooing of human skin.

(B) In preparing dyes or pigments to be used by tattoo artists, only non-toxic sterile materials shall be used. Single or individual portions of dyes or pigments in clean, sterilized containers shall be used for each patron.



(C) After tattooing, the remaining unused dye or pigment in the single use or individual containers shall be discarded along with the container. Dyes/pigments cannot be shared among individuals.

(D) All jewelry placed in a piercing by an artist, or any establishment employee, must be first sterilized.

(Ord. 2017-06, passed 7-17-17)

**§ 111.32 WORK ENVIRONMENT.**

(A) No tattooing/body piercing shall be conducted in any room used as a living quarters or in any room that directly opens directly into living or sleeping quarters.

(B) Live animals shall be excluded from a tattoo/body piercing facility. Exceptions are for guide canines for deaf, blind patrons, and for service canines only.

(C) Eating, drinking, or the applying of cosmetics shall be allowed only in a separate room within the facility that is separated by a full wall and closeable door.

(D) Smoking or vaping shall not be allowed within the tattoo/body piercing facility.

(E) All equipment and environmental surfaces shall be cleaned and decontaminated after contact by blood or OPIM, shall be cleaned and decontaminated with bactericide and virucide commercial products (even if the equipment or environmental surfaces do not require sterilization).

(F) All work surfaces shall be:

(1) Nonabsorbent;

(2) Easily cleanable;

(3) Smooth; and

(4) Free of breaks, open seams, cracks, chips, pits or similar imperfections.

(Ord. 2017-06, passed 7-17-17)

**§ 111.33 INFECTIOUS WASTE CONTAINMENT AND TRANSPORT.**

(A) Contaminated disposable needles, instruments, and infectious wastes shall be stored in leak-resistant, puncture-resistant, tightly sealed to prevent expulsion, labeled with a bio-hazard symbol commercially made "sharps" container. These containers must be labeled, effectively sterilized, and logged on sterilization sheet prior to storage before being sent for final disposal. If sterilization cannot be achieved, said container(s) must be removed from the facility by a licensed company within 48 hours of closure.

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(B) The facility must keep a signed copy of the contract with the waste disposal company for infectious waste disposal at the facility and available upon request.

(C) "Sharps" containers sterilized and stored prior to disposal must be stored in area not available to patrons, off the floor by six inches and in a container of plastic or metal that is leak-proof and water proof with a sealable lid and labeled with a bio-hazard label.

(D) Storage containers identified in division (C) must be cleaned with bactericide and virucide each time they are emptied.

(E) Infectious waste shall only be removed from the facility by Indiana Department of Environmental Management Licensed company employees (Rule 410 I.A.C. 1-3).

(F) Infectious waste shall not be disposed of by means of the sanitary sewer or authorized septic system.

(Ord. 2017-06, passed 7-17-17)

**§ 111.99 PENALTY.**

(A) If any person fails to obtain a facility or artist license prior to, or after expiration, suspension, or revocation and conducts business or affixes a tattoo, or performs a body piercing may be subject to a fine up to a maximum of \$500 per violation per day from the time of the violation. Any violation to this chapter, by any person, may be subject to a fine of up to \$500 per violation per day.

(B) The Health Officer may bring action in the circuit or superior court to enforce this chapter. The Health Officer shall be entitled to recover all costs and expenses associated with any action for enforcement of this chapter, including attorney's fees and costs.

(C) The use of the Whitley County Ordinance Violation Bureau, codified herein as §§ 31.85 through 31.91, may be substituted for the issuance of fines/penalties.

(Ord. 2017-06, passed 7-17-17)

## CHAPTER 112: FOOD ESTABLISHMENTS

### Section

- 112.01 Definitions
- 112.02 Permits
- 112.03 Minimum requirements for retail food establishments
- 112.04 Sale, examination, and condemnation of unwholesome, adulterated or misbranded food
- 112.05 Inspection of retail food establishments
- 112.06 Inspection of temporary food establishments
- 112.07 Authority to enter and to copy records
- 112.08 Approval of plans
- 112.09 Mobile food units
  
- 112.99 Penalty

### § 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BED AND BREAKFASTS.*** An operator occupied residence that provides sleeping accommodations of no more than 14 consecutive days to the public for a fee; has no more than five guest rooms; and provides breakfast to its guests as part of the fee.

***CARRY-OUT FOOD SERVICE ESTABLISHMENT.*** A food establishment where food is prepared and consumption is off of the premises.

***CERTIFIED FOOD PROTECTION MANAGER.*** Any person, individual, who has successfully completed an accredited food safety course, approved by the Indiana State Department of Health, and has received a certificate.

***FARMERS' MARKET.*** A location in or outside of a structure in which un-cut fruits, vegetables and grown commodities, along with non-potentially hazardous food products are sold.

**FOOD SERVICE ESTABLISHMENTS.** Any place where food is prepared and intended for individual portion service, including the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for food. The term does not include private homes where food is prepared or served for individual family consumption.

**HEALTH OFFICER.** Shall mean the Whitley County Health Officer of the Whitley County Health Department, Whitley County, Indiana, or his/her duly assigned representative.

**HOME BASED VENDOR.** Vendors allowed to produce non-potentially hazardous food in their residence to be sold at a roadside stand or a farmers' market.

**MOBILE FOOD SERVICE ESTABLISHMENT.** A vehicle or vehicle-moved food service establishment that may operate for more than 14 consecutive days.

**NOT-FOR-PROFIT.** Any organization constructed under the IRS 501-C3 Federal Code.

**PERSON.** Includes individuals, partnerships, corporations, associations, limited licensed cooperatives, group, or any other legal entity.

**RETAIL FOOD ESTABLISHMENT.** May include any other definition for establishment or store, or providing for the incorporation by reference the following Indiana Department of Health Rules: 410-IAC 7-15.1, Food Service Sanitation Requirements; 410 IAC 7-16.1, Sanitation of Retail Food Markets; and 410 IAC 7-17 and/or 410 IAC 7-24, Sanitation of Vending of Food and Beverages, or as the same may be hereafter changed or amended.

**RETAIL FOOD STORE.** Any establishment or section of establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities and/or individual portion service. The term includes establishments which handle only pre-packaged potentially hazardous food products are offered, may include limited food service, and food and beverage vending machines.

**TEMPORARY FOOD SERVICE ESTABLISHMENTS.** A food service establishment that operates at a fixed location for a period of time, not more than 14 consecutive days in conjunction with a single event.  
(<sup>86</sup> Code, § 16-42-5-24(a)) (Ord. 1-1961, passed 1-2-61; Am. Ord. 85-9, passed 12-16-85; Am. Ord. O-90-17, passed 12-3-90; Am. Ord. O-90-17, passed 8-5-13; Am. Ord. 2019-12, passed 12-2-19)

**§ 112.02 PERMITS.**

(A) (1) It shall be unlawful for any food service establishment, food store, bed and breakfast to operate without first obtaining a permit for the Whitley County Health Department (WCHD).

(2) Only persons or organizations who comply with all provisions of this chapter and reference state and federal laws will be given a permit.

(3) All permits, paid for with a fee or not will be posted in a conspicuous place easily visible by patrons.

(4) All permits are only good for the calendar year in which they were purchased for. No matter when the permit was purchased, the permit will expire on December 31 of the intended year of the permit. Except as noted for temporary permits.

(5) Temporary permits are only good for one day, 24-hour period, expiring at midnight every night for a period no longer than 14 consecutive days.

(6) A new permit is required when change of ownership of the establishment occurs.

(7) All permits shall be required to contain the following information:

(a) Owner's name;

(b) Owner's business or home address;

(c) Owner's business or home phone number and email;

(d) Address of business;

(e) Phone number and email of business;

(f) Certified food protection manager's name and a copy of the certificate;

(g) Name of contact other than owner, if owner is not present on-site for daily operations; and

(h) Signature of owner, or manager.

(8) All permits will be accompanied with a placard, which may have some of the information listed above.

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(9) A person, organization, group, or company who owns more than one establishment within Whitley County must purchase a separate permit for each location.

(10) Permits not renewed by January 31 will result in immediate closure. A re-instatement fee of \$100 will be required by re-opening.

(B) (1) A schedule of permit fees are listed below.

Food Service Establishment	
1 - 20 employees	\$100
21 employees or more	\$200
Late fees for permit purchased after January 1	\$25/day
Temporary Food Service Establishment	
Not longer than 5 consecutive days	\$20/event
Mobile Food Service Establishment	\$100/intended year
Retail Food Stores	
Up to 3,000 sq. ft. floor space	\$100
3,001 - 20,000 sq. ft. floor space	\$200
20,001 - 40,000 sq. ft. floor space	\$300
Over 40,001 sq. ft. floor space	\$500
Vending Machine Locations	\$100/building
Permits for new facilities opening after September 1	\$50 reduced

(2) *Permit and fee exemption.* No permit shall be required and no permit fee shall be paid by retail food establishments operated by religious educational, or charitable organization. However, such establishments shall comply with other provisions of this chapter, including inspections.

(3) Exemption from compliance (SEA 190) - an organization that is exempt from the Indiana gross income tax under I.C. 6-2.1-3-20 through I.C. 6-2.1-3-22 and that offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from complying with the requirements of the ordinance that may be imposed upon the sale of food at that event if:

(a) Members of the organization prepare or donate the food that will be sold;

(b) Events conducted by the organization under this section take place for no more than 14 days in any calendar year; and

(c) The name of each member who has prepared a food item is attached to the container in which the food item is offered for sale.

(<sup>86</sup> Code, § 16-42-5-24(b)) (Ord. 1-1961, passed 1-2-61; Am. Ord. 85-9, passed 12-16-85; Am. Ord. O-90-17, passed 12-3-90; Am. Ord. O-90-17, passed 8-5-13; Am. Ord. 2019-12, passed 12-2-19)

### **§ 112.03 MINIMUM REQUIREMENTS FOR RETAIL FOOD ESTABLISHMENTS.**

All retail food establishments and vending machines shall comply with minimum requirements specified by the Indiana State Department of Health Rules 410 IAC 7-15, 410 IAC 7-16.1, 410 IAC 7-17, 410 IAC 7-24, and I.C. 16-42-5.2-8, two copies of which are on file in the Office of the Whitley County Health Department for public inspection. A food establishment must have at least one certified food protection manager responsible for all periods of the food establishment's operation. Each food establishment must have access to the Indiana Food Code 410 IAC 7-24.

(<sup>86</sup> Code, § 16-42-5-24(c)) (Ord. 1-1961, passed 1-2-61; Am. Ord. 85-9, passed 12-16-85; Am. Ord. O-90-17, passed 12-3-90; Am. Ord. O-90-17, passed 8-5-13; Am. Ord. 2015-01, passed 3-16-15; Am. Ord. 2019-12, passed 12-2-19)

### **§ 112.04 SALE, EXAMINATION, AND CONDEMNATION OF UNWHOLESOME, ADULTERATED OR MISBRANDED FOOD.**

It shall be unlawful for any person to sell through a retail food establishment any food which is unwholesome, adulterated, or misbranded as provided in the Indiana Food, Drug, and Cosmetic Act I.C. 16-1-28 through 16-1-31. Samples of food may be taken and examined by the Health Officer as often as may be necessary to determine freedom from contamination, adulteration, or misbranding; provided that in the case of misbranding, which can be corrected by proper labeling, such food may be released to the operator. The Health Officer may also cause to be removed or destroyed, any food products, perishable articles which are unsound, or contain filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

(<sup>86</sup> Code, § 16-42-5-24(d)) (Ord. 1-1961, passed 1-2-61; Am. Ord. 85-9, passed 12-16-85; Am. Ord. O-90-17, passed 12-3-90; Am. Ord. O-90-17, passed 8-5-13; Am. Ord. 2019-12, passed 12-2-19)

### **§ 112.05 INSPECTION OF RETAIL FOOD ESTABLISHMENTS.**

(A) *Frequency of inspection.* At least once each calendar year the Health Officer shall inspect each retail food operation for which a permit is required under the provisions of this chapter, or as frequently as deemed necessary on a risk or performance based assessment. The Health Officer will encourage inspections of operations with complex food menus to be more frequent.

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(B) *Handling of violations.* If during the inspection of any retail food operation the Health Officer discovers the violation of any of the requirements in § 112.03, he/she shall issue a written order listing such violations to the proprietor or, in their absence, the person in charge of the operation. Refusal to sign an acknowledgment of receipt of inspection does not preclude the proprietor or operator from completing the order. A timely correction shall be made as directed by the Health Officer. A copy of the written order shall be filed at the Health Department.

(C) *Re-inspection for violation correction.* If upon a second or subsequent inspection the Health Officer finds that a retail food operation, person or employee is violating previously ordered corrections to the ordinance, the Health Officer may issue fines and penalties, suspend or revoke the permit for operation of said facility, and/or furnish evidence to the Whitley County Prosecuting Attorney for further legal proceedings.

(D) *Suspension of a permit.* The Health Officer may suspend any permit issued by the Health Department without notice or hearing for a period no longer than 15 days. The suspension may be the result of discovery of unsanitary conditions which are or may result in a health hazard, interference with the Health Officer performing their duties, or refusal or incompleteness of previously ordered violations to this chapter. Upon written request filed in the Health Department within five days of the suspension, the Health Officer shall conduct a hearing with three Health Board members. The hearing shall occur at the Health Department and notes shall be recorded and kept at the Health Department.

(E) *Revocation of a permit.* The Health Officer may revoke the permit of any facility, after the five day waiting period for request of a hearing. If the request of hearing does not occur, then the Health Officer may revoke the permit without hesitation. The revocation may be for any time period.

(F) *Reinstatement of permit.* Any person whose permit has been suspended must pay any fines and penalties and must have completed all previous orders. Any person whose permit has been revoked must apply for a new permit and pay the appropriate fee.

(`86 Code, § 16-42-5-24(e)) (Ord. 1-1961, passed 1-2-61; Am. Ord. 85-9, passed 12-16-85; Am. Ord. O-90-17, passed 12-3-90; Am. Ord. O-90-17, passed 8-5-13; Am. Ord. 2019-12, passed 12-2-19)

### § 112.06 INSPECTION OF TEMPORARY FOOD ESTABLISHMENTS.

(A) *Frequency.* An inspection must be made before the event starts and at least once during the event for events lasting more than three days. For events less than three days, an inspection must occur of the establishment before the event starts.

(B) *Violations.* When a violation is noted for a temporary or mobile unit, the violation must be corrected immediately.

(C) *Revocation of permit.* Failure to correct noted violations, or operating in a manner unsafe for humans may result in a revocation of permit for that event.



(D) *Penalties.* Any temporary or mobile establishment may be fined or occur penalties for any and all violations, or for not purchasing a permit.

(<sup>86</sup> Code, § 16-42-5-24(f)) (Ord. 1-1961, passed 1-2-61; Am. Ord. 85-9, passed 12-16-85; Am. Ord. O-90-17, passed 12-3-90; Am. Ord. O-90-17, passed 8-5-13; Am. Ord. 2019-12, passed 12-2-19)

**§ 112.07 AUTHORITY TO ENTER AND TO COPY RECORDS.**

The retail food establishment operator shall, upon request of the Health Officer, permit the Health Officer to access all parts of the food establishment, employee health records (IAC 120-127), and shall permit the Health Officer to collect evidence and/or exhibits, and to copy all records relative to the enforcement of this chapter.

(<sup>86</sup> Code, § 16-42-5-24(g)) (Ord. 1-1961, passed 1-2-61; Am. Ord. 85-9, passed 12-16-85; Am. Ord. O-90-17, passed 12-3-90; Am. Ord. O-90-17, passed 8-5-13; Am. Ord. 2019-12, passed 12-2-19)

**§ 112.08 APPROVAL OF PLANS.**

All retail food establishments which are hereafter constructed, altered, repaired, or remodeled shall conform to the applicable requirements of the Indiana State Department of Health and the Indiana Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted to the Health Officer, prior to any construction work.

(<sup>86</sup> Code, § 16-42-5-24(h)) (Ord. 1-1961, passed 1-2-61; Am. Ord. 85-9, passed 12-16-85; Am. Ord. O-90-17, passed 12-3-90; Am. Ord. O-90-17, passed 8-5-13; Am. Ord. 2019-12, passed 12-2-19)

**§ 112.09 MOBILE FOOD UNITS.**

(A) Each mobile food unit must have a permit as required under this chapter and must otherwise comply with all motor vehicle safety requirements as prescribed by the State of Indiana.

(B) Each mobile food unit operator must allow an inspection of each unit in operation by the County Health Officer at anytime and is subject to the provisions and remedies contained in § 112.06(B) and § 112.06(C).

(C) All mobile food units must be operated in a safe manner and shall not be parked upon the traveled portion of a state or county highway or in a situation that creates a hazard or danger to any person.

(Ord. 2015-01, passed 3-16-15)

**§ 112.99 PENALTY.**

The Health Officer may assess fines and penalties for violations to this chapter by means of the Whitley County Citation Bureau Ordinance or as allowed under IAC 7-23. In addition to any civil penalty that may be imposed, any person violating provisions of this chapter may be subject to a Class A Infraction. Each day that the violation exists constitutes a separate violation.  
(`86 Code, § 16-42-5-24(I)) (Ord. 1-1961, passed 1-2-61; Am. Ord. 85-9, passed 12-16-85; Am. Ord. O-90-17, passed 12-3-90; Am. Ord. O-90-17, passed 8-5-13; Am. Ord. 2019-12, passed 12-2-19)

## CHAPTER 113: BROADBAND READY COMMUNITY

### Section

- 113.01 Definitions
- 113.02 General provisions
- 113.03 Processes and procedures

### § 113.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PERMIT.** Any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a project.

**PROJECT.** The construction or deployment of wireline or wireless communications facilities to provide communications services (as defined in I.C. 8-1-32.5-3) in a unit.  
(Ord. 2019-10, passed 9-3-19)

### § 113.02 GENERAL PROVISIONS.

The applicable governing body of the unit shall:

- (A) Appoint a single point of contact for all matters related to a project;
- (B) Establish procedures to allow all forms, applications, and documentation related to a project to be filled or submitted and signed by electronic means;
- (C) Review and approve or reject all applications for a permit related to a project within ten business days after an application is filed or submitted; and
- (D) Assure that after an application is approved pursuant to division (C), any inspections, including any additional necessary approvals, related to a project will occur in a timely and expeditious manner.  
(Ord. 2019-10, passed 9-3-19)

**§ 113.03 PROCESSES AND PROCEDURES.**

Processes and procedures established hereunder may not do the following:

- (A) Require an applicant to designate a final contractor to complete a project;
- (B) Impose a fee to review an application or issue a permit for a project;
- (C) Impose a seasonal moratorium on the issuance of permits for a project; or

(D) Discriminate among communications service providers or utilities with respect to any action described in this section or otherwise related to a project, including granting access to public rights-of-way, infrastructure and poles, river and bridge crossings, and any other physical assets owned or controlled by Whitley County.

(Ord. 2019-10, passed 9-3-19)

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130.GENERAL OFFENSES**



**[RESERVED]**

**CHAPTER 130: GENERAL OFFENSES**





**TITLE XV: LAND USAGE**

Chapter

**150.BUILDING REGULATIONS**

**151.PUBLIC AND SEMI-PUBLIC SWIMMING POOLS**

**152.SUBDIVISION REGULATIONS**

**153.ZONING CODE**

**154.WIND ENERGY CONVERSION SYSTEMS**



## CHAPTER 150: BUILDING REGULATIONS

### Section

#### *General Provisions*

- 150.01 Building authority
- 150.02 Building enforcement

#### *Building Code*

- 150.20 Title
- 150.21 Purpose
- 150.22 Authority
- 150.23 Scope
- 150.24 Application to existing buildings and structures
- 150.25 Adoption of regulations by reference
- 150.26 Application for permits
- 150.27 Permit required
- 150.28 Review of application
- 150.29 Other ordinances
- 150.30 Fees
- 150.31 Inspection
- 150.32 Alarm systems
- 150.33 Entry
- 150.34 Stop order
- 150.35 Certificate of occupancy
- 150.36 Workmanship
- 150.37 Right of appeal

#### *Plumbing System Standards*

- 150.50 Definitions
- 150.51 Administrative agency
- 150.52 Advisory committee
- 150.53 Plumbing rules and regulations
- 150.54 Permits
- 150.55 Permit fees
- 150.56 Inspections
- 150.57 Notices
- 150.58 Enforcement

150.98 Violations

**GENERAL PROVISIONS**

**§ 150.01 BUILDING AUTHORITY.**

Whitley County and the City of Columbia City agree:

(A) The Columbia City/Whitley County Joint Planning and Building Department is the single agency designated to administer building rules and inspection within the boundaries of the units of government which are parties hereto;

(B) The Building Commissioner of the Columbia City/Whitley County Joint Planning and Building Department is authorized and empowered to issue building permits, make inspections, order corrections of violations, issue certificates of occupancy and to perform such other ministerial duties as are commonly performed in the execution of his or her office on behalf of the parties hereto;

(C) That any appeal to a decision by the Building Commissioner shall lie first with the Local Board pursuant to I.C. 36-7-8-9 and to the Fire Prevention and Building Safety Commission as provided for in I.C. 22-12-7;

(D) That any judicial remedy sought by the Building Commissioner to enforce his or her lawful orders to obtain compliance with the building rules of the parties thereto shall be brought to the Attorney of the unit of government within which boundaries a violation occurs for disposition;

(E) That such permit fees that are collected by the Building Commissioner shall be accounted for and deposited in the General Fund of Whitley County and shall be considered full payment for any inspection services provided by his or her office on behalf of the parties thereto;

(F) That this agreement shall become effective upon approval by the Board of County Commissioners of Whitley County and the Common Council of the City of Columbia City and upon signing this document by their chief executive officers;

(G) This agreement shall be in effect continuously year to year without the necessity of a formal renewal by any party thereto, unless terminated by the resolution of the Board of County Commissioners of Whitley County.

(`86 Code, § 36-7-8-7) (Res. R-94-02, passed 1-17-94; Am. Ord. 97- , passed - -97)

**Statutory reference:**

*Single agency for building authority, see I.C. 36-7-8-7*

§ 150.02 BUILDING ENFORCEMENT.

(A) Pursuant to I.C. 36-7-9-1, there is established, in both the city and the county, the Columbia City-Whitley County Unsafe Building Law.

(B) I.C. 36-7-9-1 through I.C. 36-7-9-28 is incorporated by reference in the Columbia City-Whitley County Unsafe Building Law. All proceedings within the city and county for the inspection, repair and removal of unsafe buildings shall be governed by that law and the provisions of this section.

(C) If the provisions of this section conflict with the provisions of I.C. 36-7-9-1 *et seq.*, then the provisions of the state statute shall control.

(D) The Columbia City-Whitley County Planning Department, created by the Joint Planning Ordinance, is renamed the Columbia City-Whitley County Planning-Building Department (hereinafter referred to as the "Department") and is authorized to administer and proceed under the provisions of the Columbia City-Whitley County Unsafe Building Law in ordering the repair or removal of any building found to be unsafe as specified therein or as specified in this section. The Executive Director of the Columbia City-Whitley County Planning-Building Department, formerly Columbia City-Whitley County Planning Department, shall be the enforcement authority, as that term is defined and used in I.C. 36-7-9 and this section.

(E) All buildings, or portions of buildings, within Columbia City or the County of Whitley which are determined, after inspection by the Department, to be unsafe, as defined in this section, are declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

(F) The description of an unsafe building contained in I.C. 36-7-9-4 is supplemented to provide minimum standards for building condition or maintenance in Columbia City and Whitley County by adding the following definition: **UNSAFE BUILDING** means a building or structure which has any or all of the conditions or defects hereinafter described, if the conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered:

(1) Whenever any door, aisle, passageway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;

(2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic;

(3) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose or location;

(4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause to such an extent that the structural strength or stability thereof is materially less than

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it was before such catastrophe and is less than the minimum requirements of new buildings of similar structure, purpose or location;

(5) Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged or to collapse and thereby injure persons or damage property;

(6) Whenever any portion of a building or any member, appurtenance or ornamentation on the exterior of the building is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose or location without exceeding the working stresses permitted for such buildings;

(7) Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;

(8) Whenever the building or structure, or any portion thereof, because of:

(a) Dilapidation, deterioration or decay;

(b) Faulty construction;

(c) The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;

(d) The deterioration, decay or inadequacy of its foundation; or

(e) Any other cause, is likely to partially or completely collapse;

(9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;

(10) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;

(11) Whenever the building or structure, exclusive of the foundation, shows 33% or more damage or deterioration of its supporting member or members or 50% damage or deterioration of its non-supporting members, enclosing or outside walls or coverings;

(12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated so as to become:

(a) An attractive nuisance to children; or

(b) Freely accessible to persons for the purpose of committing unlawful acts;

(13) Whenever any building or structure has been constructed, exists or is maintain in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations or this city or county or of any law or ordinance of this state, of this city or County relating to the condition, location or structure of buildings;

(14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member or portion less than 50%, or in any supporting part, member or portion less than 66% of the:

(a) Strength;

(b) Fire-resisting qualities or characteristics; or

(c) Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location;

(15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise is determined by the County Health Department to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease;

(16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage or inadequate exits or lack of sufficient fire-resistive construction is determined by the Office of the State Fire Marshal or the Office of the State Building Commissioner of the Indiana Fire and Building Services Department, or their designee or agent, to be a fire hazard;

(17) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion of the building as an attractive nuisance or hazard to the public.

(G) The definition of substantial property interest set forth in I.C. 36-7-9-2, as may be amended from time to time, is incorporated by reference as if fully set forth in this section.

(H) All work for the reconstruction, repair or demolition of buildings and other structures shall be performed in a good and workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined by I.C. 22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission of Indiana, shall be considered standard and acceptable practice for all matters covered by this section or orders issued pursuant to this section by the Department.

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(I) Pursuant to I.C. 36-7-9-14, there is established in the operating budget for the Columbia City-Whitley County Planning Building Department an unsafe Building Fund. The fund shall receive deposits and make disbursements in accordance with I.C. 36-7-9-14. Pursuant to I.C. 36-1-7-4, the County Auditor is designated the duty to receive, disburse and account for all monies of the Unsafe Building Fund. The initial appropriation to the Unsafe Building Fund shall be made by the city and county in the total sum of \$1,000 to be paid by the city and county in the same proportion established under Section XI of the Joint Planning Ordinance. Specifically, the city shall make an initial contribution of \$250, and the county shall make an initial contribution of \$750. The Department is authorized to expend from the Fund expenditures for any one unsafe building in an amount not to exceed \$500 for the building. The local government unit in which the unsafe building is situated will be responsible to replace the expended funds as soon as possible after the expenditure. If expenditures for any one unsafe building exceed \$500, the local government unit in which the building is situated shall appropriate the sum from its own general funds for unsafe building purposes and shall be entitled to retain or replace any recovered funds into its own general funds. The appropriation shall be in an amount estimated by the Department to be required to take investigative, procedural and remedial actions set forth and authorized by I.C. 36-7-9-14(c). Other than expenditures from the Unsafe Building Fund, the budgetary and appropriations process of the Department shall be as provided in the Joint Planning Ordinance. If an unsafe building is located within the corporate boundaries of the city, then the city will retain jurisdiction to act under this section. If an unsafe building is outside the corporate boundaries of the city, then the county will retain jurisdiction to act under this section.

(J) No person, firm or corporation, whether as owner, lessee, sub-lessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises or cause or permit the same to be done, contrary to, or in violation of any of the provisions of this section or any order issued by the Department. Any person violating the provision of this section or I.C. 36-7-9-28 commits a Class C infraction for each day the violation continues.

(K) The **HEARING AUTHORITY**, as that term is defined and used in I.C. 36-7-9, shall be designated by the Mayor of the City of Columbia City for any order issued by the Department regarding any structure or premises located within the corporate boundaries of the City of Columbia City and the hearing authority for any order issued by the Department for structures or premises located outside the corporate boundaries of the City of Columbia City shall be determined and designated by the Board of Commissioners.

(L) Pursuant to I.C. 36-7-9-2, the Mayor of the City of Columbia City, as appears from the approval of this section, designates the Columbia City Board of Works as the Hearing Authority, as that term is defined and used in I.C. 36-7-9 and herein.

(M) The Board of Commissioners designates the Board of Commissioners as the Hearing Authority, as that term is defined and used in I.C. 36-7-9 and in this section.

(N) The city is responsible for providing its own attorney to counsel the enforcement authority with respect to matters arising from buildings or structures located within the corporate boundaries of the City of Columbia City. The county shall be responsible for providing an attorney to consult and advise the



enforcement authority with respect to issues arising out of enforcement of the section as to buildings or structures located outside the corporate boundaries of the City of Columbia City.

(O) The Columbia City-Whitley County Planning-Building Department is entitled to perform unsafe building enforcement services for the Town of Churubusco and any other governmental entity in the county, if that governmental entity adopts an ordinance complying with the provisions of I.C. 36-7-9 and enters into an agreement approved by the Joint Budgetary Board of the Department providing for remuneration to the Department to be used towards deferring the costs and expenses of the Department.

(`86 Code, § 36-7-9-1) (Res. passed 8-4-86; Am. Ord. 0-91-06, passed 7-1-91; Am. Ord. 93-5, passed 2-1-93)

***Statutory reference:***

*Application, see I.C. 36-7-9-1*

***BUILDING CODE***

**§ 150.20 TITLE.**

This code section and all ordinances supplemental or amendatory thereto shall be known as the "Building Code of the County of Whitley, Indiana and its Jurisdictional Area" and may be cited as such and will be referred to this code section as "this code."

(`86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

**§ 150.21 PURPOSE.**

The purpose of this code is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare and for the conservation of energy in the design and construction of buildings and structures.

(`86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

**§ 150.22 AUTHORITY.**

The Columbia City/Whitley County Joint Planning and Building Department Commissioner, hereafter referred to as "Building Commissioner," is authorized and directed to administer and enforce all of the provisions of this code. Whenever, in the building regulations, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Columbia City/Whitley County Joint Planning and Building Department, hereafter

referred to as "Department," this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with. No such provision shall be construed as giving any officer discretionary powers as to what such regulations, codes or standards shall be or power to require conditions not prescribed by ordinance or power to require conditions not prescribed by ordinance or to enforce ordinance provisions in an arbitrary or discriminatory manner.

(`86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

### **§ 150.23 SCOPE.**

The provisions of this code apply to the construction, alteration, repair, use, occupancy and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under I.C. 22-15-4 in the County of Whitley and its jurisdictional area.

(`86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

### **§ 150.24 APPLICATION TO EXISTING BUILDINGS AND STRUCTURES.**

The provisions of Indiana General Administrative Rules (675 I.A.C. 12-1), as adopted in § 150.25, shall apply to all existing buildings and structures within the corporation limits and the jurisdictional area of the County of Whitley, Indiana, and shall be subject to the fees established in § 150.30.

(`86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

### **§ 150.25 ADOPTION OF REGULATIONS BY REFERENCE.**

(A) Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administration Code are adopted herein and shall apply under this code as standards of construction and are incorporated by reference in this code and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein.

- (1) General Administrative Rules (G.A.R.) (675 I.A.C. 12-1).
- (2) Article 13 - Building Codes:
  - (a) Fire and Building Safety Standards;

- (b) Indiana Building Code;
  - (c) Indiana Building Code Standards;
  - (d) Indiana Handicapped Accessibility Code.
- (3) Article 14 - One and Two Family Dwelling Code.
  - (4) Article 16 - Plumbing Codes: Indiana Plumbing Code.
  - (5) Article 17 - Electrical Codes:
    - (a) Indiana Electrical Code;
    - (b) Safety Code for Health Care Facilities.
  - (6) Article 18 - Mechanical Codes: Indiana Mechanical Code (675 I.A.C. 18-1).
  - (7) Article 19 - Energy Conservation Codes:
    - (a) Indiana Energy Conservation Codes;
    - (b) Modifications to the Model Energy Code.
  - (8) Article 20 - Swimming Pool Codes: Indiana Swimming Pool Code.

(B) Copies of adopted building rules, codes and standards are on file in the office of the Building Commissioner at the Columbia City/Whitley County Planning and Building Department. (86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

**§ 150.26 APPLICATION FOR PERMITS.**

(A) The Building Commissioner, or for the purposes of this section, the Department staff, is authorized to take applications for building permits and to issue building permits as provided in this code.

(B) Any person or legal entity desiring to construct any new building or structure or alter, remove or demolish any existing building or structure shall first make application on forms provided by the Building Commissioner stating such information as the Building Commissioner may deem necessary for the Building Commissioner to carry out the duties of the office.

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(C) No building permit shall be issued for the foregoing purposes, unless the application of a permit is accompanied by the following:

(1) A plat or sketch of the proposed location showing lot boundaries and by plans and specifications showing the work to be done;

(2) When applicable, a copy of a design release, issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3-1, and a set of plans stamped by the Plan Review Division of the Indiana Department of Fire and Building Services;

(3) When applicable, written approval from the Whitley County Engineer for any driveway cuts, culverts or other such requirements of such department;

(4) When applicable, written approval of a non-objection letter from the Whitley County Health Department;

(5) When applicable, written approval or release from the Whitley County Engineer's office or written approval from the Whitley County Drainage Board for any drainage variance required;

(6) When applicable, written approval or release from the Columbia City Board of Works for any utilities or improvements.

(D) Upon satisfaction of the Building Commissioner that all of the proper legal authorities have approved the location and use proposed and that the applicant has furnished sufficient evidence that the building or structure will be constructed, altered or demolished in accordance with the requirements of this code, the Building Commissioner shall issue a building permit. Otherwise, the permit shall be refused.

(E) A building permit:

(1) Must be posted in plan view at the work site;

(2) Is subject to revocation at any time the permitted work is found to be not in compliance with this code;

(3) May be reviewed by the Building Commissioner for refusal or revocation or by the Board of Commissioners and issued or restated upon such terms and conditions as they may find are required by this code;

(4) Work on project must commence within one year and project must show substantial progress, as deemed appropriate by the Building Commissioner, during each one year period thereafter or the permit may be subject to revocation.

(F) All work performed under the authority of a permit issued by the Building Commissioner shall be performed in full compliance with all other city or county ordinances governing the site location.

(`86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

**§ 150.27 PERMIT REQUIRED.**

A permit shall be obtained before beginning construction, alteration, moving or repair of any structure, the cost of which exceeds \$500. All permits shall be issued by the Building Commissioner and all fees provided for shall be paid to the Columbia City/Whitley County Joint Building and Planning Department.

(`86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

**§ 150.28 REVIEW OF APPLICATION.**

Prior to the issuance of any building permit, the Building Commissioner shall:

(A) Review all building permit applications to determine full compliance with the provisions of this code;

(B) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding;

(C) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair:

- (1) Uses construction materials and utility equipment that are resistant to flood damage; and
- (2) Uses construction methods and practices that will minimize flood damage.

(D) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes):

- (1) Is protected against flood damage;
- (2) Is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure and flood damage; and

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(3) Uses construction methods and practices that will minimize flood damage. (86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

**§ 150.29 OTHER ORDINANCES.**

(A) All work done under any permit shall be in full compliance with all other ordinances pertaining to that permit, and in addition to the fees for permits, there shall be paid the fees prescribed in the ordinances.

(B) The provisions of this section or code are supplemental to and do not abrogate the powers extended to agencies, bureaus, departments, commissions, divisions or officials of the state or federal governments by state or federal statutes. (86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

**§ 150.30 FEES.**

<i>PERMIT APPLICATIONS</i>	<i>FEE</i>
One and two family residences (Class 2) - New construction/addition	\$70 + \$0.08 per sf
One and two family residences (Class 2) - Remodeling	\$40 + \$0.08 per sf
Accessory structures (other than Class 1), over 200 sf - New construction	\$70 + \$0.03 per sf
Accessory structures, under 200 sf	\$40
Industrial and commercial structures (Class 1) New construction	\$105 + \$0.08 per sf up to 20,000 sf, then \$0.03 per sf
Industrial and commercial structures (Class 1) Remodeling/tenant finish	\$70 + \$0.08 per sf up to 20,000 sf, then \$0.03 per sf
Electrical service and new system	\$70
New gas line system and appliance installation	\$70

<i>PERMIT APPLICATIONS</i>	<i>FEE</i>
Gas line pressure test	\$40
Plumbing (if stand alone)	\$40
Swimming pools, in-ground	\$105
Swimming pools, above-ground	\$70
Swimming pools, public (pool area only)	\$105 + \$0.08 per sf
Decks, porches, basement finishing	\$70
Fence (applies only to the city and towns)	\$40
Demolition permit	\$10
Improvement location permit	\$40
Pond permit	\$105
Single inspection	\$40
Zero sq. ft. remodel (e.g. roof, adding doors, etc.)	\$70
Foundation inspection only	\$40
Flammable storage - complete system/partial system	\$175 (complete), \$105 (partial)
Ground/pole sign	\$50
Wall sign	\$40
Billboards	\$300
On-site temp sign/mobile and temp billboards	\$40
Towers (communication, commercial turbine, etc.)	\$105
Co-location, with equipment building	\$70
Co-location, electric service only	\$40
Non-commercial wind energy conversion system	\$70

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<b><i>PERMIT APPLICATIONS</i></b>	<b><i>FEE</i></b>
Solar panels	\$70 + one-half cent per sf
Missed inspection	\$40 + affidavit
Failed inspection/reinspection	\$0 (first), \$40 (second), \$105 (subsequent)
Permit issued after construction started (new construction only)	2x the base fee
Temporary use permit	\$10
Other construction types not listed	Based on number of inspections
<b><i>PERMITS IN MOBILE HOME PARKS</i></b>	<b><i>FEE</i></b>
Modular homes, doublewides	\$60
Mobile homes	\$50
Decks	\$20
Storage sheds	\$20
Carports	\$20
Detached garage	\$40

<b><i>PETITION APPLICATIONS</i></b>	<b><i>FEE</i></b>
Appeal or modification	\$75
Development plan review/amendment to approved plan	\$300, if over 5,000 sf (commercial) or 5 acres (residential); \$150 if under
Special exception/amendment to special exception	\$150
Subdivision or replat	\$150 + \$10 per lot
Development standards variance	\$200 (commercial) \$100 (residential)
Zoning designation, rezoning, land use variance	\$300
Plat vacation	\$150



<i>PETITION APPLICATIONS</i>		<i>FEE</i>	
Planned unit development		\$400 (initial zoning) \$200 + \$10/lot (preliminary plan)	
Special meeting (initiated by petitioner, does not include filing fee)		\$250	
Notice mailings, advertisements, etc.		Actual cost	
<i>OTHER ITEMS</i>		<i>FEE</i>	
Planning and building services to other jurisdictions		\$3,600 (2017) \$6,000 (2018)	
Department annual report		\$5	
<i>DOCUMENTS</i>	<i>ZONING ORDINANCE</i>	<i>SUBDIVISION ORDINANCE*</i>	<i>COMPREHENSIVE PLAN</i>
Churubusco	\$15	\$3	\$20
Columbia City	\$20	\$20	\$30
South Whitley	\$15	\$3	\$20
Whitley County	\$15	\$3	\$15
*or actual copy costs			

<i>DRAINAGE BOARD/OFFICE OF THE WHITLEY COUNTY SURVEYOR FEES</i>	
<i>Type</i>	<i>Fee Amount</i>
<b>RESIDENTIAL</b>	
Crossing or encroachment of a regulated drain.  All fees collected shall be distributed to and paid into the Whitley County General Drain Improvement Fund if an untaxed drain or in the maintenance fund for each respective drain if it is a taxed drain.	\$50
<b>FINE</b>  Approval after completion regulated drain (plus cost of actual damage if any).  All fees collected shall be distributed to the Whitley County General Drain Improvement Fund.	\$500

## Whitley County - Land Usage

<b><i>DRAINAGE BOARD/OFFICE OF THE WHITLEY COUNTY SURVEYOR FEES</i></b>	
<b><i>Type</i></b>	<b><i>Fee Amount</i></b>
<b>SUBDIVISION/COMMERCIAL/INDUSTRIAL</b>	
Crossing or encroachment of a regulated drain per affected lot.  All fees collected shall be distributed to and paid into the Whitley County General Drain Improvement Fund if an untaxed drain or in the maintenance fund for each respective drain if it is a taxed drain.	\$50
<b>FINE</b>  Approval after completion regulated drain (plus cost of actual damage if any).  All fees collected shall be distributed to and paid into the Whitley County General Drain Improvement Fund.	\$500
<b>UTILITY</b>	
Crossing or encroachment of a regulated drain.  All fees collected shall be distributed to and paid into the Whitley County General Drain Improvement Fund if an untaxed drain or in the maintenance fund for each respective drain if it is a taxed drain.	\$50
<b>FINE</b>  Approval after completion regulated drain (plus cost of actual damage if any).  All fees collected shall be distributed to and paid into the Whitley County General Drain Improvement Fund.	\$500
<b>PRIVATE CROSSING REVIEW</b>	
Crossing of a regulated drain.  All fees collected shall be distributed to and paid into the Whitley County General Drain Improvement Fund if an untaxed drain or in the maintenance fund for each respective drain if it is a taxed drain.	\$50

(Ord. 2016-4, passed 6-6-16; Am. Ord. 2017-13, passed 11-6-17)

**§ 150.31 INSPECTION.**

After the issuance of any building permit, the Building Commissioner, upon notification from the permit holder or his or her agent, shall make, or shall cause to be made, any necessary inspections to insure full compliance with the work provisions of this section and the terms of the permit and shall include, but are not limited to the following types.

(A) *Foundation inspection.* Commonly made before poles or piers are set or trenches or basement areas are excavated and forms erected and any required reinforcing steel is in place and prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports or equipment and special requirements for wood foundations. Interior concrete floors are to be inspected after subgrade is prepared, reinforcing and vapor retarders are installed and before concrete placed.

(B) *Plumbing, mechanical and electrical.* Commonly made prior to covering or concealment, before fixtures are set, at framing inspection.

(C) *Frame and masonry inspections.* Commonly made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place.

(D) *Lath and/or wallboard inspection.* Commonly made after all lathing and/or wallboard interior is in place, but before any plaster is applied or before wallboard joints and fasteners are taped and finished.

(E) *Final inspection.* Commonly made after the building is completed and ready for occupancy.

(F) *Reinspections.* Reinspections of work found to be incomplete or not ready for inspection are subject to assessment or reinspection fees as prescribed in this code.

(G) *Request for inspection.* The Building Commissioner may require that every request for inspection be filed at least 24 hours before such inspection is desired. Such request may be in writing, or by telephone, at the option of the Building Commissioner.  
 (^86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

**§ 150.32 ALARM SYSTEMS.**

The Chiefs of the Fire Departments, or their designated representative, shall assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems in existing structures and shall provide reports of such inspection to the Building Commissioner.  
 (^86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

### **§ 150.33 ENTRY.**

Upon presentation of proper credentials, the Building Commissioner or duly authorized representatives may enter at reasonable times any building, structure or premises in the county or its jurisdictional area to perform any duty imposed upon them by this code.

(`86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

### **§ 150.34 STOP ORDER.**

Whenever any work is being done contrary to the provisions of this code, the Building Commissioner may order the work stopped by notice in writing served on the premises or to any person engaged in the doing or causing such work to be done. Any persons shall forthwith stop the work until authorized by the Building Commissioner to proceed with the work.

(`86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

### **§ 150.35 CERTIFICATE OF OCCUPANCY.**

No certificate of occupancy for any building or structure erected, altered or repaired after January 17, 1994 shall be issued unless the building or structure was erected, altered or repaired in compliance with this section. It is unlawful to occupy any such building or structure unless a full, partial or temporary certificate of occupancy has been issued by the Building Commissioner.

(`86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97) Penalty, see § 10.99

### **§ 150.36 WORKMANSHIP.**

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

(`86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

**§ 150.37 RIGHT OF APPEAL.**

All persons have the right to appeal the Building Commissioner's decision first through the Board of Commissioners and then to the Fire Prevention and Building Safety Commission of Indiana under the provisions of I.C. 4-21.5-3-7. Variances issued locally must be approved by the Indiana Fire Prevention and Building Safety Commission as provided by I.C. 22-13-2-7. (86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97)

***PLUMBING SYSTEM STANDARDS***

**§ 150.50 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***PLUMBING.*** Includes the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping and fixtures in connection with any activity such as sanitary drainage or storm drainage facilities, the venting systems and the public or private water supply systems within or adjacent to any building, structure or conveyance. The term also means the practice and materials used in the installation, maintenance, extension or alteration of the storm water, liquid waste or sewage and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

***PLUMBING REPAIRS.*** Includes the repair, removal, renovation, replacement, maintenance, extension and/or alteration of any plumbing or plumbing system.

***PLUMBING SYSTEM.*** Includes the water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; building drains and building sewers, including their respective connections, devices and appurtenances. The terms ***PLUMBING*** or ***PLUMBING SYSTEM*** shall not include:

- (1) Any plumbing or plumbing system located in any building or on any lands used for agricultural purposes;
- (2) Minor repairs, consisting of repairing or replacing faucets or minor working parts of plumbing fixtures;
- (3) The trade or business of installing water softening or conditioning equipment and apparatus or maintaining and servicing that equipment;

(4) The trade or business of appliance installation and service work done by anyone who is employed by an appliance dealer and acting as an appliance installation man or appliance service man in connecting appliances to existing piping installations; or to

(5) An industrial establishment having a competent engineering design department operated under the responsible direction and supervision of one or more state registered professional engineers, if that department regularly prepares or reviews applicable drawings and specifications needed in connection with plumbing systems and equipment on its premises and inspects those systems and equipment after completion.

(^86 Code, § 36-8-2-4) (Ord. passed 12-8-64)

### **§ 150.51 ADMINISTRATIVE AGENCY.**

The County Board of Health shall be the administrative agency for the purpose of carrying out the provisions of this section.

(^86 Code, § 36-8-2-4) (Ord. passed 12-8-64)

### **§ 150.52 ADVISORY COMMITTEE.**

(A) The Board of County Commissioners establishes the Advisory Committee, hereinafter designated "Committee." The Committee shall function in an advisory and consultant capacity to the Administrative Agency and the Board on all matters governed by this section.

(B) The Committee shall be composed of five members:

(1) A representative of the plumbing industry;

(2) A representative of the construction industry;

(3) Two representatives at large who shall be county residents and not associated with the building industry; and

(4) The County Sanitarian.

(C) The Board of Commissioners shall appoint the four representative members for terms of three years, commencing on January 1. The representative of the plumbing industry shall be chosen by the Board of Commissioners from a list of five candidates nominated by the County Plumbing and Heating Association and submitted to that Board at least 30 days before the date of the appointment. The Board of Commissioners shall fill any vacancy on the Committee for any unexpired term and may remove any Committee member for cause.

(D) The members of the Committee shall serve without additional compensation.

(E) The Committee shall elect one of its members to serve as its Chairperson at its first regular meeting of each year.

(F) The Committee shall hold at least four regular meetings during each year and such others as the Administrative Agency may request.

(^86 Code, § 36-8-2-4) (Ord. passed 12-8-64)

**§ 150.53 PLUMBING RULES AND REGULATIONS.**

The rules and regulations establishing the sanitary standards for plumbing and plumbing systems for all buildings shall be the minimum requirements set forth in the Indiana Plumbing Rules and Regulations, 1981 Edition (675 I.A.C. 5), originally published as (4 IR 2398), which identifies, amends and incorporates therein the Uniform Plumbing Code, 1979 Edition. This document is incorporated by reference into this section, with two copies of this document on file in the office of the County Auditor are available for public inspection.

(^86 Code, § 36-8-2-4) (Ord. passed 12-8-64)

**§ 150.54 PERMITS.**

(A) Any person desiring to install plumbing or to engage in plumbing repairs shall file a petition for a permit to do so with the Administrative Agency. The application shall be on a form furnished and prescribed by the Administrative Agency. The applicant shall file this petition before installing or repairing any plumbing.

(B) The application for a permit shall include the following information:

- (1) A full description of the plumbing or repairs desired to be installed;
- (2) The name and address of the applicant;
- (3) The name and address of the owner or owners of the premises involved;
- (4) The name and address of the person who shall do the work;
- (5) The address and location of the premises involved;
- (6) The approximate cost of the plumbing or repairs, including labor and materials; and

(7) All other information requested by the Administrative Agency, including detailed plans and specifications and copies of all necessary approvals by other state or local governmental agencies.

(C) When any applicant has properly filed the petition with the details and information requested by the Administrative Agency, then that Agency shall issue a permit for plumbing installation and repairs. The permit shall be posted in a conspicuous place at or near the plumbing installation or repair and shall be visible from the nearest public thoroughfare serving the premises.

(D) No person shall install or repair plumbing without first receiving a permit to do so from the Administrative Agency. This requirement shall not apply to any installation or repairs with a cost of less than \$150.

(E) Membership in a labor organization, trade or business association shall not be required as a condition for the issuance of a permit under this section or as a prerequisite for engaging in the installation or repair of plumbing.

(86 Code, § 36-8-2-4) (Ord. passed 12-8-64)

#### **§ 150.55 PERMIT FEES.**

(A) No permit shall be issued by the Administrative Agency for plumbing installation or repairs until the applicant has paid the prescribed fee to the County Board of Health.

(B) The amount of the permit fee shall be recommended by the Advisory Committee to the County Board of Health and shall be determined upon the basis of cost, including labor and materials of the plumbing installation or repairs, the amount of time required for inspection and other reasonable factors determined by the Advisory Committee.

(86 Code, § 36-8-2-4) (Ord. passed 12-8-64)

#### **§ 150.56 INSPECTIONS.**

(A) Each plumbing installation and repair shall be inspected by a duly authorized inspector, agent or deputy of the Administrative Agency. Each plumbing installation and repair shall be found to be in complete compliance with the provisions of this section before approval shall be granted by the Agency.

(B) The Administrative Agency shall employ the number of inspectors, deputies and agents deemed sufficient by the Board of Commissioners and the County Council.

(C) The Administrative Agency shall present its annual budget to the Board of Commissioners for examination, review and approval.

(D) The Administrative Agency, its inspectors, agents or deputies, individually, any part thereof or collectively, shall be permitted to enter into and on all premises and properties to inspect, measure, sample, test, determine and for any other purpose deemed necessary to carry out the intent of this section.

(86 Code, § 36-8-2-4) (Ord. passed 12-8-64)



**§ 150.57 NOTICES.**

Any person who violates any provision of this section may be served by the Administrative Agency or its duly authorized representatives with a written order stating the nature of the violation and setting a reasonable time for that person to correct it.

(`86 Code, § 36-8-2-4) (Ord. passed 12-8-64)

**§ 150.58 ENFORCEMENT.**

(A) The Administrative Agency and its duly authorized inspectors, deputies and agents shall enforce this subchapter.

(B) The County Prosecuting Attorney shall, when the Administrative Agency reports to that officer any violation of this subchapter, cause proceedings to be commenced against the person committing that violation and to prosecute to final termination.

(`86 Code, § 36-8-2-4) (Ord. passed 12-8-64)

**§ 150.98 VIOLATIONS.**

It is unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done, contrary to or in violation of the Building Code.

(`86 Code, § 36-7-8-2) (Ord. 0-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am. Ord. 88-1, passed 3-21-88; Am. Ord. 93-5, passed 2-1-93; Am. Ord. 88-1-94, passed 1-17-94; Am. Ord. 95-7, passed 5-3-95; Am. Ord. 97- , passed - -97) Penalty, see § 10.99



## CHAPTER 151: PUBLIC AND SEMI-PUBLIC SWIMMING POOLS

### Section

- 151.01 Title
- 151.02 Adoption by reference
- 151.03 Definitions
- 151.04 Permit requirements
- 151.05 Issuance of operating permit
- 151.06 Permit restrictions
- 151.07 Permit fees
- 151.08 Construction requirements
- 151.09 Plan review requirements, fees and initial operation
- 151.10 Swimming pool sanitation, operation and safety regulations
- 151.11 Powers for inspection
- 151.12 Powers for notices, hearings and orders
- 151.13 Right of appeal
- 151.14 Effective order
- 151.15 Emergency order
- 151.16 Enforcement interpretation
  
- 151.99 Penalty

### § 151.01 TITLE.

This chapter may be referred to as the "Whitley County Public & Semi-Public Swimming Pool Ordinance" and shall be referred to herein as the "Ordinance".  
(Ord. 2018-01, passed 5-21-18)

### § 151.02 ADOPTION BY REFERENCE.

The requirements of Indiana Administrative Code Title 675 IAC 20 *et seq.* entitled "Swimming Pool Code," as amended from time to time and promulgated by the Indiana Fire Prevention and Building Safety Commission are hereby incorporated and adopted by reference as part of this chapter, and 410 IAC 6-2.1 Public and Semi-Public Pools Rule of the Indiana State Department of Health.  
(Ord. 2018-01, passed 5-21-18)

**§ 151.03 DEFINITIONS.**

Except as provided below, the terms defined in Indiana Administrative Code Title 410 IAC 6-2.1 and Indiana Administrative Code Title 675 IAC 20 shall carry the same definitions wherever used in this chapter as the definition provided in those regulations. For the purpose of this chapter, the terms below shall be defined as follows.

**APPROVED.** As approved by the Whitley County Health Officer.

**HEALTH BOARD.** The Whitley County Health Board.

**HEALTH DEPARTMENT.** The Whitley County Health Department.

**HEALTH OFFICER.** The Whitley County Health Officer or his or her duly authorized representative.

**IMMINENT HEALTH HAZARD.** Any condition, which in the opinion of the Health Officer may reasonably lead to injury or disease or put public health at risk.

**INSPECTION.** A complete review of all required swimming pool records and portions of a swimming pool facility including the swimming pool and surrounding area, water supply, sewage disposal system, mechanical equipment and equipment room, chemical storage facility, safety and testing equipment, bath house, and any other portion of the swimming pool facility as deemed necessary by the Health Officer.

**ORDER.** Derived from I.C. 4-21.5-1-9, shall mean a Whitley County Health Department action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more specific persons. The term includes a permit.

**OWNER.** Any individual, association, company, corporation, partnership, division of government or other group acting as a unit, trust, estate, agent or legal representative thereof who shall hold title to the real estate upon which the swimming pool is placed, or who shall be legally responsible for the operations of the swimming pool, or who shall be so named as the owner on the swimming pool permit application.

**PERMIT.** A certificate issued by the Health Officer of Whitley County, Indiana, to operate a public or semi-public swimming pool.

**PERSON.** Any individual, association, company, corporation, partnership, and division of government, agent, or other legal representative.

**PERSON IN CHARGE.** The person who supervises pool operations and compliance with all laws, rules, and regulations governing public and semipublic swimming pools of both the State of Indiana and Whitley County, Indiana.

**STOP WORK ORDER.** A written order of the Health Officer to stop all work on a project or construction of a swimming pool until the project is in compliance with all provisions of this chapter.

**SEMI-PUBLIC POOL.** Any pool restricted for use by residents, members, or registered guests that is intended to be used for swimming or bathing and is operated solely for and in conjunction with: (1) hotels, motels, apartments, condominiums, bed and breakfasts, tourist homes, or similar facilities associated with lodgings; (2) camps or mobile home parks; or (3) membership clubs, churches, or associations. Nothing in this chapter shall be construed as applying to any pool, constructed at a one or two family dwelling, and maintained by an individual for the sole use of the household and house guests.

**SWIMMING POOL.** An artificial body of water used by individuals primarily for the purposes of swimming, wading, diving, recreation, or instruction, and includes all related equipment, bath houses, structures, areas, and enclosures intended for the use of individuals using or operating the swimming pool. Swimming pools shall include any structure, basin, chamber, or tank containing water for swimming, wading, diving, recreational or instruction and shall include swimming pools, pools, slide pools, spa pools, wave pools, wading pools, diving pools, whirlpools, hot tubs, water slides, and spas. Swimming pools shall not include:

- (1) Residential swimming pools serving one or two family dwellings and maintained by an individual for the sole use of the household and house guests;
  - (2) Portable hot tubs or other pools or spas operated for medical treatment, physical therapy, or other special purposes that are drained and cleaned between uses and filled directly prior to use; and
  - (3) Natural bathing areas such as streams, lakes, rivers, or man-made lakes.
- (Ord. 2018-01, passed 5-21-18)

**§ 151.04 PERMIT REQUIREMENTS.**

(A) It shall be unlawful for any person to operate a public or semi-public swimming pool in Whitley County, Indiana, who does not possess a valid permit from the Health Officer.

(B) Only persons who comply with the applicable provisions of this chapter shall be entitled to receive and retain such permit.

(C) Such permit shall be posted in a conspicuous place on the premises in or about the swimming pool facility.

(D) Such permit shall be for a term of one year or less beginning January 1 of each year and expiring the December 31 of the succeeding year and shall be renewed annually.  
(Ord. 2018-01, passed 5-21-18)

**§ 151.05 ISSUANCE OF OPERATING PERMIT.**

(A) Any person wishing to operate a swimming pool in Whitley County, Indiana, shall make written application for a permit to operate the swimming pool on approved forms. Application for permit must be completed prior to all requests for inspection.

(B) A separate permit shall be required for each swimming pool operated or to be operated by the same owner at the same address.  
(Ord. 2018-01, passed 5-21-18)

**§ 151.06 PERMIT RESTRICTIONS.**

(A) The owner of a swimming pool which has not held a required permit to operate for a period of at least one year or has had its permit revoked by the Health Officer, shall be required to apply for a new permit before resuming operations and shall not be issued a permit to operate unless the swimming pool complies with all of the requirements of this chapter, including, but not limited to, the design, construction, equipment, and sanitation requirements applicable to a new swimming pool.

(B) A permit issued under this chapter is not transferable to another owner or location. Upon a change of ownership of a swimming pool, a new permit to operate must be obtained from the Health Department prior to operating under the new owner. A permit will not be issued to the new owner unless the swimming pool is in compliance this chapter and all applicable laws, rules, and regulations.  
(Ord. 2018-01, passed 5-21-18)

**§ 151.07 PERMIT FEES.**

(A) Swimming pools operating only during the months of May, June, July, August, and/or September shall pay to the Health Department a seasonal fee of \$100, which shall be submitted with the permit application.

(B) Swimming pools operating for periods which include months in addition to those listed in division (A), shall pay to the Health Department an annual permit fee of \$200, which shall be submitted with the permit application.

(C) Tax supported units of government shall be exempt from payment of any fees as set by this chapter; however, such units must comply with all other provisions of this chapter.

(D) All permit fees shall be payable on or before January 1 of the year intended for permit and shall be subject to an additional late penalty charge of 25% of the permit fee if the permit fee is submitted after January 31.

(E) Once an establishment has been issued a permit to allow pool operations, the cost of such Permit is non-refundable.  
(Ord. 2018-01, passed 5-21-18)

**§ 151.08 CONSTRUCTION REQUIREMENTS.**

All public and semi-public swimming pools shall be constructed and operated in accordance with the terms and provisions of Indiana administrative code 675 IAC 20 *et seq.*  
(Ord. 2018-01, passed 5-21-18)

**§ 151.09 PLAN REVIEW REQUIREMENTS, FEES AND INITIAL OPERATION.**

(A) Prior to the construction, rehabilitation, or alteration of any swimming pool in Whitley County, a plan review shall be conducted by the Health Officer to ensure compliance with the Indiana State Department of Health administrative code Title 410 IAC 6-2.1 *et seq.*

(B) An application for a plan review must be filed with the Health Officer prior to beginning construction. The following shall be submitted with the application:

(1) A plan review fee of \$50;

(2) Proof that a state construction design release has been issued by the Indiana Department of Fire and Building Services;

(3) Plans and specifications certified and sealed by a professional engineer or architect legally registered in the State of Indiana; and

(4) Completed plan review forms issued by the Whitley County Health Department.

(C) Construction on the proposed swimming pool shall begin only after the Health Officer has given approval for the project upon the review of all required plan review documents.

(D) Failure to submit the appropriate plan review fee and required plan review documents prior to beginning construction, rehabilitation, or alteration may result in a stop work order.

(E) The Health Officer shall have the right to issue a stop work order at any stage during construction if the previously approved plans and specifications are not being followed.

(F) A verbal order and a written notice to stop work shall be issued by the Health Officer. The written notice shall be posted in a conspicuous place on or near the construction site.

(G) An applicant for a swimming pool permit shall notify the Health Officer to request an initial inspection of the newly constructed, rehabilitated, or altered swimming pool at least one week prior to the anticipated opening.

(H) The Health Officer shall make the inspection within two working days of the receipt of notice from the applicant but only after a minimum of one satisfactory bacterial sample is received by the Health Department.

(I) The Health Officer shall issue a permit if it is determined that the proposed swimming pool is in compliance with this chapter and is designed, constructed, and equipped to be operated in a manner which protects public health.

(Ord. 2018-01, passed 5-21-18)

#### **§ 151.10 SWIMMING POOL SANITATION, OPERATION AND SAFETY REGULATIONS.**

Any and all of the provisions of the Indiana State Department of Health Administrative Code Title 410 IAC 6-2.1 *et seq.*, entitled "Public and Semi-Public Swimming Pools Rule", is adopted in its entirety into the "Whitley County Public & Semi-Public Swimming Pool Ordinance" for Whitley County, Indiana, as though fully set out herein.

(Ord. 2018-01, passed 5-21-18)

#### **§ 151.11 POWERS FOR INSPECTION.**

(A) The Health Officer may enter upon all areas of the swimming pool premises at all reasonable times for the purpose of inspecting the swimming pool, examining records maintained by the operator, and carrying out the requirements of this chapter upon producing proper identification.

(B) A minimum of one inspection per calendar month will be completed during the swimming pool's regular operating season; however, inspections may be performed as often as necessary for the efficient and effective enforcement of this chapter.

(C) A written inspection report will be issued by the Health Officer to the person in charge of the swimming pool at the time of each inspection, noting any violation(s) found. The completed inspection report constitutes an official notice of the inspection findings and an order of the Health Officer to correct all violations found.

(Ord. 2018-01, passed 5-21-18)



**§ 151.12 POWERS FOR NOTICES, HEARINGS AND ORDERS.**

(A) Whenever the Health Officer determines there are reasonable grounds to believe that there has been a violation of any provision of this chapter, the Health Officer shall give notice of such alleged violation(s) to the owner as hereinafter provided. Such notice shall:

- (1) Be in written form;
- (2) Include a statement of the reason(s) why the notice is being issued;
- (3) Allow a reasonable time as determined by the Health Officer for the correction of the violation(s); and
- (4) Be served upon the owner and/or person in charge, provided that such notice shall be deemed to be properly served when it is personally delivered thereof to, or when it is sent by certified mail, return receipt requested, to the last known address of the owner listed on the permit and/or to the swimming pool facility address with attention to the person in charge, or by posting a copy thereof in a conspicuous place in or about the swimming pool facility.

(B) Any person aggrieved by any such notice issued by the Health Officer may request in writing and shall be granted a hearing on the matter before the Health Officer provided that such person shall file in the office of the latter within ten days after service of the notice, a written petition requesting such hearing and setting forth grounds therefore. Upon receipt of such petition, the Health Officer shall arrange a time and place for such hearing no later than ten days after receipt and shall give the petitioner written notice thereof. The Health Officer and owner may agree to a shorter period of time, if requested by either party.

(C) At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why compliance with this chapter should not be met. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitive evidence may be excluded.

(D) After such hearing, the Health Officer shall sustain, modify, or withdraw the notice, depending upon his or her findings as to whether compliance with the provisions of this chapter has been met. If the Health Officer shall sustain or modify such notice, it shall be deemed to be a final order, subject to the right of appeal in accordance with § 151.13.  
(Ord. 2018-01, passed 5-21-18)

**§ 151.13 RIGHT OF APPEAL.**

(A) Any owner aggrieved by the final order of the Health Officer shall be entitled to a review of the final order before the Health Board by filing a written petition requesting a hearing before the Health Board and setting forth the grounds within 15 days after such final order is issued.

(B) Upon receipt of such petition, the Health Board shall arrange a time and place for such hearing no later than ten days after receipt and shall give the petitioner written notice thereof. The Health Officer and owner may agree to a shorter period of time, if requested by either party.

(C) The Health Board, at its own option, may conduct a special meeting to consider the appeal at the cost of the person asking for the appeal. The expense of such proceedings shall be charged to the owner asking for the appeal.

(D) At such hearing, the owner aggrieved by the Health Officer's Order shall be permitted to present its evidence and information to the Health Board. The Health Officer shall also be permitted to present information and evidence to the Health Board.

(E) At such hearing, the same rules of procedure shall apply as in the case of the hearing before the Health Officer. The Health Board may sustain, modify or withdraw the decision of the Health Officer.

(F) The Health Board shall make written findings of fact and shall enter its final order or determination of the matter in writing.  
(Ord. 2018-01, passed 5-21-18)

**§ 151.14 EFFECTIVE ORDER.**

Any notice served of this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer within ten days after such notice is served.  
(Ord. 2018-01, passed 5-21-18)

**§ 151.15 EMERGENCY ORDER.**

(A) Whenever the Health Officer finds that an imminent health hazard emergency exists, which requires immediate action to protect public health, the Health Officer may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she deem necessary to meet the emergency.

(B) Notwithstanding the other provisions of this chapter, such order shall be effective immediately, but upon petition to the Health Officer shall be afforded a hearing within three days, not to include weekends or holidays, in the manner provided in this chapter.

(C) After such hearing, depending upon the finding as to whether the provisions of this chapter have been complied with, the Health Officer shall continue such order in effect, or modify it, or withdraw it. If the Health Officer shall continue such order in effect or modify it, it shall be deemed to be an order.

(Ord. 2018-01, passed 5-21-18)

**§ 151.16 ENFORCEMENT INTERPRETATION.**

The Health Officer may initiate any procedures as he or she deems necessary for proper enforcement in order to carry out the purpose and intent of this chapter.

(Ord. 2018-01, passed 5-21-18)

**§ 151.99 PENALTY.**

(A) Any person, firm, or corporation who shall violate any provision of this chapter shall be served by the Health Officer with a written order stating the nature of the violation and providing a time limit for satisfactory connection thereof. Any person, firm, or corporation found in violation shall be subject to the penalties set forth herein.

(B) It shall be the duty of the Health Officer to enforce the provisions of this chapter. Any permit issued in conflict with the provisions of this chapter shall be null and void. A violation of an order issued by the Health Officer, Health Department or Health Board shall be considered to be a violation of this chapter.

(C) Whenever the Health Officer determines that the owner of any swimming pool is in willful violation of any of the provisions of this chapter, the Health Officer shall furnish evidence of said willful violation to the attorney for the Health Board, who shall prosecute all persons violating said provisions of this chapter.

(D) The operation of any public or semi-public swimming pool which is contrary to any of the provisions of this chapter is hereby declared to be a common nuisance and an unlawful violation of this chapter; and the owner of said swimming pool shall be liable for maintaining a common nuisance.

(E) Any owner who violates any provision of this chapter shall upon conviction be punished by a fine of not more than \$500 for each violation. Each day of the existence of any violation of this chapter shall be a separate offense.

(F) The Health Officer may bring an action for an injunction in the Circuit Court or Superior Court of Whitley County, Indiana, to restrain any owner from violating the provisions of this chapter or to cause such violation to be prevented, abated or removed.

(G) Any owner violating any of the provisions of this chapter shall become liable to Whitley County for any expense, loss, or damage occasioned by reason of such violation, including reasonable attorney's fees and costs.

(H) The remedies provided for in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

(Ord. 2018-01, passed 5-21-18)

## CHAPTER 152: SUBDIVISION REGULATIONS

### Section

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***GENERAL PROVISIONS*****§ 152.001 SHORT TITLE.**

This chapter shall be known as and may be cited as the “County Subdivision Control Ordinance.” (’86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.002 PURPOSE.**

This chapter is adopted in accordance with the County Comprehensive Plan for the following purposes:

- (A) To assist in the orderly and efficient development of the county;
- (B) To promote the health, safety and general welfare of the residents of the county; and

(C) To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.003 COMPLIANCE.**

No permit shall be issued to erect, alter or repair any building upon any land in any subdivision platted after September 7, 1971, unless and until a subdivision plan has been approved and where required, recorded and until the improvements required, connected therewith, have either been constructed or guaranteed as stated in I.C. 36-7-4-700 *et seq.*, as amended.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.004 HARDSHIP.**

Where, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, the Commission may make such reasonable exceptions thereto as shall not be contrary to the public interest and may permit the sale of a lot, issuance of a permit and erection of a building, subject to conditions necessary to ensure adequate streets and other public improvements.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.005 CONFLICT.**

Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other county or state regulations, resolutions or ordinances, the highest standards shall govern.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.006 JURISDICTION AREA.**

This chapter shall apply to all unincorporated land within the county, except that in accord with state law, the Board of County Commissioners may, by ordinance, authorize a city or town to establish jurisdiction over all or any part of the unincorporated land within two miles from the corporate limits of that city or town. If a city or town is authorized to exercise that jurisdiction, the exact jurisdictional area shall be indicated on the appropriate county zone map on file in the office of the County Plan Commission.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.007 INTERPRETATION.**

Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word **SHALL** is mandatory. (86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.008 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** A permanent service way providing secondary means of access to abutting lands.

**BLOCK.** Property abutting on one side of a street and lying between the two nearest intersecting or intersecting streets and railroad rights-of-way, waterways, unsubdivided areas or other definite barrier.

**BOARD.** The Board of Commissioners of the County of Whitley, State of Indiana.

**BUILDING.** Any enclosed structure, or part thereof, affixed to the land.

**BUILDING SETBACK LINE.** A line extending across a lot establishing the minimum open space to be provided between the front lot line of buildings and the road right-of-way line.

**CLEAR SIGHT TRIANGLE.** An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines.

**COMMISSION.** The County Plan Commission.

**COMPREHENSIVE PLAN.** The County Comprehensive Plan, on file in the Commission office and County Auditor's office, indicating the general locations recommended for transportation facilities, community improvements and land use.

**CROSSWALK.** A public right-of-way which crosses a block to furnish access for pedestrians in adjacent streets or properties.

**CUL DE SAC.** A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

**ENGINEER.** The County Engineer or County Engineering Consultant.



**EROSION AND SEDIMENTATION CONTROL PLANS.** Drawings showing structures required to retard the rate of runoff water and girding and excavating practices that will prevent erosion and sedimentation.

**HALF STREET.** One side of a street divided longitudinally by a property line.

**HEALTH BOARD.** The State Board of Health, the County Board of Health or both.

**INSPECTOR.** Authorized representatives of the County Highway Department, County Board of Health and the Commission assigned to make any of all necessary inspections of the work performed and materials furnished by the developer.

**LOT.** A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development. In determining the size of a lot, no part of a street right-of-way or crosswalk shall be included.

**LOT DEPTH.** The mean horizontal distance between the front and rear lines of a lot.

**LOT, DOUBLE FRONTAGE.** A lot, the generally opposite ends of which both abut on a street.

**LOT WIDTH.** The mean horizontal distance between the side property lines of a lot.

**PLANTING PLANS.** Drawings showing the locations, age, caliber, species and the time of planting of any required grasses, vines, shrubs and trees.

**PLAT.** A map, chart or drawing indicating the subdivision or re-subdivision of land, intended to be filed for record.

**PLAT OFFICER.** An authorized representative of the Commission assigned to review and check subdivision plats submitted to the Commission for approval.

**STREET.** A right-of-way which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive or other appropriate name. A street may also be identified according to type of use as follows:

- (1) **ARTERIAL STREETS.** Streets providing for traffic movements between traffic generating areas;
- (2) **COLLECTOR STREETS.** Streets providing connection primarily between arterial streets or arterial and local streets;
- (3) **LOCAL STREETS.** Streets serving primarily as access to abutting properties not intended as major arteries carrying through traffic.

**SUBDIVIDER.** Any person who undertakes the subdivision of land. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.

**SUBDIVISION.**

(1) Except as provided in subsection (B) below, the following shall be considered a **SUBDIVISION**:

(a) The division of any parcel of land shown as a unit, or as contiguous units on the last preceding transfer of property, prior to September 2, 1971, into two or more parcels, sites or lots for the purpose, whether immediate or future, for the transfer of ownership; or

(b) The improvement of two or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(2) The following shall not be considered as a subdivision:

(a) The division or partition of land into parcels of ten acres or more to be used for agricultural purposes only and not involving any new streets or easements of access and if the sale or exchange does not create additional building sites;

(b) The division of land into parcels of 20 acres or more for any purpose;

(c) The division of land by testamentary or intestate provisions or division of property upon court order;

(d) The sale or exchange of parcels between adjacent land owners that does not create additional building sites;

(e) The division of land upon which is located a habitable residence on November 5, 1979; or

(f) Any parcel existing on November 5, 1979.

**SUBDIVISION, MINOR.** A subdivision of five lots or less, not involving the creating of any new street, easement or means of access.

**WATERCOURSE.** Any channel, creek, ditch, drain, river or stream.  
(^86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

***PROCEDURE FOR SUBMISSION OF PLAT***

**§ 152.020 GENERAL.**

(A) No person proposing a subdivision shall proceed with any grading or improvements for streets or installation of public utilities until the preliminary plat of the subdivision has been approved by the Commission.

(B) No person proposing a subdivision shall sell, transfer, lease or otherwise convey any lot, parcel or tract in a subdivision or construct or commence the final construction of any building in a subdivision until the final plat of the subdivision has been approved by the Commission and recorded in accordance with the provisions of this chapter.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.021 ADVISORY MEETING.**

A person desiring approval of a subdivision plat may appear before the Commission to discuss the proposal before filing an application for primary plat approval. No fee or formal application shall be required for this meeting. Its purpose is to save the subdivider time and money. The subdivider shall be prepared to discuss the details of the proposed subdivision, including the proposed use, existing features of the area, existing covenants, land characteristics, availability of community facilities and utilities, size of development, pay areas or public areas, proposed protective covenants, proposed utilities and street improvements. The subdivider may submit a sketch plan as outlined in § 152.041.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.022 PRELIMINARY PLAT.**

(A) After the advisory meeting, the subdivider shall submit an application for approval of a preliminary plat to the Commission.

(B) The application shall be accompanied by the following:

(1) Four copies of all maps and data as set forth in § 152.042;

(2) A certified check or money order, in the amount of \$10, plus \$.25 for each lot in the subdivision, with a minimum total charge of \$15 to cover the cost of checking and verifying the proposed plat.

(C) The Commission shall review the application and give it tentative approval or return the application to the subdivider with reasons for disapproval. If tentatively approved, the Commission shall

send one copy of each of the maps and data sheets submitted with the application to the Plat Officer within seven days after said approval.

(D) The Plat Officer shall, within 30 days, transmit any recommendations to the Commission. The Commission may grant an extension of 30 days if requested by the Plat Officer, but only one such extension shall be granted. Upon receipt of any recommendations, the Commission staff shall inform the applicant of the dates of the Commission meetings and shall set a hearing date. The Commission shall advertise by legal notice as set forth in I.C. 5-3-1-2, as amended, and shall notify by personal communication any person or agency it determines to have a probable interest in the proposed plat.

(E) After the hearing, the Commission shall approve the plat proposed in the application subject to the receipt of an acceptable final plat as set forth in § 152.043, or it shall conditionally approve or disapprove the plat, setting forth the conditions and their reasons and shall provide the subdivider with a copy.

(F) For a period of two years following the date of primary plat approval, the general terms and conditions under which the primary approval was granted shall not be changed. (86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

### **§ 152.023 FINAL PLAT.**

(A) After the primary plat approval is obtained, the subdivider shall submit a final plat to the Commission within two years as set forth in § 152.043. If no portion of the preliminary plat as approved is submitted in final form within that two year period, then the primary approval shall be considered null and void.

(B) The final plat shall be accompanied by:

(1) Six black or blue line prints and one 18½ by 23 inch reproducible print of the plat on Mylar or linen;

(2) A certificate that all improvements required by this chapter and all other applicable county ordinances have been installed in strict accordance with the county standards of construction or a guarantee that the improvements shall subsequently be installed by the owner, in the form of a bond or deposit of funds or securities in escrow that shall cover the cost of the improvements as estimated by the Engineer and approved by the Commission. The type of securities acceptable for this purpose shall be determined by the Board.

(C) If the Commission finds that the final plat is in accordance with the requirements of this chapter, the Commission shall grant it secondary approval and shall affix its seal upon the plat. The President and Secretary, or other authorized members of the Commission, shall endorse the plat and

return it to the subdivider. If disapproved, the President shall attach to the original tracing of the final plat a statement of the reasons for that action and return it to the subdivider within seven days. (<sup>86</sup> Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.024 MINOR PLAT.**

(A) Owners or subdividers creating minor subdivisions shall consult with the Plat Officer. If the Plat Officer finds that the requirements of the Zoning Code and the applicable sections of this chapter have been met, and no apparent planning problems will arise from this proposed subdivision, and the subdivider proposes to transfer title of the parcels in this proposed subdivision by means of a metes and bounds description, the Plat Officer shall approve that plat in writing and refer the subdivider to the County Department of Health for its action.

(B) If the Plat Officer determines that any of the requirements of the Zoning Code or any of the applicable sections of this chapter have not been met or that planning problems may develop, that officer shall return the application to the subdivider with suggestions for changes. The subdivider may request a hearing before the Commission as provided in § 152.022.

(C) If the subdivider desires to record a plat of the minor subdivision and if the Plat Officer has determined that the requirements of the Zoning Code and the applicable provisions of this chapter have been met, and there are no apparent planning problems, then the Commission may sign, without public hearing, the final plat of the minor subdivision. (<sup>86</sup> Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.025 RECORDING.**

The subdivider shall present a copy of the approved final plat to be entered for taxation purposes to the County Recorder. Unless the plat is duly recorded within 360 days from the date of secondary plat approval, the Commission approval of the plat shall expire and shall be of no effect until subsequently reinstated. (<sup>86</sup> Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

***PLAT SPECIFICATIONS*****§ 152.040 GENERAL.**

In a subdivision for residential use of five lots or less and where the lots abut existing public roads and utilities, the Commission may waive data requirements such as topographic, street and utility information if the Commission deems that information unnecessary.

(^86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.041 SKETCH PLAN.**

The subdivider may prepare a sketch plan to present to the Commission at the advisory meeting. This plan may be drawn as a freehand pencil sketch and does not require precise dimensions or any special sheet size. This sketch plan may be used to show the Commission the location, proposed street and lot layout and other significant features of the proposed subdivision.

(^86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.042 PRELIMINARY PLAT.**

The following maps and data shall be submitted with the application for primary plat approval. These maps and data may be on separate sheets or combined on one sheet, depending on the size and complexity of the proposed subdivision.

(A) A location map of the proposed subdivision showing:

- (1) Location within the county;
- (2) Zoning of the tract and adjacent properties; and
- (3) Existing related streets, including the distances therefrom.

(B) A site plan of the proposed subdivision and all lands within 100 feet of its boundaries showing:

(1) Contours of the site at vertical intervals of two feet if the general slope is less than 10% and at intervals of five feet if the general slope is greater than 10%;

(2) Character and location of natural or artificial features existing on the land which would affect the design of the subdivision, such as wooded areas, streams, direction and gradient of ground slope, embankments, retaining walls, buildings or nonresidential usage of land;

(3) Names of owners of properties adjacent to the subdivision;

(4) Existing and proposed streets and rights-of-way, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements and curbs and sidewalks;

(5) Existing and proposed easements, including widths and purposes;

(6) Utilities, including the size, capacity and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains and power lines;

(7) Areas subject to periodic overflow of flood or storm waters;

(8) Subsurface conditions, including information about ground water levels and stability of subsoils;

(9) Tract boundary lines by calculated distances and bearings;

(10) Title, graphic scale, north point and date.

(C) A subdivision plat of the proposed subdivision drawn at a scale no smaller than 100 feet to one inch, showing:

(1) Subdivision name;

(2) Names and addresses of the owner, subdivider and the persons who prepared the plan;

(3) Street pattern, including the names, which shall not duplicate existing streets in the county unless it is an extension of an existing street, widths of rights-of-way of streets, widths of easements for alleys and approximate grades of streets;

(4) Layout of lots, including dimensions, numbers, building setback lines or front yard lines;

(5) Parcels of land to be dedicated or reserved for schools, parks, playgrounds or other public or community use; and

(6) Key plan, legend, notes, graphic scale, north point and date.

(D) Engineering plans for the proposed subdivision showing:

(1) Profiles, cross-sections and specifications for proposed street improvements;

(2) Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers;

(3) A letter or report on the feasibility of connection to an existing sewerage system, including distances to the nearest public sewer, service load of the subdivision and capacity of the treatment plant;

(4) If connection to a public sewerage system is not feasible, a letter or report on the feasibility of a separate sewerage system and treatment works for the subdivision, including the design population, type and location of the treatment plant and the receiving station;

(5) If connection to a public or a private sewerage system is not feasible, a letter or report on the feasibility of on-lot sewerage disposal, including a detailed map of the physical conditions of the site, contours, finished grades, water courses, ground water table elevations and the results of soil percolation tests for each individual lot conducted in accordance with the recommended practices of the Boards of Health.

(E) A draft of the protective covenants of private restrictions to be adopted in the final subdivision plat.  
(^86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

#### **§ 152.043 FINAL PLAT.**

(A) The final plat shall be drawn at a scale no smaller than 100 feet to one inch.

(B) The final plat shall show:

(1) Subdivision name, names and addresses of owner and subdivider, source of title of land as shown by the records of the County Recorder, graphic scale, north point, date and certificate of approval of the Commission;

(2) Survey data with certification by a registered professional engineer or land surveyor, showing:

(a) Calculated and actual measurable distances and bearings of the subdivision boundaries, lots, utility easements, streets, alleys, building setback lines and parcels of reserved or dedicated land for community purposes;

(b) Location and distances to the nearest established street corners or official monuments and of the streets intersecting the boundaries of the subdivision;

(c) Location, type, material and size of monuments;

(d) Complete curve data; and

(e) Lot numbers and street names;



(3) Notations as to whether improvements are dedicated or not;

(4) The Commission, upon determining from a review of the preliminary plat by the representatives assisting the County Soil and Water Conservation District that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth moving operations in the development of the subdivision or otherwise entail a severe erosion hazard may require the subdivider to provide soil erosion and sedimentation control plans and specifications prepared by a registered professional engineer or an architect or by using the standards and specifications for soil erosion adopted by the United States Soil Conservation Service. (86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

***DESIGN STANDARDS***

**§ 152.055 GENERAL.**

The Commission shall not approve any plat unless the land to be subdivided is in accordance with the Comprehensive Plan objectives and that conditions are created favorable to the health, safety, convenience and harmonious development of the county. (86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.056 NATURAL FEATURES.**

Earth movements, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging and lagooning shall be conducted to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography.

(A) In subdivisions where earth movements are necessary, the subdivider shall stockpile the top six inches of earth to be removed. When the rough grade is completed, the topsoil shall be redistributed across the proposed lots, making it easier to establish lawns and landscaping features. Topsoils shall not be used for subsurface filling.

(B) Existing flora:

(1) The subdivider shall protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails;

(2) These trees shall be protected and preserved during construction in accordance with the conservation practices recommended by the United States Department of Agriculture in "Agricultural Information Bulletin No. 285, Protecting Trees Against Damage From Construction Work," United States Government Printing Office, 1964, as amended. Two copies of this document are incorporated by reference into this chapter and shall be on file in the office of the County Soil and Water Conservation District office and in the office of the County Auditor for public inspection. These trees are to be preserved by well islands or retaining walls whenever abutting grades are altered.

(C) (1) Tree cutting and shrubbery clearing shall be conducted to prevent erosion and sedimentation and to preserve and improve scenic qualities.

(2) Review of cutting, clearing and earth movement may be requested of the County Soil and Water Conservation District Supervisors, the State Department of Natural Resources and the State Stream Pollution Control Board by the Commission as it deems appropriate.

(D) Temporary vegetation and mulching shall be used to protect critical areas. Permanent vegetation shall be installed as soon as practicable.

(E) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

(F) Sediment basins shall be installed and maintained at all drainageways to trap, remove and prevent sediment and debris from being washed outside the area being developed. ('86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

#### **§ 152.057 STREETS.**

(A) The Commission shall not approve any plat unless all streets shown thereon are of sufficient width and proper grade and located to accommodate the probable volume of traffic thereon, provide access of fire fighting equipment to buildings and provide a coordinated system of streets conforming to the County Thoroughfare Plan.

(B) Local streets shall be planned to discourage through traffic.

(C) Whenever a dedicated or platted portion of a street or alley exists along a boundary of the tract being subdivided, the remainder of that street or alley shall be platted to the prescribed width within the proposed subdivision.

(D) Half streets shall not be provided, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this chapter or where necessary to acquire the remaining half by condemnation for improvement in the public interest.

(E) Cul-de-sacs shall not be longer than 500 feet, including a turnaround which shall be provided at the closed end with an outside curb radius of at least 40 feet and a right-of-way radius of not less than 50 feet. The maximum grade of the turnaround portion of the cul-de-sac shall be 5%.

(F) Alleys shall not be permitted in residential districts, but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes.

(G) The minimum distance between center lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be 125 feet unless it is an in-line cross street intersection.

(H) No intersections of more than two streets at one point shall be permitted.

(I) Temporary dead-end streets may be permitted where the preliminary plat shows that the street shall be extended to conform to the provisions of this chapter and/or to provide access to adjacent property where deemed necessary by the Commission to provide for adequate flow of future traffic. However, the length of that dead-end shall not be greater than 420 feet. A circular right-of-way in excess of the required street right-of-way at the terminus of the temporary dead-end street shall not be required.

(J) Right-of-way requirements may be increased where anticipated traffic flow warrants or if drainage easements should reasonably parallel these thoroughfares. Any increased width shall be required by the Commission upon the advice of the Engineer.

(K) Except where in conflict with the provisions of this chapter, all public streets in the county shall be constructed in conformity with the standards adopted by the Board of County Commissioners on December 23, 1974, and as subsequently amended. Minimum right-of-way widths, paving widths, angle of intersection, curb radius, distance along sides of right triangles, horizontal alignments, vertical alignments and maximum grades shall be in accordance with the following table.

## Whitley County - Land Usage

	<i>Arterial Streets</i>	<i>Collector Streets</i>	<i>Local Streets</i>	<i>Cul-de- sacs</i>	<i>Crosswalks</i>	<i>Alleys</i>
Right-of-way width (in feet)	70	60	50	40	12	30
Paving width (in feet)	42	24	24	24	10	10
Maximum grade (percentage)	7.5	12	14	14	—	14
Minimum angle for intersection (degrees)	90	80	70	70	—	70
Minimum curb radius (in feet)	35	25	15	15	—	5
Grades for 25 ft. before intersection (percentage)	3	3	3	3	—	3
Site triangles (distance along side of)						
Through street:	500	500	250	250	—	50
Stop street: (in feet)	30	30	25	25	—	20
Horizontal alignment (minimum radii of center line, in feet)	600	400	200	100	—	100
Vertical curves (minimum sight distance, in feet)	500	350	200	100	—	100

(^86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

### § 152.058 BLOCKS.

Blocks shall not exceed 1,000 feet in length. If it is necessary for blocks to exceed this length, pedestrian ways, easements or both may be required near the center of the block.

(^86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

### § 152.059 LOTS.

(A) The lot and yard sizes shall conform with the requirements of the Zoning Code.

(B) The lots shall be designed in accordance with the following design standards:

(1) Side lines of lots shall be approximately at right angles to straight streets and on radial lines on curved streets whenever feasible. Pointed or very irregular lots shall be avoided unless these variations improve the overall neighborhood design.

(2) Double frontage lots shall be avoided unless the subdivision is adjacent to a platted road and then the Commission may require the frontage lots to back onto that road. Corner lots shall not fall within this category.

(3) If a tract is subdivided into larger than required building lots and there is no covenant preventing resubdivision of the lots, these lots or parcels shall be arranged to permit a logical location and opening of future streets and re-subdividing with provision for adequate utility connections. (86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.060 EASEMENTS.**

(A) Where alleys are not provided, easements for utilities shall be platted. These easements shall have a minimum width of 20 feet and, where located along interior lot lines, one-half of the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with utility companies to assure the proper placing for the installation of services.

(B) Guy line easements shall be provided as prescribed by the utility companies.

(C) Where a subdivision is traversed by a water course, a storm water easement or drainage right-of-way shall be provided as specified by the State Drainage Code. (I.C. 36-9-27)

(D) Paths and trails shall not exceed 15 feet in width and shall be designed and constructed to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.

(E) All utility easements as dedicated on the face of the plat shall be kept free of all permanent structures. The removal of any obstructions such as structures, trees, shrubbery, fences or any installation thereon, whether temporary or permanent, by a utility company, shall in no way obligate the utility company in damages or to restore the obstruction to its original form. (86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.061 WATER AND SEWER SYSTEM.**

The water supply and sewage disposal systems for the subdivision shall meet the design standards and requirements of the Boards of Health.

(86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.062 PLANNED UNIT DEVELOPMENT.**

(A) The design standards of this chapter may be modified by the Commission in the case of a plan utilizing an unusual concept of development which meets the requirements of this section. The planned unit development provision is intended to encourage original and imaginative subdivision design which preserves the natural amenities of the site and provides for the general welfare of the county.

(B) The unit plan shall be consistent with the spirit and intent of this chapter.

(C) The unit plan shall conform to the "Planned Residential, Commercial and Industrial Projects" requirements of the Zoning Code.

(D) The area of land to be developed shall not be less than five acres.

(E) Properties adjacent to the unit plan shall not be adversely affected.  
(^86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

***IMPROVEMENTS*****§ 152.075 GENERAL.**

All of the required improvements specified in this subchapter shall be constructed in accordance with the county standards for construction and all other applicable county and state regulations.  
(^86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.076 MONUMENTS AND MARKERS.**

(A) Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots and at all other lot corners.

(B) All monuments and markers shall be set flush with the proposed finished grade.  
(^86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.077 STREETS.**

The streets shall be graded to the grades and dimensions shown on plans and profiles as approved by the Commission and shall include the following improvements:

(A) Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage at all points along the streets;

(B) All improvements shall be installed to meet all applicable county specifications. In addition to the requirements for streets set forth in § 152.057, all subdividers shall construct streets in compliance with the standards adopted by the Board on December 23, 1974, as amended. Two copies of these standards are on file in the office of the County Auditor for public inspection and are incorporated by reference into this chapter.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.078 STORM DRAINAGE.**

The construction of a storm drainage system shall conform to the State Drainage Code (I.C. 36-9-27) and shall meet the following requirements:

(A) Drainage ditches or channels shall have a minimum gradient of 1%; and

(B) Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water. Where the Commission determines that conditions warrant, settlement depressions shall be required to prevent erosion wash from damaging adjacent property or accumulation on street surfaces.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.079 EROSION CONTROL.**

(A) The subdivider shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented in accordance with plans and specifications and within the time periods approved by the Commission.

(B) Sod, if required, shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of the drainage.

(C) Shoreland drainage facilities shall, if required by the Commission, include water retention structures and settling basins to prevent erosion and sedimentation where these facilities discharge directly into streams or lakes. The design criteria, the size, type, grades and installation of all storm

water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Commission.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

#### **§ 152.080 WATER SUPPLY.**

(A) Where a public water supply is available, the subdivider shall connect to that public water supply and construct a system of water mains with a connection for each lot.

(B) If a private water supply is permitted, individual wells shall be installed in accord with Board of Health rules and regulations.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

#### **§ 152.081 SEWERS.**

(A) If a public sewer system is available, the subdivider shall connect to that system and construct a system of mains with a tap for each lot.

(B) A state approved community sewage disposal system serving the entire subdivision may be permitted.

(C) If the soils and land area permit, a county approved sewage disposal system on individual lots may be permitted.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

#### **§ 152.082 UTILITIES.**

All trenches crossing street rights-of-way shall be properly back-filled and compacted.

(`86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)



**§ 152.083 STREET SIGNS.**

Street name signs of a type adopted or approved by the Board shall be installed at each street intersection by the subdivider at a location specified by the County Highway Department. (<sup>86</sup> Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

***ADMINISTRATION***

**§ 152.095 INSPECTION.**

When the plans of streets and other improvements have been approved as provided in this chapter, the subdivider shall first notify the Inspector of his or her intent to proceed with the construction or installation of those streets and improvements. The subdivider shall notify the Inspector at least 24 hours before any such construction or installation shall commence to give county officials an opportunity to inspect the site prior to commencement of work and to inspect installation and construction of those streets and improvements during the course of the work being performed. (<sup>86</sup> Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.096 ACCEPTANCE.**

After streets and improvements have been installed and constructed pursuant to the requirements contained in this chapter, and if the subdivider desires to have the county accept those streets or improvements, the subdivider shall notify the proper county officials that the construction or installation has been completed and shall supply the Board with a copy of the as-built plan on which that street or improvement has been constructed or installed. The plan shall clearly designate the number of lineal feet of the street or improvement which the subdivider desires to be accepted by the county. (<sup>86</sup> Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.097 APPEALS.**

Any decision or requirement of the Commission made under the authority of this chapter is subject to the right of appeal and review by certiorari. (<sup>86</sup> Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**§ 152.098 NUISANCE.**

The erection, construction, enlargement, conversion, moving or maintenance of any structure or the use of land contrary to any provision of this chapter is a nuisance and constitutes a violation of this chapter. The Commission may institute a suit for injunction in the County Circuit Court to restrain any person or governmental unit from violating any provision of this chapter and to cause that violation to be prevented, abated or removed. The action may also be instituted by any property owner who may be damaged by the violation of any provision of this chapter.

(86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. 0-79-7, passed 12-17-79; Am. Ord. 0-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

## CHAPTER 153: ZONING CODE

### Section

#### 153.01 Adoption by reference

#### **§ 153.01 ADOPTION BY REFERENCE.**

The Zoning Ordinance of Whitley County, copies of which are on file in the office of the County Auditor, is adopted and incorporated by the county as part of this code of ordinances as fully as if set out at length herein. (Ord. 2006-07, passed 3-6-06; Am. Ord. 2007-03, passed 2-5-07; Am. Ord. 2007-09, passed 7-2-07; Am. Ord. 2009-01, passed 4-6-09; Am. Ord. 2010-04, passed 4-5-10; Am. Ord. 2012-12, passed 7-2-12; Am. Ord. 2012-09, passed 8-6-12; Am. Ord. 2015-03, passed 4-6-15; Am. Ord. 2017-04, passed 5-1-17; Am. Ord. 2017-10, passed 9-18-17; Am. Ord. 2018-07, passed - -; Am. Ord. 2018-09, passed 11-19-18)



## CHAPTER 154: WIND ENERGY CONVERSION SYSTEMS

### Section

- 154.01 Wind Energy Conversion System (WECS) Overlay District
- 154.02 Permitting and application requirements
- 154.03 Construction and standards
- 154.04 Post-construction and continued maintenance requirements
- 154.05 Submission of agreement by owners of new building lots and new dwellings
- 154.06 Permitting and application requirements for a noncommercial, wind energy conversion system
- 154.07 Permitting and application requirements for a private, wind energy conversion system
- 154.08 Standards for meteorological test towers
- 154.09 Definitions

### ***Editor's note:***

*Ordinance 2012-09, the text of which is codified in full herein, amends the zoning ordinance adopted by reference in Chapter 153*

### **§ 154.01 WIND ENERGY CONVERSION SYSTEM (WECS) OVERLAY DISTRICT.**

This district establishes special land use and development requirements for wind energy conversion systems. Specifically, it creates a supplemental zone that lies on top of an existing zoning district, and is intended to add additional design standards and restrictions beyond those of the underlying zoning district in which it is created. The purpose of this district is to protect the special public interests incident to industrial wind farming, and may cover parts of several zones or only a portion of a single zone. The WECS Overlay District is limited to the following zoning districts: Agricultural (AG), Agricultural Production (AGP), Industrial Park/Manufacturing (IPM), and Intensive Use (IN).

(Ord. 2012-09, passed 8-6-12)

### **§ 154.02 PERMITTING AND APPLICATION REQUIREMENTS.**

(A) An application for re-zoning to a WECS Overlay District must be submitted to the Plan Commission and may be a combined application, provided all property owners where the WECS facilities are to be located are co-applicants. The application shall include the following items:

- (1) A WECS project summary, including:

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(a) A general description of the project, including its approximate, name-plate generating capacity, the potential equipment manufacturer, the type of WECS, the number of WECS towers, the name-plate generating capacity of each WECS tower, the maximum height of the WECS towers, the maximum diameter of the WECS rotors and the general location of the project.

(b) A description of the applicant, owner and operator, including their respective business structures.

(c) A description of substations, maintenance structures, storage yards, permanent meteorological towers and equipment, and other buildings that are a direct functional part of the WECS. These structures, within the proposed overlay district, shall be considered accessory uses.

(2) The names, addresses and phone numbers of the applicants, owners and operators, and a list of all co-applicants. Additional co-applicants maybe added at a later date.

(3) A topographic map of the project site and the surrounding area, which shall encompass an area at least a quarter-mile radius from the proposed project site, with contours of not more than two-foot intervals.

(B) Following the creation of a WECS Overlay District, a development plan, together with a petition for development plan review, must be submitted to the Plan Commission.

(1) The petition for primary development plan approval shall include:

(a) A site plan at an appropriate scale, showing the proposed location of the wind energy conversion system facility (including locations of each WECS tower, guy lines and anchor bases (if any); WECS access roads; substations; maintenance structures; storage yards; permanent meteorological towers; electrical cabling; ancillary equipment; and any other structures that are a direct functional part of the WECS). Each tower and/or structure should be assigned a unique identification number on the site plan. In addition, the site plan shall show: primary structures within one quarter mile of any WECS; property lines, including identification of adjoining properties; setback lines; public roads; county-regulated drains, open ditches or tiles; location of all above-ground utility lines within a distance of two times the WECS tower height of any WECS tower; location of all existing underground utility lines associated with the WECS site; recognized historic or heritage sites as noted by the Indiana Department of Natural Resources; floodplains; and any wetlands, based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines. This site plan must also be distributed to the Emergency Management Agency, any fire departments serving any part of the site, and the County Sheriff.

(b) A transportation plan (as defined in § 154.09) recommended by the WECS Transportation Committee (as defined in § 154.09) and approved by the County Commissioners.

(c) A drainage plan approved by the County Drainage Board. The transportation plan and/or the drainage plan shall establish that the newly constructed WECS access roads shall not impede the flow of water, and will comply with the county drainage ordinance or standards and policies of the Engineer/Surveyor's office and Drainage Board, as applicable.

(d) A projected sound emissions study (as defined in § 154.09) for the proposed WECS.

(e) A decommissioning plan approved by the Board of Commissioners, providing for the method and payment of the anticipated cost of removing a WECS at the end of its serviceable life, or upon its becoming a discontinued or abandoned use, to ensure that the WECS is properly decommissioned.

1. *Content.* A decommissioning plan shall include, at a minimum, the following:

a. *Assurance.* Written assurance that the WECS will be properly decommissioned upon the expiration of its serviceable life or in the event of its discontinuance or abandonment.

b. *Cost estimates.* For all WECSs, except micro WECSs, an estimate of the costs of decommissioning and removing the WECS upon the expiration of its useful life, or in the event of its discontinuance or abandonment. The cost estimates shall be made by a professional engineer, contractor, or other person with expertise or experience in decommissioning and removal of WECSs, and shall be updated every five years for approval by the Board of Commissioners.

c. *Financial assurance.* The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the wind energy system and to restore the site, the following steps shall be followed:

i. For each wind energy system, the applicant/owner/operator shall determine an amount of money equal to the estimated removal and restoration cost.

ii. The Planning Commission shall require independent verification of the adequacy of this amount.

iii. This money shall be deposited in an escrow account specified by the county, which may be an interest-bearing account. There shall be no alternative to such an account. A surety bond, letter of credit or other financial promise shall not be accepted.

d. *Abandonment.* Verification, under penalties for perjury, that all easements and/or leases for the WECS contain terms that provide financial assurances to the property owners to ensure that the WECS is properly decommissioned within one year of the expiration of its serviceable life, or in the event of its discontinuance or abandonment.

2. *Discontinuation and abandonment.*

a. *Discontinuation.* All WECSs shall be considered abandoned and a discontinued use after six months without energy production, unless a plan is developed by the owner/applicant and approved by the Building Inspector, outlining the steps and schedule for returning the WECS to service.

b. *Removal.* An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four feet below ground level within 365 days of the discontinuation or abandonment of the WECS or WECS project, and restoration of the project area, as near as practicable, to the condition of the site immediately before construction of such improvements.

c. *Written notices.* Prior to implementing procedures to resolve any alleged failure to comply with the decommissioning plan, the appropriate county body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). The written notice shall provide the owner and/or operator a reasonable time period, not to exceed 60 days, to resolve the alleged default(s).

d. *Costs incurred by the county.* If the county removes a WECS tower and appurtenant facilities, it may sell the salvage to defray the costs of removal. Each permittee, by virtue of the issuance of its construction permit or inspection certificate, grants a license to the county to enter the property and to remove all WECS towers and appurtenant facilities pursuant to the terms of its approved decommissioning plan.

3. *Declaration of public nuisance.* Any WECS, structure or portion thereof declared to be unsafe by the County Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment, is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the approved decommissioning plan.

(f) A detailed shadow flicker assessment model and plan, prepared by a registered professional regularly engaged in this type of work, with not less than three years experience, which contains the following information and meets the following requirements:

1. The study area will examine areas where shadow flicker will occur within a one-mile radius of each wind turbine.

2. The study will include:

a. The location of each turbine.



b. The location of each **RECEPTOR** (dwelling or occupied structure, structure permitted for construction, or intersections between any of the following load types: interstate, principal arterial, minor arterial, major collector or minor collector) where the WECS may cause shadow flicker to occur.

c. Existing topography (elevation contours and vegetation).

d. Rotor diameter and hub height.

e. Joint wind speed and direction distribution (wind rose table).

f. Hours of sunshine (long-term monthly references).

3. The study may be prepared by use of current aerial photography, GIS and topographical maps. A site visit by the preparer is required to identify receptors and verify the existing conditions.

4. The study shall calculate the locations and durations of shadow flicker caused by the proposed WECS within the study area, and the model shall clearly indicate the duration of shadow flicker at each receptor and across the entire study area, showing the total number of hours per year anticipated.

5. Wind turbines shall be sited so that shadow flicker will not fall on a receptor, unless the owner of the dwelling or intersection, as described in division (f)2.b. above, has agreed, in writing, to allow shadow flicker. A waiver by an affected, participating landowner, non-participating landowner, or owner of a public building or intersection is an encumbrance on the real property, runs with the land until the wind energy system is decommissioned, and shall be recorded in the office of the County Recorder. The waiver shall include the legal description of the property with a cross-reference to the current deed's document number, and shall include verbiage to bind the grantees, their heirs, assigns and successors in interest, to the terms of the waiver.

6. Problem zones where shadow flicker will interfere with existing and future receptors shall be identified, and measures to mitigate problems shall be described, including but not limited to, siting changes, operational procedures, grading or landscaping.

(g) A communications study verifying that the WECS project will not interfere with any public or public-serving utility microwave transmissions, and including any actions that may be required to mitigate interference with electromagnetic communications, such as radio, telephone, microwaves or television signals, caused by any WECS project.

(2) The petition for secondary development plan approval shall include:

(a) A revised site plan as described in division (B)(1)(a) above.

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(b) A security and safety plan that must include adequate provisions for site security and safety. If the plan includes using county services, then it should include signatures indicating those parties are aware of their role and capable of performing it.

(c) Adequate assurance of the completion and continued operation of the WECS project, from the date of the commencement of construction through the tenth year of operation of the WECS.

1. The owner/applicant/operator shall demonstrate such adequate assurance of completion and continued operation of the WECS project by providing evidence of:

a. Adequate funding of 100% of the estimated cost of construction of the WECS;

b. Performance and payment bonds or other sureties from the owner applicant/operator and/or major equipment suppliers and contractors;

c. The existence of written warranties from contractors and/or manufacturers with a demonstrated financial ability to repair and/or replace defective work, materials and equipment; and

d. Adequate casualty, builder's risk, business-interruption and liability insurance for the replacement of the WECS and the individual components thereof, and the funding of on an ongoing basis, and the payment of all liabilities occurring during, arising from or related to a casualty loss.

2. Upon request, the applicant/owner/operator shall provide such cost estimates, bids, contracts, warranties, feasibility studies, engineering studies and reports, insurance certificates, loan and other financing commitments to provide adequate assurance of completion and continued operation.

(d) An economic development agreement (as defined in § 154.09) approved by the County Board of Commissioners. This agreement must be developed in conjunction with the County Economic Development Corporation and the County Council.

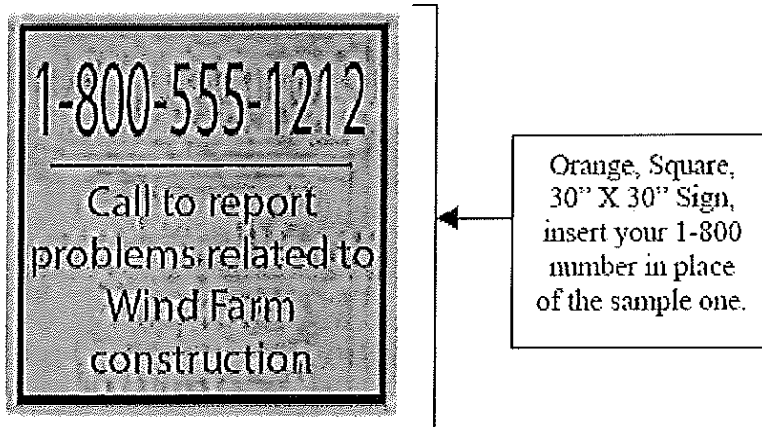
(C) After secondary development plan approval is obtained, but before any construction commences or improvement location permits may be acquired, all applicable state and federal permits, approvals and licenses must be obtained, and all state and federal statutes and regulations must be complied with, and the following requirements satisfied:

(1) The owner or operator of the WECS shall maintain liability policies, covering (a) bodily injury and property damage, and (b) environmental contamination arising from construction, operation, maintenance and decommissioning of the WECS, with nationally recognized, well-capitalized insurance companies, initially approved by the County Board of Commissioners, and annually thereafter by the

Executive Director of the Plan Commission, and shall name the county as an additional insured. Limits on the bodily injury and property damage policy shall be of at least \$2,000,000 per occurrence and \$5,000,000 in the aggregate, with a deductible of no more than \$20,000. Limits on the environmental contamination policy shall be of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate, with a deductible of no more than \$50,000.

(2) The applicant/owner/operator shall establish a 24-hour, toll-free phone number for the registering of complaints and concerns. This number shall be posted at every road intersection identified on the transportation plan throughout the project area before improvement location permits are issued and before any construction or earth moving can commence. If legitimate complaints are not remedied within 48 hours, the county may address these complaints, with any expenses incurred to be reimbursed by the applicant/owner/operator according to the fee schedule as described in § 154.03(A)(7).

Required toll-free number sign example:



(3) The applicant/owner/operator must attend a pre-construction meeting with the Plan Commission Executive Director, Plan Commission President, County Building Inspector, and any other public officer or official whose input is deemed appropriate, to verify that all requirements in the zoning ordinance have been met. This meeting shall take place as the final step before construction and all other requirements should already have been met. Once reviewed, if all requirements have been met, the WECS applicant may then obtain improvement location permits. If any requirements have not been met, then further pre-construction meetings will be held until it can be verified that the identified issues have been resolved.

(4) All improvement location permit fees must be paid for the entire WECS project before any improvement location permits will be issued.

(D) The rezoning application, development plan (including but not limited to, decommission plan and each update thereof, and the assurance of completion and continued operation), and improvement location permit applications shall be reviewed by Plan Commission staff, counsel, an independent

professional engineer, and any other professionals deemed necessary as selected or approved by the Plan Commission. Within 30 days of submission, the owner/applicant/operator shall reimburse the Plan Commission for all costs and expenses associated with the initial or any subsequent review of the development plan, including but not limited to, the employment of a professional engineer, a financial consultant, or other professional advisors consulted by the Plan Commission. A professional engineer shall also certify, as part of the improvement location permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. (Ord. 2012-09, passed 8-6-12)

### § 154.03 CONSTRUCTION AND STANDARDS.

(A) *Construction requirements.* Prior to and during construction, the applicant, owner and operator shall be responsible for:

(1) Implementing reasonable dust control measures during construction as approved by an authorized county official.

(2) Complying with existing septic and well regulations as required by the County Health Department and the Indiana Department of Public Health.

(3) Repairing all damages to non-participating landowner or county-regulated waterways, drainage ditches, field tiles or any other infrastructures caused by the construction, maintenance or decommissioning of the WECS. Damages must be completely repaired to original or better condition, and so as not to impede the flow of water. All repairs must be completed in a timely manner and the WECS owner, operator and/or applicant shall be responsible for loss or damage proximately resulting from its impairment of such drainage structures. All repairs to county-regulated drainage structures must be completed within ten days of notification by the Engineer/Surveyor or his or her agent.

(4) Unless otherwise approved with the drainage plan, all subsurface power transmission lines shall be located four feet below tile drains and six feet below open ditches. Additionally, unopened bags of premixed concrete shall be laid on top of the transmission lines to cover six inches on both sides of the line and eight feet to each side of the county-regulated drain the line is crossing. Open drain and transmission line intersections, where the line is below the invert of the open drain, shall be armored using the same technique. Red warning tape (printed with "warning electrical line below" or similar language) shall be buried no closer than 12 inches above the actual power line at all crossing locations. The Engineer/Surveyor, or his or her agent, shall inspect every such crossing before backfilling. Concrete armoring techniques will not be required in cases where directional boring is used, but the depth requirements listed shall be met.

(5) Installing permanent, visible markers where directional boring is used. Markers shall be placed within the line of sight, indicating directional changes and borings.

(6) Submitting a daily plan of work submitted at a time of day specified by the Plan Commission, detailing where construction and transportation activities will occur to the Plan Commission Executive Director, County Highway Supervisor, County Sheriff, County Engineer, Soil and Water Conservation District, the superintendent(s) of the school district(s) and County Board of Commissioners in which construction is occurring, and to the emergency services with jurisdiction over the areas in which construction is occurring. This shall include notification of any oversize or overweight loads entering or exiting the project each day, as well as any work on roads, drainage or access loads.

(7) Adhering to the approved transportation plan. The County Highway Supervisor shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage. The County Highway Supervisor may choose to require remediation of road damage during or upon completion of the project, and is authorized to collect fees for oversized load permits. If the applicant does not make repairs in a timely manner, the Supervisor is authorized to make repairs and charge the applicant a fee to cover the costs of repair. Such fees shall be established at the start date of construction and may be revised at three-month intervals. Further, a corporate surety bond shall be required by the County Highway Supervisor to insure the county that future repairs are completed to the satisfaction of the county. The cost of bonding is to be paid by the applicant. A \$1,000 fine shall be assessed for each occurrence where WECS oversize or overweight construction and maintenance equipment utilizes any route(s) in violation of the approved transportation plan. If the applicant/owner/operator or its contractors require material changes from the approved transportation plan, or if post-completion repairs, improvements or expansions require oversize and overweight loads or involve new routes, an amended transportation plan must be approved in the same manner as the initial plan. When all road repairs are completed to his or her satisfaction, the County Highway Supervisor will issue a county highway remediation release form.

(8) Adhering to the approved development plan. Any non-material proposed changes, modifications or amendments to the development plan must be approved by the Executive Director of the Plan Commission. All material changes to the plan must be approved by the Plan Commission. The Executive Director shall have the authority and discretion, considering all relevant factors, to determine whether the proposed development plan change is material.

(B) *Design and installation.* Design and installation shall be as follows:

(1) WECS towers shall conform to applicable industry standards. Applicant shall submit certificates of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.

(2) All WECS towers shall be installed with a tubular, monopole-type tower. Meteorological towers may be guyed. All structures shall be uniform in design and appearance.

(3) All WECS towers shall be equipped with a redundant braking system. This includes both aerodynamic, over-speed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

(4) All electrical components and collectors (as defined in § 154.09) of the WECS shall conform to applicable local, state and national codes, and relevant national and international standards. All WECS collectors between WECS towers shall be located underground.

(5) Towers and blades shall be painted with non-reflective white or gray color. The applicant shall comply with all applicable Federal Aviation Administration color requirements. No advertising or signage shall be allowed on a WECS tower, except for manufacturer's name on the nacelle.

(6) A visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(7) All WECS tower designs must include features to deter climbing or be protected by anti-climbing devices such as:

- (a) Fences with locking portals at least eight feet high;
- (b) Anti-climbing devices 15 feet vertically from the base of the WECS tower; and/or
- (c) Locked WECS tower doors.

(8) Red strobe lights are preferred during the night to reduce impacts on migrating birds, and red pulsating incandescent lights shall be avoided. White strobe lights at night are not allowed. If technology is available, lighting shall be "On Demand", utilizing the obstacle collision avoidance system (OCAS) or equivalent. All lighting shall also be in compliance with applicable Federal Aviation Administration regulations. All lighting shall be shielded so that no direct light extends substantially beyond the boundaries of the wind farm facilities.

(C) *Noise.* At any non-participating landowner residentially used structure, public school or public library, for a period of more than 10% out of every hour, the audible, A-weighted sound pressure levels, as a result of the sound emitted by the WECS, shall not exceed 45 decibels at critical wind speeds. At any non-participating landowner property line, for a period of more than 10% out of every hour, the audible, A-weighted sound pressure levels, as a result of the sound emitted by the WECS, shall not exceed 51 decibels at critical wind speeds. All methods for measuring and reporting acoustic emissions shall be equal to or exceed the minimum standards for precision described in *The International Electrotechnical Commission IEC 61400-11 Standard: Wind turbine generator systems - Part 11: acoustic noise measurement techniques*. Noise and vibration levels shall also be in compliance with all other applicable county, state and federal regulations.

(D) *Minimum distance.* The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be 50 feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where oversized vehicles might travel.

(E) *Setbacks.* Setbacks shall be as follows:

(1) No WECS shall be constructed in any setback, dedicated public easement or dedicated public right-of-way without prior written authorization from the county.

(2) Except as provided herein, installation of any WECS may not be nearer than 1.1 times the height of the WECS, including the blade at its highest point, to any dedicated roadway, railroad right-of-way or overhead electrical transmission or distribution lines. A minimum setback of not less than 6.5 times the height of the WECS, including the blade at its highest point, or 2,640 feet, whichever is greater, is required from a participating landowner residence. Also, the minimum setback distance for all turbines, substations, maintenance structures, storage yards, permanent meteorological towers, and other buildings that are a direct functional part of the WECS shall be not less than 2,640 feet, or 6.5 times the height of the WECS, including the blade at its highest point, whichever is greater, from any non-participating landowner property line, public building, or municipal jurisdictional boundary. Distance shall be measured, at the time of application for improvement location permit, from the center of the foundation at the base of the tower.

(3) A non-participating landowner or participating landowner may waive the applicable wind turbine setback distance from their respective property line or residence. However, the WECS shall maintain a minimum setback distance of 1.1 times the height of the WECS, including the blade at its highest point. A waiver by an affected participating landowner or non-participating landowner or owner of a public building is an encumbrance on the real property, runs with the land until the wind energy system is decommissioned, and shall be recorded in the office of the County Recorder. The waiver shall include the legal description of the property with a cross-reference to the current deed's document number, and shall include verbiage to bind the grantees, their heirs, assigns and successors in interest, to the terms of the waiver.

(4) The WECS tower shall not be nearer than 1.1 times the height of the WECS tower, including the blade at its highest point, from any other WECS tower.

(Ord. 2012-09, passed 8-6-12)

#### **§ 154.04 POST-CONSTRUCTION AND CONTINUED MAINTENANCE REQUIREMENTS.**

Post-construction and continued maintenance requirements are as follows:

(A) *Waste removal.* All solid waste, whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner. All hazardous waste generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall be handled in a manner consistent with all local, state and federal rules and regulations.

(B) *Operation, maintenance and inspection standards.* The following operation, maintenance and inspection standards shall be met:

(1) Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with the Building Inspector to determine whether the physical modification requires re-certification.

(2) The County Building Inspector, approved designees, along with licensed third party engineers/professionals retained by the county for the specific purpose of conducting inspections of the WECS, shall have the right, at any reasonable time and with sufficient prior notice, to accompany the owner or operator, or his or her agent, on the premises where a WECS has been constructed, to inspect all parts of the WECS installation, and to require that repairs or alterations be made. The owner or operator of a WECS may retain a licensed third party professional engineer familiar with WECS systems to prepare and submit to the County Building Inspector a written report that addresses the repairs or alterations requested, and that suggests alternate methods for addressing the concerns or provides evidence that the repairs or alterations are unnecessary, within 15 days after receiving notice from the County Building Inspector that repairs or alterations are requested, or within a longer period of time mutually acceptable to both parties. The County Building Inspector will consider any such written report, and determine whether the repairs or alterations should be made as originally requested or as suggested in the written report. In the event of a dispute between the County Building Inspector and the owner or operator, or a third party professional engineer retained by them, as to the repairs or alterations that are required, the decision of the Building Inspector shall be final.

(3) *Interference.* Applicant, owner and/or operator shall take such actions as may be required to mitigate interference with electromagnetic communications, such as radio, telephone, microwaves or television signals, caused by any WECS. In addition, the applicant, owner and/or operator shall comply with the following:

(a) *Complaints.* If a WECS inspection certificate has been issued, the owner or operator receives a written complaint related to interference with the broadcast of residential television, telecommunication, communication or microwave transmissions, the owner or operator shall take reasonable steps to mitigate the interference. Interference with private telecommunications systems, such as GPS, shall be between the company and the complainant.



(b) *Failure to remedy a complaint.* If the Building Inspector determines that an owner or operator has unreasonably failed to remedy verified interference with the broadcast of residential television, telecommunication, communication or microwave transmissions within 90 days after owner or operator received a written complaint related thereto, the Building Inspector may take appropriate action to rescind the owner's or operator's WECS inspection certificate. This does not apply to interference with private telecommunications systems.

(4) If requested, the WECS applicant, owner or operator shall submit to all providers of emergency services serving the WECS project area a copy of the as-built site map in digital format. Upon request by the local fire department, the owner or operator shall cooperate with the local fire department to develop its emergency response plan. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

(5) On completion of construction, the WECS applicant, owner or operator shall submit to the County Engineer/Surveyor a site map in digital format, preferably GIS, detailing all ground disturbed through construction activity, surface/subsurface structure/infrastructure and all routes over which trucks and equipment traveled. The scale and format of the submitted map shall conform to the County Engineer's specifications.

(6) For a period of five years following the completion of construction, the WECS applicant, owner or operator shall be liable to the county for all costs of repair, as determined by the County Engineer/Surveyor, to county drain tiles, regulated drains and ditches, and other county-regulated surface and subsurface structures, and private tiles located in the public right-of-way within 50 feet of the routes and disturbed ground as described in division (B)(5) above.

(C) *Post-construction, proposed modifications and changes.* Any post-construction, proposed, non-material modifications, alterations, expansions or changes of any type or size to the development plan must be approved by the Executive Director of the Plan Commission. All post-construction, proposed, material changes must apply in the same way as a new WECS, following the process in § 154.02. The Executive Director shall have the authority and discretion, considering all relevant factors, to determine whether the proposed, post-construction change is material.

(D) *Post-construction sound measurements.*

(1) Within 12 months after issuance of a WECS inspection certificate, and annually thereafter, the applicant, owner or operator of all WECSs, except private WECSs, shall submit a post-construction, noise profile study prepared by a qualified independent acoustical consultant, which includes sufficient information, including sound modeling and actual measurements, for the Building Inspector to verify, after consultation with a qualified independent acoustical consultant retained by the county, that the WECS continues to meet the requirements of § 154.03(C).

(2) Post-construction measurement methods will be based on good-engineering practices and industry-recognized international standards for the measurement of wind turbine generator (WTG) noise emissions (IEC 61400-11 when applicable).

(3) Post-construction sound measurements shall include measurements taken at:

(a) Each non-participating landowner's dwelling or primary structure, on a direct line between such dwelling or primary structure and the nearest WECS tower; and

(b) The point on each non-participating landowner's property line that is closest to the nearest WECS tower.

(4) Post-construction sound measurements shall be collected during meteorological conditions that result in full electrical output of the WECS.

(5) If post-construction sound measurements of ambient noise (WECS noise plus all non-WECS-related noise) are less than or equal to the WECS-only noise limits specified in § 154.03(C), the WECS will be in conformance with noise limitations of this chapter. Otherwise, WECS-only noise levels may be determined using practical acoustical measurement and/or analysis techniques, including but not limited to:

(a) Conducting measurements with all WTGs locked-out, to estimate WECS-only noise levels;

(b) Use of spectral analysis techniques to estimate WECS-only noise levels;

(c) Use of acoustical models to propagate “close-in” WECS measurements to “far-field” receiver locations, and the like.

(6) If, after consultation with a qualified independent acoustical consultant retained by the county, the Building Inspector determines that the post-construction noise profile study fails to demonstrate continued compliance with the requirements of § 154.03(C), the Building Inspector shall notify the owner or operator of such failure in writing, and the owner or operator shall have 90 days to cure such failure and provide written documentation of compliance to the Building Inspector. If the Building Inspector determines that an owner or operator of the WECS has failed to take reasonable steps to remedy such noncompliance within 90 days, the Building Inspector may order the owner or operator of the WECS to take such actions as may be required to cure such failure, including but not limited to, curtailing operation of the WECS, or components thereof, under the specific meteorological conditions that were in existence at the time the actual measurements contained in the report were taken, until the owner or operator has demonstrated, to the satisfaction of the Building Inspector, that it is in compliance with the standards set out in § 154.03(C) and § 154.04 regarding the issues raised in the post-construction noise profile study. Any curtailment order shall specify the: (a) hub height wind

speed, as measured at the WTG nearest to the complainant; (b) wind direction, as measured at the WTG nearest to the complainant; (c) specific hour of the day (ranging from 7:00 a.m. to 10:00 p.m.) or specific hour of the night (ranging from 10:00 p.m. to 7:00 a.m.); and (d) days of the year to which the curtailment applies. If curtailment does not return the WECS to compliance, the Building Inspector may revoke the owner's or operator's WECS inspection certificate, upon 15 days prior written notice thereof. An owner or operator whose WECS inspection certificate has been revoked may apply for reinstatement of that WECS inspection certificate after curing any compliance issues.

(E) *Complaint resolution.*

(1) After a WECS inspection certificate has been issued, a person aggrieved by an alleged failure of the owner or operator of the WECS to comply with the construction design and installation standards set out in § 154.03 or the operation and maintenance standards set out in § 154.04 (“the standards”) may file a written complaint with the Building Inspector, specifying the factual basis for the alleged failure.

(a) If the Building Inspector determines that the facts alleged, if true, would constitute a violation of the standards, or otherwise has reason to believe that a violation has occurred, the Building Inspector shall notify the owner or operator of the alleged violation in writing, and deliver a copy of the complaint, if any, to the owner or operator.

(b) The owner or operator shall:

1. Log the complaint;
2. Log the WECS operating and meteorological conditions for the reported time of the complaint;
3. Take reasonable steps to remedy such complaint;
4. Provide a written response to the complainant; and
5. Submit a copy of the complaint, the response, the operating and meteorological condition log, and documentation of compliance to the Building Inspector within ten business days after receiving a copy of the written complaint.

(2) Complaint resolution shall be deemed satisfactory when the owner or operator has demonstrated, to the satisfaction of the Building Inspector, that it has complied with the standards set out in §§ 154.03 and 154.04 with respect to the issues raised in such written complaint.

(3) If the Building Inspector determines that an owner or operator of the WECS has failed to take reasonable steps to remedy a complaint, as set out in division (E)(2) above, within 90 days after

receipt thereof, the Building Inspector may order the owner or operator of the WECS to take such actions as may be required to cure such failure, including but not limited to, curtailing operation of the WECS, or components thereof, under the specific meteorological conditions that were in existence at the reported time of the complaint, until the owner or operator has demonstrated, to the satisfaction of the Building Inspector, that it is in compliance with the standards set out in §§ 154.03 and 154.04 regarding the issues raised in such written complaint. Any curtailment order shall specify the: (a) hub height wind speed, as measured at the WTG nearest to the complainant; (b) wind direction, as measured at the WTG nearest to the complainant; (c) specific hour of the day (ranging from 7:00 a.m. to 10:00 p.m.) or specific hour of the night (ranging from 10:00 p.m. to 7:00 a.m.); and (d) days of the year to which the curtailment applies. If curtailment does not return the WECS to compliance, the Building Inspector may revoke the owner's or operator's WECS inspection certificate, upon 15 days prior written notice thereof; provided, however, the Building Inspector's decision may be appealed to the Board of County Commissioners within 30 days. An owner or operator whose WECS inspection certificate has been revoked may apply for reinstatement of that WECS inspection certificate after curing any compliance issues.

(E) *Other applicable laws and regulations not preempted.* Nothing in this chapter is intended to preempt other applicable state and federal laws and regulations.  
(Ord. 2012-09, passed 8-6-12)

#### **§ 154.05 SUBMISSION OF AGREEMENT BY OWNERS OF NEW BUILDING LOTS AND NEW DWELLINGS.**

All owners of new building lots and new dwellings approved in the Wind Energy Conversion System Overlay District shall submit and record a signed agreement in the office of the County Recorder. Such written agreement shall recognize that the current owner and all subsequent owners of such building site (lot) shall not remonstrate nor file suit against any wind energy conversion system or the county so long as they follow industry-accepted, wind-farming operation, construction, and maintenance standards, and comply with the county zoning ordinance. Such agreement language shall be approved by the Commission attorney.  
(Ord. 2012-09, passed 8-6-12)

#### **§ 154.06 PERMITTING AND APPLICATION REQUIREMENTS FOR A NONCOMMERCIAL, WIND ENERGY CONVERSION SYSTEM.**

Permitting and application requirements for a noncommercial, wind energy conversion system are as follows:

(A) An application for special exception approval must be submitted to the Board of Zoning Appeals and may be a combined application, provided all property owners where the WECS facilities are to be

located are co-applicants. The applicant may also submit a joint application for any variances that are needed for the project area. In addition to the regular special exception requirements, the application shall include the following items:

(1) A WECS project summary, including:

(a) A general description of the project, including its approximate name-plate generating capacity, the potential WECS equipment manufacturer, type of WECS, number of WECSs, the name-plate generating capacity of each WECS, the maximum height of the WECS towers, the maximum diameter of the WECS rotors, and the general location of the project.

(b) A description of the applicant, owner and operator, including their respective business structures.

(2) The names, addresses and phone numbers of the applicant, owner and operator, and all co-applicants with WECSs on their properties.

(3) A map of the project area, encompassing an area at least a quarter-mile radius from the project site.

(B) After special exception approval is obtained, but before any construction commences or improvement location permits may be acquired, all applicable state and federal permits, approvals and licenses must be obtained, all state and federal statutes and regulations must be complied with, and the following requirements satisfied:

(1) A site plan at an appropriate scale, showing the proposed location of the wind energy facility (including planned locations of each WECS tower, guy lines and anchor bases (if any); electrical cabling; ancillary equipment; and any structures that are a direct functional part of the WECS). In addition, the site plan shall show: primary structures within one quarter of one mile of any WECS; property lines, including identification of adjoining properties; setback lines; public roads; county-regulated drains, open ditches, or tiles; private septic systems, tiles and wells; location of all above-ground utility lines within a distance of two times the height of any WECS tower; location of all existing underground utility lines associated with the WECS site; floodplains; and any wetlands, based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines.

(2) If any oversize or overweight vehicles will be utilizing public county roads for construction or maintenance activities, the WECS applicant, owner or operator must contact the County Highway Supervisor to develop a transportation plan.

(3) Written County Drainage Board and County Health Department approval must be submitted with the application for development plan review.

(4) A copy of a recorded agreement between all applicants, detailing provisions for maintenance and decommissioning, shall be submitted with the application for development plan review.

(C) Design and installation standards shall be as follows:

(1) Turbines of 50-kW, name-plate generating capacity or greater must be installed with a tubular, monopole-type tower.

(2) The minimum distance between the ground and any protruding blades for turbines of 50-kW, name-plate generating capacity or greater is 25 feet. The minimum distance between the ground and any protruding blades for turbines of less than 50-kW, name plate generating capacity is 15 feet.

(3) No WECS turbine or tower may be attached to any residence or dwelling structure, either as freestanding or by guy wires.

(4) For all guyed towers, install either:

(a) Visible, reflective, colored objects, such as flags, reflectors or tape, on the anchor points of guy wires and along the guy wires up to a height of not less than 15 feet from the ground; or

(b) A single, visible fence to a height of not less than four feet, such that it surrounds the tower and all anchor points of the guy wires.

(5) All electrical components and collectors (as defined in § 154.09) of the WECS shall conform to applicable local, state and national codes, and relevant national and international standards. All WECS collectors between WECS towers shall be located underground.

(6) All WECS turbines shall be equipped with a redundant braking system. This includes both aerodynamic, over-speed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

(7) Towers and blades shall be painted with non-reflective white or gray color. The applicant shall comply with all applicable Federal Aviation Administration color requirements. No advertising or signage shall be allowed on a WECS tower, except for manufacturer's name on the nacelle.

(8) All blades shall utilize stick-free surface coatings to minimize ice buildup.

(9) A visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(10) All WECS tower designs must include features to deter climbing or be protected by anti-climbing devices such as:

- (a) Fences with locking portals at least eight feet high;
- (b) Anti-climbing devices 15 feet vertically from the base of the WECS tower; and/or
- (c) Locked WECS tower doors.

(11) At any non-participating landowner residentially used structure, public school or public library, for a period of more than 10% out of every hour, the audible, A-weighted sound pressure levels as a result of the sound emitted by the WECS shall not exceed 45 decibels at critical wind speeds. At any non-participating landowner property line, for a period of more than 10% out of every hour, the audible, A-weighted sound pressure levels as a result of the sound emitted by the WECS shall not exceed 51 decibels at critical wind speeds. All methods for measuring and reporting acoustic emissions shall be equal to or exceed the minimum standards for precision described in *The International Electrotechnical Commission IEC 61400-11 Standard: Wind turbine generator systems - Part 11: acoustic noise measurement techniques*. Noise and vibration levels shall also be in compliance with all other applicable county, state and federal regulations.

(12) Red strobe lights are preferred during the night to reduce impacts on migrating birds, and red pulsating incandescent lights shall be avoided. White strobe lights at night are not allowed. All lighting shall also be in compliance with applicable Federal Aviation Administration regulations and the lighting requirements in of the zoning ordinance. All lighting shall be shielded so that no glare extends substantially beyond the boundaries of the wind farm facilities.

(13) Electricity generated from the WECS may not be sold to a utility. Net metering is permitted.

(14) Setbacks shall be as follows:

(a) No WECS shall be constructed in any setback, dedicated public easement or dedicated public right-of-way without prior written authorization from the county.

(b) Except as provided herein, installation of any WECS may not be nearer than 1.1 times the height of the WECS, including the blade at its highest point, to any dedicated roadway, participating landowner residences, non-participating landowner property lines, railroad right-of-way or overhead electrical transmission or distribution lines. Also, the minimum setback distance for all turbines, substations, maintenance structures, storage yards, permanent meteorological towers, and other buildings that are a direct functional part of the WECS shall be not less than 3.1 times the height of the WECS, including the blade at its highest point, from any non-participating landowner residences, public building, or municipal jurisdictional boundary. Distance shall be measured at the line of application for improvement location permit from the center of the foundation at the base of the tower.

(c) A non-participating landowner may waive the applicable wind turbine setback distance from their respective residence. However, any residence or public building on a non-participating landowner property shall maintain a minimum setback distance of 1.1 times the height of the WECS, including the blade at its highest point. A waiver by an affected non-participating landowner or owner of a public building is an encumbrance on the real property, runs with the land until the wind energy system is decommissioned, and shall be recorded in the office of the County Recorder. The waiver shall include the legal description of the property, with a cross-reference to the current deed's document number, and shall include verbiage to bind the grantees, their heirs, assigns, and successors in interest to the terms of the waiver.

(d) The WECS tower shall not be nearer than 1.1 times the height of the WECS tower, including the blade at its highest point, from any other WECS tower.  
(Ord. 2012-09, passed 8-6-12)

#### **§ 154.07 PERMITTING AND APPLICATION REQUIREMENTS FOR A PRIVATE, WIND ENERGY CONVERSION SYSTEM.**

Permitting and application requirements for a private, wind energy conversion system are as follows:

(A) Prior to receiving an improvement location permit, the applicant must provide a map of the project area, including distances of the proposed WECS turbine from all property lines, public easements and rights-of-way, wells and septic systems, county-regulated drains, open ditches or tiles, overhead transmission or distribution lines, or dwellings.

(B) The applicant must submit turbine technical specifications with the application. At a minimum, the specifications must include: rated power generating capacity, rotor diameter, swept area, and the level of sound generated. If manufacturer's specifications are not available, the applicant may submit results from a reliable testing entity such as the National Renewable Energy Laboratory or the Small Wind Certification Council. If no specifications are available the applicant must submit a report from a qualified engineer.

(C) The applicant must submit tower specifications with the application, including type and height of tower (guyed, lattice, monopole, and the like), and combined height of the tower and turbine with vertically extended blade.

(D) Design and installation standards shall be as follows:

(1) The minimum distance between the ground and any protruding turbine blades is 15 feet.

(2) Installation of any WECS tower may not be nearer than 1.1 times the height of the tower, including the blade at its highest point, to any property lines, dedicated roadway, railroad right-of-way,



or overhead electrical transmission or distribution lines. Distance shall be measured from the center of the foundation at the base of the tower.

(3) No WECS turbine may be attached to any dwelling structure, including by guy wires.

(4) For all guyed towers, install either:

(a) Visible, reflective, colored objects, such as flags, reflectors or tape, on the anchor points of guy wires and along the guy wires up to a height of not less than 15 feet from the ground; or

(b) A single, visible fence to a height of not less than four feet, such that it surrounds the tower and all anchor points of the guy wires.

(5) All electrical components of the WECS shall conform to applicable local, state and national codes, and relevant national and international standards.

(6) All WECS turbines shall be equipped with a redundant braking system. This includes both aerodynamic, over-speed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

(7) Towers and blades shall be painted with non-reflective white or gray color. The applicant shall comply with all applicable Federal Aviation Administration color requirements. No advertising or signage shall be allowed on a WECS, except for manufacturer's name on the nacelle.

(8) All blades shall utilize stick-free surface coatings to minimize ice buildup.

(9) Sound pressure levels may not exceed 45 decibels at six feet in height at any adjacent lot line.

(10) Electricity generated from the WECS may not be sold to a utility. Net metering is permitted.

(11) Minimal lighting should be used. All lighting shall be in compliance with applicable Federal Aviation Administration regulations and the lighting requirements in the zoning ordinance. Red strobe lights are preferred during the night to reduce impacts on migrating birds, and red pulsating incandescent lights should be avoided. White strobe lights at night are not allowed. All lighting shall be shielded so that no glare extends substantially beyond the WECS tower.

(Ord. 2012-09, passed 8-6-12)

**§ 154.08 STANDARDS FOR METEOROLOGICAL TEST TOWERS.**

Meteorological test towers must comply with the following standards:

(A) The structure shall not be nearer than 1.1 times the height of the structure from the nearest property line or right-of-way.

(B) The structure shall not be installed for a period of more than two years, with up to two renewals by the Plan Commission Executive Director, for no more than a total of six years.

(C) A financial assurance in an amount of 125% of the estimated cost of demolition and removal shall be filed in the form of a bond, letter of credit or other security acceptable to the county prior to improvement location permit issuance.

(D) The structure shall comply with all Federal Aviation Administration and other federal and state regulations and all building codes.

(E) Visible, reflective, colored objects, such as flags, reflectors or tape, shall be placed on the anchor point of guy wires and along the guy wires up to a height of not less than 15 feet from the ground.

(Ord. 2012-09, passed 8-6-12)

**§ 154.09 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADEQUATE ASSURANCE OF COMPLETION AND CONTINUED OPERATION OF THE WECS PROJECT.** The financial commitments, insurance certificates, warranties, and all other information and data provided pursuant to § 154.02(B)(2)(c).

**AMBIENT BASELINE SOUND PRESSURE LEVEL.** The L<sub>90</sub>, A-weighted sound pressure emissions level (the level of sound exceeded 90% of the time) for a WECS project area prior to construction, as determined by a baseline acoustics emissions study.

**APPLICANT.** When used in connection with or in respect of a WECS, the person(s) and/or entity(ies) that is/are the developer and/or promoter of the WECS project that prepares and files the initial application with the Plan Commission for a WECS project. The term shall include all successors and assigns of the initial applicant. The term shall not include any person or entity that signs the application solely in the capacity as an owner of an interest in real property in which the WECS shall be located.

**CO-APPLICANT.** When used in connection with or in respect of a WECS, a person or entity that executes an application for a WECS solely because of an ownership interest in real property to be used in connection with the WECS.

**COLLECTOR.** Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electrical power grid. In the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the WECS.

**CRITICAL WIND SPEED.** The wind speed at which WECS turbine sound pressure levels are at greatest variance with ambient background sound pressure levels.

**DECOMMISSIONING PLAN.** With regards to a WECS, shall have the meaning and include the requirements set forth in § 154.02(B)(1)(e).

**DEVELOPMENT PLAN.** With regards to a WECS, shall have the meaning and content and meet the requirements set forth in § 154.02(B).

**DRAINAGE PLAN.** With regards to a WECS, shall mean the storm water management plan approved by County Drainage Board for the WECS project as required by § 154.02(B)(1)(c).

**ECONOMIC DEVELOPMENT AGREEMENT (WECS).** With regards to § 154.02(B)(2)(d), an agreement between the WECS applicant, owner and/or operator and the county, setting forth the applicant's, owner's and/or operator's financial commitment to support economic development and/or provide other financial assistance to the county, or any portion thereof.

**NON-PARTICIPATING LANDOWNER.** The person, firm, corporation, trust or other entity or entities with an equity interest in property contiguous to a WECS project that is not a participating landowner.

**OPERATOR.** When used in connection with or in respect of a WECS, shall mean any person or entity that has the primary involvement with or responsibility for the use, operation or maintenance of all or a portion of the WECS.

**OWNER.** When used in connection with or in respect of a WECS, any person or entity, and his, her or its assigns and successors in interest, that has any ownership interest in any or all of the necessary devices to convert wind energy into electricity, as herein defined as a WECS. The term does not include any person or entity whose ownership interest in a WECS is limited to an interest in real property that is used in a WECS.

**PARTICIPATING LANDOWNER.** A landowner upon whose land a WECS is constructed, or who has contractually granted rights to an owner or developer with respect to a WECS.

**PRIMARY STRUCTURE.** The building or structure in which the primary or principal use of the premises is located or conducted. With respect to residential uses, the **PRIMARY BUILDING OR STRUCTURE** shall be the main dwelling.

**PROJECTED SOUND EMISSIONS STUDY.** A study predicting the sound pressure levels that will be produced by a WECS project. This study shall include a brief summary of the study methodology and a sound contour map, in five-decibel increments, displayed as an overlay on an aerial photograph of the project area, to a minimum of 40 decibels. The study shall be done at the maximum turbine sound level as provided by the manufacturer.

**QUALIFIED INDEPENDENT ACOUSTICAL CONSULTANT.** A specialist with demonstrated competence in the area of environmental acoustics, obtained through academic training or work experience, with full membership in the Institute of Noise Control Engineering (INCE), Acoustical Society of America (ASA), National Council of Acoustical Consultants, or equivalent credentials.

**SHADOW FLICKER.** The condition that occurs when the blades of a wind turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his or her immediate environment.

**SHADOW FLICKER RECEPTOR.** Any occupied structure, structure permitted for construction, or roadway where the WECS may cause shadow flicker to occur.

**TRANSPORTATION PLAN.** Detailed route plan recommended by the WECS Transportation Committee and approved by the County Commissioners, used for construction and maintenance by a WECS, including plans for temporary road closures and traffic re-routing, plans for the repairs, replacement and/or reconstruction of all damage to roads, bridges, signage, vehicles, drainage structures, and other public or private improvements damaged by the WECS construction and maintenance, and the posting of repair, replacement and maintenance bonds, and such other matters as may be determined to be necessary and appropriate to protect the health and safety of motorists, and to preserve and maintain the affected roads, bridges, and other public and private improvements.

**SECURITY AND SAFETY PLAN.** The WECS project site security and safety plan as provided by § 154.02(B)(2)(b).

**WECS INSPECTION CERTIFICATE.** The certificate issued by the Building Inspector to verify continued compliance with all requirements of this chapter, which were in effect when the original improvement location permit for the WECS or WECS project was issued.

**WECS NET SALVAGE VALUE.** The net value of the towers, nacelles, generators, turbines, blades, wires, transformers, and all other saleable parts and commodities that make up the WECS, whether sold as used parts or on a commodity/scrap basis, or any combination thereof, whichever is greater, after deducting all estimated costs and expenses of dismantling, removal and transportation, and

all costs and expenses of sale (including but not limited to, all commissions and fees), and the amount necessary to pay and satisfy all liens, security interests and other encumbrances attaching to the WECS. The commodity/scrap value shall be based on the prior-five-years-average scrap value of the commodity.

**WECS PROJECT.** The collection of WECS - commercial (as defined herein) as specified in the development plan (alternatively, “the WECS overlay application”) pursuant to this chapter.

**WECS TOWER.** The support structure to which the nacelle and rotor are attached, a freestanding or guyed structure that supports a wind turbine generator.

**WECS TOWER HEIGHT.** The distance from the rotor blade at its highest point to the top surface of the WECS foundation.

**WECS TRANSPORTATION COMMITTEE.** A committee chaired by the County Highway Supervisor and including the County Sheriff or designee, school superintendent(s) of the district(s) the WECS will be constructed in, or designee(s), fire chief(s) with jurisdiction over the WECS project area, or designee(s), County Engineer or designee(s), Soil and Water Conservation District Board representative or designee(s), and other identified individuals that will review and recommend to the County Commissioners the proposed transportation plan submitted by a WECS applicant.

**WIND ENERGY CONVERSION SYSTEM (WECS) - COMMERCIAL.** All necessary devices referred to in this chapter that together convert wind energy into electricity and deliver that electricity to a utility's transmission lines, including but not limited to, the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower, the substations, switching stations, meteorological towers, communications facilities and other required facilities and equipment, as related to the WECS project.

**WIND ENERGY CONVERSION SYSTEM (WECS) - NONCOMMERCIAL.** A WECS facility referred to in § 154.06, consisting of one or more turbines with a total name-plate generating capacity of greater than 20 kilowatts (kW), but no more than one megawatt (MW), for the purpose of producing electricity on one or more contiguous parcels, and not for resale or distribution by interconnection with a utility.

**WIND ENERGY CONVERSION SYSTEM (WECS) - PRIVATE.** A WECS facility referred to in § 154.07, consisting of not more than one turbine and with a total name plate generating capacity of no more than 20 Kilowatts (kW), for the purpose of generating supplemental electricity for the parcel on which the facility is located.

(Ord. 2012-09, passed 8-6-12)



**TABLE OF SPECIAL ORDINANCES**

Table

**I. FRANCHISES**

**II. COUNTY HIGHWAY SYSTEM**

**III. VACATIONS**

**IV. ZONING CHANGES**

**V. BONDS**





**TABLE I: FRANCHISES**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1984-5	10-1-84	Granting a franchise to MediaCom to own, operate and maintain a cable television system within five miles of the Town of South Whitley.
1988-2	5-2-88	Granting a franchise to Oak Cable Systems of Indiana to construct and operate a cable television and closed circuit electronic system in defined areas of Whitley County for a term of 20 years.
1989-	4-3-89	Granting ComCast Cablevision of Indiana a non-exclusive franchise to construct and operate a cable distribution system in a specified area of Whitley County for a period of 15 years.
1989-	4-4-89	Granting Cable Direct a non-exclusive franchise to maintain a cable system and service to Whitley County for a period of 20 years.
1996-	12-16-96	Amending the cable television franchise granted to Cable Direct on April 4, 1989, allowing for a franchise fee payable to the county and providing for the grantor to maintain insurance acceptable to the county.
1999-15	9-2-99	Granting a franchise to MediaCom to construct, operate and maintain a cable television system in the county for a period of 15 years.

2005 S-2

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**Whitley County - Table of Special Ordinances**

**TABLE II: COUNTY HIGHWAY SYSTEM**

<i>Road</i>	<i>Date</i>	<i>Location</i>
Unnamed	6-7-37	Sections 25 and 26, Richland Township
Unnamed	5-1-39	Section 16, Union Township
Unnamed	8-7-39	Sections 4, 9 and 10, Blue Lake, Union Township
Arthur Christman, pet.	5-5-47	Columbia Township
Unnamed	5-5-48	Sections 34 and 35, Jefferson Township
Crampton's Addition	4-4-49	Thorncreek Township
Wilkerson's Addition	4-4-49	
Indiana Drive, Summit Drive, Clearview Drive in Ila M. Kichler's Subd. of Gandy's Subd.	9-7-49	Section 14, Smith Township
Unnamed	10-3-49	Churubusco to Community Park
Frank J. Flower's	12-26-50	Smith Township
Circle Drive	3-7-51	
James Wise Addition to New Lake	8-7-51	
James Street	5-5-52	From James Street and Factory Street to RR right-of-way
Westgate	5-5-52	
Unnamed	8-8-52	Oak Park Subdivision



## Whitley County - Table of Special Ordinances

<i>Road</i>	<i>Date</i>	<i>Location</i>
Cornelius Road	4-18-53	Richland Township
Roth Road	5-5-53 6-22-53	Big Cedar Lake
Unnamed	6-1-53	Barber's 1st Addition to Cedar Lake
Fred Shunk Road	5-3-54	Smith Township
Co. Line Road	6-8-54	Etna-Troy Township
Unnamed	10-17-56	Orchard Ridge Subdivision
County Road 600 North	8-5-57	Right-of-way
Circle Drive	4-7-58	McCoy's Gateway Park Addition
Unnamed roads	6-10-57	Wood Dale Addition
Harman Road	8-5-58	
Robert Parkhurst School Bus Turnaround	9-3-58	
Willis E. Miller Road	11-5-58	
Benton E. Gates Road	12-1-58	Section 3, Township 31 North, Range 9
East Roads	1-6-59	Karen Kove Subdivision
Gateworth Circle, Gateworth Drive, Worthman Addition	8-4-59	Crooked Lake
Unnamed Road	8-4-59	Walker's Addition to Oak Park Addition, Goose Lake
REMC Road	10-5-59	US 30 to CR 100 South
Roads	12-8-59	McGuire's 3rd Addition, Blue Lake

Resort

County Road 500 North 12-6-60

West end of Blue Lake

**County Highway System**

<i>Road</i>	<i>Date</i>	<i>Location</i>
Poplar Road of Chub's Subdivision	4-3-61	SW ¼ of Section 2, Township 32 North, Range 9 East
Unnamed road	4-2-62	The north-south road on the west edge of Wilckens Second Addition to Tri-Lake
Old 30	10-11-62	
Chapman road	3-1-65	
Paul J. Morsches Road	7-5-66	
Unnamed road	5-1-67	North side of Blue Lake, Rindfusz Addition, Smith Township
Unnamed road	6-6-67	Crooked Lake: from SR 109 to Morsches Road
Arthur and Irene Trier, pet.	10-2-67	Section 33, Thorncreek Township
Robin Hood Road and Coffee Tree Lane, Sherwood Forest Subdivision	11-6-67	Columbia Township
County Road 600 East	11-4-68	US 30 to Essex Wire
Stickler Road	12-3-68	Section 9, Columbia Township
Fry Road	12-23-68	Smith Township
Unnamed Road	12-23-68	Westgate Subdivision, Columbia Township
Etna Road extension	11-4-69	SR 9 to Airport Road
Elm and Oak Street extensions	5-6-70	To US 30 Service Road in Columbia Township



Morsches Road

9-8-70

North to Noble Co.

**Whitley County - Table of Special Ordinances**

<i>Road</i>	<i>Date</i>	<i>Location</i>
Unnamed roads	7-21-72	Stable Acres, Part "B," if bond
Unnamed roads	11-6-72	Keck's 1st Addition to Old Lake
Timberlane, Willow Lane and Dogwood Lane	8-5-74 11-15-76	Timberlane Acres Subdivision
Old SR 205	5-5-75	Radio Road to Columbia City
Unnamed roads	7-21-81	Columbia Acres Subdivision
Unnamed roads	1-4-88	Briarwood Estates Subdivision
Unnamed roads	4-17-89	Hanna Heights Subdivision
McJunkin Street	7-3-89	Plat of Coesse
Crescent Court Sheldon Road	12-17-90	Edison Place
Unnamed roads	12-20-93	Northland Estates Sections 1 and 2
Unnamed roads	12-20-93	Brookwood Estates
Linachic Trail becomes Glacier Ridge Trail	2-7-94	
Establishing right-of-way County Road 300 South	8-6-18	Between County Road 600 East and Raber Road, and; Raber Road between County Road 300 South and the Columbia City limits
Restricting truck traffic on West River Road	1-6-20	Between South State Road 105 and South 900 West; and South 900 West between West State Road 14 and West River Road

2021 S-10

**TABLE III: VACATIONS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	3-3-42	Vacating a road in Washington Township, Sections 6 and 7.
—	2-23-44	Vacating a highway in Section 35, Township 33 North, Range 8 East and Section 2, Township 32 North, Range 8 East.
—	3-6-45	Vacating a highway in Section 14, Township 31 North, Range 10 East, Union Township.
—	6-5-45	Vacating a highway in Section 22, Township 32 North, Range 8 East and Section 21, Township 32 North, Range 8 East, Troy Township.
—	8-5-46	Vacating a road and Lots 1 through 55, West Shore Addition to Loon Lake Resort.
—	9-2-47	Vacating a road in Section 31, Township 33 North, Range 8 East.
—	4-5-49	Vacating a road in Section 10, Township 30 North, Range 8 East.
—	12-5-50	Vacating a road near US Highway 30.
—	4-3-51	Vacating a road in Section 24, Township 31 North, Range 9 East.
—	7-3-51	Vacating a road in Section 25, Township 32 North, Range 8 East, Richland and Thorncreek Township.

—

12-1-52

Vacating a road in Section 1, Township  
32 North, Range 8 East.

## Whitley County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	5-4-60	Vacating an unnamed street.
—	6-6-60	Vacating a road in SW ¼ of Section 15, Township 31 North, Range 8 East.
—	8-2-60	Vacating Section “M” of Old SR 30 (Allen Co. line.)
—	9-6-61	Vacating Franklin Street, Town of Peabody
—	9-6-61	Vacating the west four feet of Lake Street, Tri-Lake Resort.
—	12-7-65	Vacating and relocating an unnamed road.
—	12-7-65	Vacating a road in Section 11, Township 32 North, Range 10 East.
—	9-6-66	Vacating a road in Sections 19 and 20, Township 32 North, Range 8 East.
—	10-3-66	Vacating a road and Lots 62 through 65, West Shore Addition to Loon Lake.
—	12-7-70	Vacating a part of the South ½ of the right-of-way on CR 500 North.
—	6-5-72	Vacating 20 feet of a highway in Cedar Beach Addition to Tri-Lakes Resort.
—	5-6-74	Vacating Walnut Street, Mill Street, part of Summit Street and the alleys in Ormas.
—	5-6-74	Vacating part of the SE ¼ of Section 12, Township 32 North, Range 9 East, 0.02 acres.
—	11-4-74	Vacating part of James Street in

Westgate Subdivision.

—

3-3-75

Vacating 92.82 square feet of the right-of-way north of Shriner Lake and south of Wilden Road.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	5-5-75	Vacating Radio Road from Blue River to State Road 9.
—	5-16-77	Vacating Schuman Road and Old US Highway 30 on Ward's land.
R-78-1	11-6-78	No description provided.
R-78-2	12-18-78	Vacating a highway in Cedar Beach Addition to Tri-Lakes Resort.
V-78-3	--	Vacating a walkway on Lot 15 in Magley's Second Addition to Tri-Lake Resort, Section 12, Township 32 North, Range 9 East, 0.27 acres.
—	1-21-80	Vacating part of Keiser Road.
—	9-15-80	Vacating a utility easement in Welker Estates of Whitley Subdivision.
0-81-2	7-7-81	Vacating CR 1000 South in Sections 25 and 36, Township 30 North, Range 10 East, Jefferson Township.
0-82-1	7-19-82	Vacating a road in SE ¼ of Section 12, Township 32 North, Range 9 East.
0-82-3	9-7-82	Vacating Spear Road, commencing at the SW corner of the lot in Spear's Second Addition to Crooked Lake.
—	11-19-84	Vacating part of School Street and the unimproved alley which abuts Lot 5 in Greiser's Addition to Collins.
1985-3	4-26-85	Vacating the six feet wide public easement between Lots 44 and 45 in Cedar lake Park Addition.
1985-4	7-15-85	Vacating the public easement between



Lots 17 and 18 in Fry's First Addition  
in Section 3, Township 32 North, Range  
9 East.

**Whitley County - Table of Special Ordinances**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1985-5	8-5-85	Vacating the public highway between Lot 24, Highland Park Addition to Tri-Lakes Resort and Lot 23, Neuhaus Addition to Tri-Lakes.
1985-6	8-5-85	Vacating the public rights-of-way in Wilcken's Second Addition to Tri-Lakes Resort, namely between Lots 44 and 45, 32 and 33, 23 and 24, 12 and 13 and from the vacated way between Lots 44 and 45 to the westerly line of Lot 8.
1985-10	12-16-85	Vacating the north side of Lots 1 through 7, Keck's Addition to Old Lake, 15 foot wide utility easement.
1985-11	12-16-85	Vacating part of Freemount Street in the Town of Coesse.
91-07	9-15-91	Vacating a public roadway in Plat of Oak Park Subdivision
91-11	12-16-91	Vacating a public walkway, Lots 6 and 7, Plat of Harry R. Thomas Addition.
92-01	1-14-92	Vacating part of public way and public park, John H. Rapp's Second Addition to Blue Lake Resort.
92-04	5-4-92	Vacating part of right-of-way, Martz Addition to Maple Beach Resort.
92-05	6-1-92	Vacating part of public way, Lots 18 and 19, John H. Rapp's Second Addition to Blue Lake Resort.
93-06	3-1-93	Vacating part of public way, vacated right-of-way of Bair Road, Lot 20, Plat of Elmer Bair's Addition to Tri-Lake Resort.

93-09

5-3-93

Vacating part of right-of-way of Lake  
Street, Plat of Town of Etna.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
93-10	5-10-93	Vacating part of platted drive, Stulf Road, Cedar Point Addition to Tri-Lakes.
93-12	6-7-93	Vacating platted alleys, Original Plat of Town of Collins (Rush's Plat of Collins Station), Smith Township.
93-19	10-4-93	Vacating part of vacated right-of-way Bair Road, NW ¼, Section 11, Township 32 North, Range 9 East.
93-21	11-15-93	Vacating part of roadway in Highland Park Addition to Tri-Lakes.
93-23	12-6-93	Vacating Lots 3 through 11, Cedar Lake.
93-25	12-20-93	Vacating three alleyways, Lots 21 through 22, Ruch's Plat of Collins Station, SW ¼, Section 28, Township 33 North, Range 10 East.
94-03	2-1-94	Vacating right-of-way between Lots 50 and 51, Forest Park Addition to Crooked Lake.
94-06	4-4-94	Vacating roadway in Plat of Cedar Beach Addition to Tri-Lake Resort.
94-07	4-4-94	Vacating public grounds in McGuire's Third Addition to Blue Lake Resort.
94-10	6-6-94	Vacating right-of-way of Cedar Avenue, Highland Park Addition to Tri-Lakes Resort.
94-09	8-1-94	Vacating platted drive, Lot 39, Cedar Point Addition to Tri-Lakes.
94-13	11-7-94	Vacating roadway in Cedar Lakes

Addition to Tri-Lakes Resort.

94-15

12-5-94

Vacating roadway in Cedar Beach  
Addition to Tri-Lakes.

**Whitley County - Table of Special Ordinances**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
94-16	12-5-94	Vacating utility easement, Horse Shoe Bay Subdivision.
94-19	12-19-94	Vacating utility easement in Weir's Subdivision.
95-3	4-17-95	Vacating walkway easement in Original Plat of McGuire's Third Addition and McGuire's Second Addition to Blue Lake.
95-04	5-15-95	Vacating easement in Fry's Subdivision to Crooked Lake.
95-10	10-16-95	Vacating Washington Street and unimproved alleys and rights-of-way in Deem's Addition to the Town of Forest.
97-05	4-21-97	Vacating a walkway in the Plat of Wilcken Addition to Tri-Lake Resort situated in Section 11, Township 32 North, Range 9 East.
97-09	5-19-97	Vacating the south line of the tract being the north line of Lots 1 and 2 in South Shore Addition to Round Lake at Tri-Lakes and a tract of land being part of the dedicated right-of-way for a public drive or road in the Plat of the South Shore Addition to Round Lake at Tri-Lakes.
97-12	8-18-97	Vacating all that land which lies northerly and easterly of those certain parts of Lots 1, 2 and 3 in Leonard Stalf's Subdivision of Lot 30 of Cedar Point Addition to Tri-Lake Resort.
98-06	6-1-98	Vacating a public way easement located between Lots 12 and 13 in Charles H. Arnold Addition to Loon Lake.



<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
98-20	11-10-98	Vacating that portion of Yellow River Road which lies between County Line Road (County Road 800 East) on the east and County Road 700 East on the west.
99-03	1-7-99	Vacating the ten foot wide walkway beginning at McGuire Road and running northwesterly for 115.0 feet between Lots 26 and 27 of McGuire's Second Addition, the entire length of Lots 26 and 27 and the ten foot wide walkway running southeasterly 85 feet from McGuire Road between Lots 10 and 11 of McGuire's Second Addition the entire length of Lots 10 and 11.
99-04	1-18-99	Vacating an unimproved 15 feet wide drive which lies between Lots 34 and 35 in E.R. Baker's Addition to Tri-Lakes.
99-08	5-17-99	Vacating an easement platted on both sides of the interior lot line between Lots 15 and 16 in Columbia Acres Addition.
99-19	11-15-99	Vacating a 60 foot wide surface and tile drainage easement which appears on Lot 6 in the Plat of Edison Place.
2000-08	8-21-00	Vacating a portion of a private drainage easement in the plat of Edison Place, a subdivision of part of the Southwest Quarter of the Southeast Quarter of Section 16, Smith Township.
2001-09	8-20-01	Vacating the south 20 feet of a 40-foot wide utility easement along the entire north boundary line of Donatellos' Village, Section IV.



2002-02

5-6-02

Vacating the public land in Blue Lake  
Resort.

**Whitley County - Table of Special Ordinances**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2013-06	8-19-13	Vacating a portion of CR 700 East which commences at a point ten feet north of the CSX Railway and continues to a point 40 feet north of the centerline of Hiler Road.
2013-09	9-16-13	Vacating an alley between Lots 5 and 8 to the west and 4 and 9 to the east; an alley between Lots 6, 5, 4, and 3 to the north and Lots 7, 8, 9, and 10 to the south; a street called West Street to the west of Lots 6 and 7; and a street called Mechanic Street; to the south of Lots 7, 8, 9, and 10 in Austins Addition to the Town of Etna Section 35, Township 33, Range 8 East.
2014-01	4-7-14	Vacating a portion of the lakefront property adjacent to Lots 28 - 32 in the replat of the Westshore Addition to Loon Lake.
2014-02	4-21-14	Vacating part of a platted 16.5 feet wide alley between Lots 3 and 4 in Highland Park Addition; and part of a platted Cedar Avenue; and part of a 16.5 feet wide alley between Lots 3 and 4 in Highland Park Addition to Tri-Lakes Resort, together with part of Cedar Street as shown in the plat of North Shore Addition to Tri-Lakes Resort.
2016-13	12-5-16	Vacating drive in the plat of Forest Park Addition to Crooked Lake, Township 32 North, Range 9 East.
2016-15	9-19-16	Vacating a portion of County Road 700 East.

**TABLE IV: ZONING CHANGES**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-1	--	Changing Section 11, Etna-Troy Township from Lake Residential to A-1.
R-2	(withdrawn)	Changing Section 23, Union Township from A-1 to I-1.
R-3	10-6-69	Changing Section 12, Etna-Troy Township from A-1 to L-1.
R-4	10-6-69	Changing Section 13, Columbia Township from A-1 to I-2.
R-5	1-5-70 (withdrawn)	Changing Section 22, Union Township from S-1 to A-1.
R-6	(denied)	Changing Section 3, Smith Township from A-1 to B-2 and I-1.
R-8	7-6-70	Changing Western Tack Shop on SR 109, Section 21, Thorncreek Township from A-1 to B-1.
R-9	--	No description provided.
R-10	11-2-70	Changing 6.19 acres on the north side of Old Lake, Section 36, Etna-Troy Township and Section 1, Washington Township from A-1 to L-1.
R-11	--	Changing Sections 1 through 6, Jefferson Township from I-1 to A-1.

R-12

11-2-70

Changing Section 2, Thorncreek  
Township from L-1 to A-1.

2003 S-1

17

## Whitley County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-13	12-7-70	Changing Section 25, Smith Township from A-1 to B-2.
R-14	2-1-71	Changing Section 11, Etna-Troy Township from L-1 to B-2.
R-15	5-3-71	Changing Section 32, Richland Township from A-1 to I-1.
R-16	--	Changing Section 25, Etna-Troy Township from L-1 to A-1.
R-17	8-2-71	Changing Section 19, Union Township from I-1 to A-1.
R-18	--	Changing Sections 24 and 25, Union Township from A-1 to I-1.
R-19	--	Changing Sections 3 and 4, Thorncreek Township from A-1 to I-1.
R-20	(withdrawn)	Changing Section 6, Smith Township from A-1 to I-1.
R-21	7-21-72	Changing Section 12, Etna-Troy Township from L-1 to A-1.
R-22	--	Changing Section 15, Smith Township from L-1 to A-1.
R-23	--	Changing Section 3, Smith Township from A-1 to B-1.
R-24	--	Changing Section 3, Smith Township from A-1 to I-1.
R-25	--	Changing Section 1, Richland Township from A-1 to B-1.
R-26	--	Changing Section 6, Smith Township from A-1 to B-1.



## Zoning Changes

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-27	--	Changing Section 12, Thorncreek Township from L-1 to A-1.
R-28	4-2-73	Changing Section 32, Richland Township from A-1 to B-1.
R-29	5-7-73	Changing Section 21, Thorncreek Township from A-1 to B-1.
R-30	--	Changing Section 24, Columbia Township from A-1 to I-1.
R-31	--	Changing Section 13, Columbia Township from I-1 to A-1.
R-32	--	Changing Section 19, Jefferson Township from L-1 to A-1.
R-33	--	Changing Section 21, Etna-Troy Township from A-1 to B-2.
R-34	12-21-73	Changing Section 2, Washington Township from A-1 to I-2.
R-35	--	Changing Section 21, Etna-Troy Township from A-1 to B-1.
R-36	--	Changing Section 12, Thorncreek Township from S-1 to A-1.
R-37	--	Changing Section 11, Washington Township from A-1 to B-2.
R-38	--	Changing Section 1, Washington Township from A-1 to B-2.
R-39	--	Changing Section 25, Columbia Township from A-1 to B-2.
R-40	--	Changing Section 36, Cleveland Township from B-2 to A-1.





## Whitley County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-41	--	Changing Section 31, Cleveland Township from A-1 to I-1.
R-42	--	Changing Section 31, Cleveland Township from A-1 to B-2.
R-43	--	Changing Section 13, Etna-Troy Township from A-1 to B-1.
R-44	--	Changing Section 6, Columbia Township from A-1 to I-1.
R-45	12-2-74	Changing Section 6, Columbia Township from A-1 to B-2.
R-46	12-2-74	Changing Section 10, Cleveland Township from A-1 to B-2.
R-47	1-7-74	Changing Section 29, Smith Township from S-1 to A-1.
R-48	4-7-75	Changing Section 13, Etna-Troy Township, approximately 0.083 acres from A-1 to B-1.
R-49	4-7-75	Changing Section 18, Union Township, one acre, from I-1 to B-1.
R-50	5-5-75	Changing Section 18, Union Township, one acre, from I-1 to B-1.
R-51	5-19-75	Changing Section 34, two acres, from B-1 to B-2.
R-52	10-20-75	Changing Lots 1 through 8 in Block 11 of Coesse, Section 21, Union Township from S-1 to A-1.
R-53	--	Changing Section 12, Thorncreek Township from L-1 to R-2.

R-54

(denied)

Changing Section 16, Thorncreek  
Township from A-1 to B-2.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-55	(denied)	Changing Section 36, Columbia Township from A-1 to B-1.
R-56	8-2-76	Changing Section 8, Etna-Troy Township from A-1 to B-2.
R-57	8-2-76	Changing part of the W ½ of the SW ¼ and all of the W ½ of the NW ¼ lying south of the Chicago and St. Louis Railroad in Section 1, Township 30 North, Range 9 East, Washington Township, 11.52 acres from A-1 to I-2.
R-58	(denied)	Changing Section 12, Thorncreek Township from B-1 to A-1.
R-59	(withdrawn)	Changing Section 20, Union Township from I-1 to A-1.
R-60	--	Changing Section 14, Union Township from I-1 to A-1.
R-61	--	Changing Section 14, Union Township from I-1 to B-2.
R-62	(withdrawn)	Changing Section 6, Columbia Township from A-1 to B-2.
0-77-1, R-63	12-6-76	Changing Section 2, Washington Township, 2.02 acres, from A-1 to I-2.
0-77-1, R-64	3-7-77	Changing the north end of the E ½ of the W ¼ of Section 1, Township 31 North, Range 8 East, Richland Township, 4.82 acres, from A-1 to B-2.
R-65	--	Changing Section 32, Smith Township from A-1 to B-1.
0-78-1, R-66	1-3-78	Changing Section 24, Union Township from A-1 to B-2.



## Whitley County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-67	5-1-78	Changing Section 13, Union Township, 1.17 acres, from A-1 to B-2.
R-68	--	Changing Section 4, Smith Township from A-1 to B-2.
R-69	--	Changing Section 17, Union Township from A-1 to B-2.
R-70	--	Changing Section 17, Union Township from A-1 to I-1.
0-78-5, R-71	11-1-78	Changing the NW ¼ of Section 18, Township 31 North, Range 10 East, Union Township, 13 acres, from B-1 to I-1.
0-79-1, R-72	1-15-79	Changing Section 1, Washington Township, 78.5 acres, from A-1 and B-2 to I-2.
0-79-2, R-73	3-5-79	Changing Lot 1, Snider's First Addition in Section 12, Thorncreek Township from S-1 to B-2.
0-79-3A, R-74	5-21-79	Changing Lots 10 through 12, Goose Lake, Section 12, Etna-Troy Township from L-1 to B-1.
0-79-4, R-75	5-21-79	Changing Section 24, Union Township from A-1 to I-1.
R-76	--	Changing Section 14, Cleveland Township from A-1 to B-12.
0-80-1	--	Denied.
0-80-2	--	Denied.
R-77	--	Changing Section 26, Jefferson Township from A-1 to I-1.

R-78

--

Changing Section 3, Smith Township  
from A-1 to I-2.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-79	9-8-81	Changing Section 3, Smith Township from L-1 to B-2.
R-80	--	Changing Section 15, Smith Township from L-1 to B-2.
R-81	11-19-81	Changing Section 23, Union Township, two acres, from A-1 to I-2.
R-82	11-1-82	Changing Section ____ , Richland Township, 1.8 acres, from A-1 to B-1.
R-83	--	Changing Section 35, Richland Township from L-1 to A-1.
R-84	--	Changing Section 25, Richland Township from B-1 to B-2.
R-85	8-15-83	Changing Section 17, Union Township from A-1 to B-2.
R-86	10-3-83	Changing Section 6, Columbia Township, two acres, from A-1 to B-2.
R-87	--	Changing Section 31, Richland Township from A-1 to I-1.
R-88	6-18-84	Changing Section 1, Richland Township, 6.21 acres, from A-1 to I-1.
R-89	--	Changing Section 36, Jefferson Township from A-1 to I-1.
R-90	--	Changing Section 27, Jefferson Township from A-1 to I-1.
R-91	10-1-84	Changing Section 28, Cleveland Township, two acres, from A-1 to I-1.
R-92	10-1-84	Changing Section 12, Richland Township, 150 feet by 348.48 feet, from

A-1 to B-1.



### Whitley County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-93	(denied)	Changing Section 10, Thorncreek Township from A-1 to B-2.
R-94	10-1-84	Changing Section 24, Washington Township, 0.11 acres, from A-1 to B-1.
R-95	11-19-84	Changing Lot 1, Pleasant Hill, Section 1, Richland Township, 6.63 acres, from A-1 to B-1.
R-96	11-19-84	Changing Section 10, Smith Township from L-1 to B-1.
R-97	5-6-85	Changing Section 28, Richland Township from A-1 to I-1.
R-98	5-6-85	Changing Section 28, Smith Township from R-1 to B-2.
R-99	5-20-85	Changing Section 18, Jefferson Township from A-1 to B-2.
R-100	7-1-85	Changing Section 32, Columbia Township from A-1 to I-2.
R-101	7-1-85	Changing Section 30, Union Township from A-1 to I-1.
R-102	7-15-85 (denied)	Changing Section 19, Cleveland Township from A-1 to B-2.
R-103	9-3-85 (denied)	Changing Section 14, Cleveland Township from A-1 to B-2.
R-104	9-3-85	Changing Section 22, Smith Township, .49 acres (body shop), from A-1 to B-2.
R-105	10-7-85	Changing Section 1, Thorncreek Township, 150 feet by 140 feet, from A-1 to B-2.

R-106

12-20-85

Changing Section 16, Union Township,  
10 acres, from A-1 to I-1.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	3-3-86 (denied)	Changing Section 16, Union Township, 10 acres, from A-1 to I-1.
91-01	1-7-91	Changing CR 650 North and US 33, two acres, from A-1 to B-2.
91-02	1-7-91	Changing part of Section 31, Township 32 North, Range 8 East, 22.99 acres and 8.91 acres from A-1 to B-1.
91-03	2-4-91	Changing part of Section 14, Township 30 North, Range 8 East from A-1 to B-2.
Res. 91-03	3-4-91	Ord. 90-15 rescinded.
—	4-1-91 (denied)	No description given.
91-09	12-2-91	Changing part of SE ¼, Section 11, Township 32 North, Range 9 East from A-1 to L-1.
93-13	6-21-93	Changing Lot 29 in Magic Hills Subdivision from B-1 to B-2.
93-14	6-21-93	Changing part of NW ¼, Section 10, Township 30 North, Range 8 East, 5.38 acres, from A-1 to B-2.
93-15	6-21-93	Changing Lot 4, Three Kings Addition, from A-1 to B-2.
93-17	9-7-93	Changing part of SW ¼, Section 1, Township 30 North, Range 10 East, 0.516 acres, from A-1 to B-1.
93-20	11-1-93	Changing part of SE ¼, Section 23, Township 30 North, Range 9 East, 19.4 acres, from A-1 to I-2.
94-02	2-7-94	Changing part of NW ¼, Section 31,

Township 32 North, Range 8 East,  
6.964 acres, from A-1 to B-1.

## Whitley County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
94-12	10-3-94	Changing part of SE ¼, Section 3, Township 30 North, Range 10 East, 6.51 acres, from A-1 to I-1.
95-2	2-20-95	Changing part of SW ¼, Section 17, Township 32 North, Range 10 East, about 20 acres, from A-1 to B-2.
95-09	10-2-95	Changing part of NE ¼, Section 18, Township 31 North, Range 10 East, 38.407 acres, from A-1 to I-1.
96-01	1-2-96	Changing part of NE ¼, Section 32, Township 32 North, Range 8 East, 150 feet by 200 feet, from A-1 to I-1.
96-05	4-1-96	Changing part of the S ½ of Section 32, Township 31 North, Range 9 East, Columbia Civil Township, from A-1 to I-1.
96-10	8-5-96	Changing all of that part of the NW ¼ of Section 18, Township 31 North, Range 10 East, from B-2 to I-1.
96-11	8-5-96	Changing part of the NE ¼ of SE ¼ of Section 18, Township 31 North, Range 10 East, from B-2 to I-1.
96-11-1	9-3-96	Changing part of the S ½ of the NW ¼ of Section 17, Township 31 North, Range 10 East, from A-1 to B-2.
0-96-12	10-7-96	Changing part of the SE ¼ of Section 13, Township 32 North, Range 8 East, from A-1 to B-2.
96-15	12-2-96	Changing part of the SW ¼ of Section 18, Township 30 North, Range 9 East, from S-1 to B-2.

97-02

3-3-97

Changing part of the SE  $\frac{1}{4}$  of Section  
17, Township 31 North, Range 10 East,  
from A-1 to B-2.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
97-06	5-5-97	Changing the incorporated town limits of the Town of Larwill, Indiana, from S-1 and I-1 to S-1 and B-2.
97-13	9-2-97	Changing 13 acres by parallel lines off the west side of the NE ¼ of the NE ¼ of Section 24, Township 31 North, Range 10 East, from A-1 to I-1.
97-16	11-17-97	Changing part of the SE ¼ of NE ¼ of Section 22, together with part of the NE ¼ of the SE ¼ of Section 22, all being in Township 32 North, Range 10 East, from A-1 to B-2.
98-04	4-6-98	Changing part of the SE ¼ of Section 17, Township 31 North, Range 10 East from A-1 to B-2.
98-08	6-1-98	Changing part of the S ½ of Section 32, Township 31 North, Range 9 East, Columbia Civil Township, from A-1 to I-1.
98-09	7-20-98	Changing a parcel of land approximately 750 feet west of CR 650 East and 1050 feet south of US Highway 33, containing 17 acres in the NE corner of part of the E ½ of the SE ¼ of Section 4, Township 32 North, Range 10 East, from A-1 to I-1.
98-12	8-17-98	Changing an 80 foot by 81 foot area, including the S ½ of the pole barn and 20 feet surrounding it to the east, south and west of part of the E ½ of the SW ¼ of Section 31, Township 32 North, Range 19 East from A-1 to B-2.
98-13	9-8-98	Changing part of the S ½ of Section 24, Township 31 North, Range 10 East and

part of the N  $\frac{1}{4}$  of Section 25, Township  
31 North, Range 10 East of the Second  
Principal Meridian from I-1 and A-1 to  
I-2.



### Whitley County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
98-14	9-21-98	Changing the south 16 acres of 28 acres off of the north end of the W ½ of the SE ¼, being North of State Highway 33, in Section 3, Township 32 North, Range 10 East, from A-1 to I-1.
98-18	11-2-98	Changing the south 600 feet of the north 941.5 feet of the east 315.5 feet of the NW ¼ of Section 31, Township 32 North, Range 8 East, from A-1 to B-2.
98-21	12-21-98	Changing part of the W ½ of the SE ¼ of Section 29, Township 32 North, Range 8 East, from A-1 to B-2.
99-05	2-1-99	Changing the E ½ of the SW ¼ of the SE ¼ of Section 13, Township 31 North, Range 10 East, from A-1 to B-2.
99-17	11-1-99	Changing an area 50 feet by 70 feet in size located in the W ½ of the SE ¼ of Section 18, Township 31 North, Range 9 East, from A-1 to B-2.
99-18	11-1-99	Changing a tract of land located in the SE ¼ of Section 1, Township 30 North, Range 10 East, from A-1 to S-1.
2000-03	6-5-00	Changing that part of the SW ¼ of Section 7, Township 31 North, Range 10 East and that part of the SW ¼ of Section 7, Township 31 North, Range 10 East from A-1 to I-1.
2001-13	12-3-01	Changing that part of the SW ¼ of Section 1, Township 30 North, Range 10 East of the Second Principal Meridian from A-1 to B-1.
2001-14	12-3-01	Changing three tracts of land in that part of the SW ¼ of Section 1, Township 30 North, Range 10 East of the Second

Principal Meridian from A-1 to S-1, B-1  
and B-2.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2002-03	5-6-02	Changing that part of the NE 1/4 of Section 16, Township 32 North, Range 10 East from A-1 to L-1.
2002-07	8-5-02	Changing the property of Kim and Roxanne Reiff from B-2 to S-1.
2002-12	10-21-02	Changing the south 300 feet of the part of the SW 1/4 of Section 32, Township 32 North, Range 8 East from A-1 to B-2.
2002-14	12-2-02	Changing part of the south half of the NW 1/4 of Section 17, Township 31 North, Range 10 East, 5.016 acres, more or less, from A-1 to B-1.
2002-15	12-2-02	Changing the east 672.5 feet of the north 348.0 feet of the NE 1/4 of the NW 1/4 of Section 21 along with that part of said section lying west of State Road 5, being in Township 31 North, Range 8 East, approximately 5.37 acres, from A-1 to B-1.
2010-01	2-1-10	Changing certain property, 50% or more of which is owned by J. McClure, from VC to LR.
2010-06	6-7-10	Changing certain property, 50% or more of which is owned by D. Weber, H. and C. Strader, and K. Zorger, from AG to GC.
2010-11	9-7-10	Changing four tracts of land, 50% or more of which is owned by Ag Plus, L.P., from AG to IN.
2012-07	4-2-12	Changing two parcels of land, 50% or more of which is owned from Kim L. Reiff, from GC to VC.





**Whitley County - Table of Special Ordinances**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2014-05	7-7-14	Changing certain property, 50% or more of which is owned by Mark and Cynthia Strack, and Deathe & McCoy, LLC, from AG to GC and IPM.
2014-13	11-3-14	Changing certain property, 50% or more of which is owned by Pamela Hoppe and Steve Van Houten, from AG to GC.
2016-07	8-1-16	Changing certain property, 50% or more of which is owned by Hilty Family Revocable Living Trust, from AG to PR.
2016-08	10-3-16	Changing certain property, 50% or more of which is owned by Warner Holdings, LLC, from AG to GC.
2017-01	1-3-17	Changing certain property, 50% or more of which is owned by Debra Kay Stoppenhagen, from GC to LR.
2017-07	7-17-17	Changing certain property, 50% or more which is owned by Site, Inc., from AG to RR.
2017-08	8-30-17	Changing certain property, 50% or more of which is owned by Mobile King, LLC, from IPM to GC.
2017-09	9-5-17	Changing certain property, 50% or more of which is owned by Joe and Sarah Lopez, from AG to AGP.
2019-03	4-1-19	Changing certain property, 50% or more of which is owned by Mark and Alayne Johnson, et al., from AG to AGP.
2019-04	5-6-19	Changing certain property, 50% or more of which is owned by Robert and Linda Hoffman et al., from AG to RR.

2021 S-10

## Zoning Changes

30A

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2019-05	5-6-19	Changing certain property, 50% or more of which is owned by Micropulse, Inc., from AG and GC to IPM.
2019-09	8-19-19	Changing certain property, 50% or more of which is owned by More Family Farms, Inc., from AG to AGP.
2020-03	3-16-20	Changing certain property, 50% or more of which is owned by Kenneth and Barbara Rupley, from AG to GC.
2020-04	3-16-20	Changing certain property, 50% or more of which is owned by Braden L. Coffelt, from GC to AG, and from AG to IPM.
2020-06	6-15-20	Changing certain property, 50% or more of which is owned by Frederick and Ann Warner, from AG to GC.
2020-09	8-17-20	Changing certain property, 50% or more of which is owned by Brian G. Emerick, from AG to AGP.
2021-01	2-1-21	Changing certain property, 50% or more of which is owned by Marquell-Devries Properties, LLC, from AG to RR.
2021-02	2-1-21	Changing certain property, 50% or more of which is owned by Daniel and Deborah Michel, from AG to AGP.
2021-04	4-5-21	Changing certain property, 50% or more of which is owned by Keith Robinson, from AG to RR.
2021-05	5-17-21	Changing certain property, 50% or more of which is owned by 1560 North State Road 5, LLC, from AG to IPM.
2021-07	9-7-21	Changing certain property, 50% or more



of which is owned by Paul McCoy,  
from AG to IPM.

2022 S-11  
30B

**Whitley County - Table of Special Ordinances**

**TABLE V: BONDS**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2011-03	3-7-11	Authorizing the issuance of not to exceed \$6,000,000 aggregate principal amount of and sale of economic development revenue bonds, Series 2011 (Micropulse, Inc. project) of the county, the proceeds of which shall be loaned to Micropulse, Inc., to finance an economic development facility; providing for the pledge of revenues for the payment of such bonds; authorizing the execution of a financing agreement with respect to the bonds; and authorizing other actions in connection with the issuance of such bonds.
2015-02	3-25-15	Authorizing the issuance and sale of no more than \$5,500,000 economic development revenue bonds, Series 2015 (Micropulse, Inc. project) of the county, to finance the acquisition, construction, installation and equipping of an economic development facility; authorizing the execution of a bond purchase and loan agreement and such other actions in connection with the issuance of such bonds.
2016-06	7-6-16	Authorizing the issuance and sale of no more than \$8,000,000 economic development revenue bonds, Series 2016 (Restoration Medical Polymers, LLC Project) of the county, to finance the acquisition, construction, installation and equipping of an economic development facility in the county; authorizing the execution of a bond

purchase and loan agreement and such other actions in connection with the issuance of such bonds.

**Whitley County - Table of Special Ordinances**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2020-05	6-3-20	Authorizing the issuance of taxable economic development revenue bonds, Series 2020 (Iotron project) and approving and authorizing other actions in respect thereto.

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## **PARALLEL REFERENCES**

References to Indiana Code  
References to 1986 Code of Ordinances  
References to Resolutions  
References to Ordinances





## REFERENCES TO INDIANA CODE

<i>I.C. Code Section</i>	<i>Code Section</i>
1-1-1-5	10.04
1-1-1-7	10.12
1-1-1-8	10.06
1-1-4-5	10.05
1-1-5-1	10.11
1-1-6-1	10.08
1-1-9-1	33.06
1-1-10-1	33.07
3-11-1.5-3	34.01
3-11-1.5-19	34.01
3-11-1.5-30	34.01
3-11-1.5-31	34.01
4-21.5-1-9	151.03
4-21.5-3-1 et seq.	111.11
4-21.5-3-7	150.37
5-1-4-4	31.32
5-3-1-2	152.022
5-4-1-18(a)	32.09
5-4-1-18(a)(7)	32.09
5-4-1-18(d)	32.09
5-4-1-18(d)(1)	32.09
5-4-1-18(d)(2)	32.09
5-4-1-18(e)(1)	32.09
5-4-1-18(e)(2)	32.09
5-10-1.1-1	33.01
5-10-8-1	33.03
5-10.1-3	33.04
5-10.1-3-4	33.04
5-10.3-1-1	33.05
5-11-1-27(e)	32.11
5-11-10	32.12
5-14-1.5 et seq.	36.10
5-14-1.5-2	36.10
5-14-1.5-5(d)	36.26, 36.27
5-14-3	32.04
5-14-3-3(d)	32.08
5-14-3-3.5	32.08

## Whitley County - Parallel Reference

<i>I.C. Code Section</i>	<i>Code Section</i>
5-22-1 et seq.	32.14
5-22-8-2	32.14
5-22-8-3	32.14
5-22-10	32.14
5-22-15-10	32.14
5-22-15-16	32.14
5-22-15-20.9	32.14
5-22-15-21	32.14
5-22-15-23	32.14
6-1.1-12-6 (Repealed)	35.15
6-1.1-20.9	35.08
6-2.1-3-20 - 6-2.1-3-22	112.02
6-3.5-1.1	35.01
6-3.5-1.1-25	35.01
6-3.5-4	35.11
6-3.5-4-2	35.11
6-3.5-4-13	35.11
6-3.5-5	35.11
6-3.5-5-2	35.11
6-3.5-5-2(c)	35.11
6-3.5-5-3	35.11
6-3.5-5-4	35.11
6-3.5-5-15	35.11
6-3.5-7-5(p)	35.08
8-1-32.5-3	113.01
8-16-3	35.05
8-16-3-1	35.05
8-17-1-39	90.02
8-17-5-13	31.75
8-22-2	31.63
8-22-2-1	31.61
8-23-4-3	90.01
9-4-1-125	70.02
9-13-2-69.7	70.05
9-20-18	70.02
9-20-18-1 et seq.	70.02
9-21-1-2 et seq.	70.01, 70.02
9-21-16-5	Ch. 71, Sch. II
9-29-11-1 (Repealed)	32.04
10-14	36.04, 36.11, 36.25, 36.26, 36.30
10-14-2-1 (Repealed)	36.02
10-14-3-12	36.25, 36.26
10-14-3-16	36.12

<i>I.C. Code Section</i>	<i>Code Section</i>
10-14-3-17	36.02, 36.04, 36.10, 36.12, 36.13, 36.27
10-14-3-22	36.04, 36.27
10-14-3-24	36.27
10-14-3-27	36.12
10-14-3-29	36.02
10-14-3-31	36.27, 36.31
11-12-1-1(a)	31.01
11-12-2-2	31.01
11-12-2-2(a)	31.01
11-12-2-2(b)	31.01
11-12-2-12	35.02
11-12-5-5	32.05
11-12-6-6 (Repealed)	35.02
11-12-6-11.1 (Repealed)	35.02
11-12-6-13 (Repealed)	35.02
12-30-1	32.06
13-9.5	50.10
13-9.5-2-1	50.10
13-9.5-2-5	50.10
13-9.5-6-2	50.10
13-9.5-7-2	50.10
14-1-1-9	53.99
14-10-1-1	51.03
14-16-1	70.03
15-2.1-7-1	92.01
15-2.1-8-1 et seq.	92.01
15-3-4.6-6	53.99
15-5-9 et seq. (Repealed)	35.10
16-1-28 - 16-1-31	112.04
16-8	51.03
16-19-3-5 (Repealed)	52.16
16-20-1-7	31.46
16-20-1-8	31.46
16-20-1-17	31.46
16-20-1-27	51.05
16-20-2-2	31.45
16-20-2-3	31.46
16-20-2-16	31.46, 111.02
16-22	31.02
16-22-2	31.02
16-31-5-1	32.01
16-42-5.2-8	112.03
20-4-8-4 (Repealed)	32.02

## Whitley County - Parallel Reference

<i>I.C. Code Section</i>	<i>Code Section</i>
22-9-1-4 et seq.	93.02
22-9.5-1 et seq.	93.01
22-9.5-2-2	93.02
22-9.5-2-3	93.02
22-9.5-2-4	93.02
22-9.5-2-8	93.02
22-9.5-2-9	93.02
22-9.5-2-10	93.02
22-9.5-2-10(b)	93.02
22-9.5-2-10(c)	93.02
22-9.5-2-11	93.02
22-9.5-2-13	93.02
22-9.5-3	93.03
22-9.5-3 et seq.	93.09
22-9.5-4-8	93.10
22-9.5-5	93.02
22-9.5-5-1	93.03
22-9.5-6	93.02, 93.10
22-12-1-3	150.02
22-12-7	150.01
22-13-2-7	150.37
22-15-3-1	150.26
22-15-4	150.23
25-39-1.5	51.11
25-39-3	51.05
25-39-3 et seq.	51.02
27-1-15.6-6(d)	32.13
27-7-3-2	32.13
27-7-3-6	32.13
31-6-4-18	35.02
32-11	36.31
32-29-7-3	32.04, 35.16
33-36-2-1	31.85
34-24-1-4	35.19
35-38-2-1	35.02
35-43-5-5 (Repealed)	32.04
35-43-5-5(e) (Repealed)	32.04
35-45-3-2	53.99
35-48-1-9	91.05
35-48-1-17	91.05
35-48-4-14.5	91.05
36	110.01
36-1-3-1	30.08

<i>I.C. Code Section</i>	<i>Code Section</i>
36-1-3-1 et seq.	30.08
36-1-3-2	30.09
36-1-3-8	32.04, 70.01, 70.02
36-1-3-8(a)(10)	10.99, 70.99
36-1-4-11	70.01, 70.02
36-1-5-4	90.02
36-1-6-3	70.01, 70.02
36-1-7-4	150.02
36-2-2	36.02
36-2-2-4	30.01, 34.02
36-2-2-6	30.02
36-2-2-8	36.26, 36.27
36-2-2-8(b)	36.27
36-2-2-10	30.03
36-2-2-24	30.12
36-2-3-4	34.03
36-2-4-1 et seq.	70.01, 70.02
36-2-4-8	35.16
36-2-4-11	30.05
36-2-5-3(a)	36.12
36-2-6-3	35.07
36-2-6-4.5	35.07
36-2-7-10(c)	32.04
36-2-7-10(f)	32.13
36-2-7-10.1(d)	32.13
36-2-7.5	35.12
36-2-7.5-11	35.12
36-2-8-2	30.06
36-2-19-4	32.10
36-7-4-700 et seq.	152.003
36-7-8-7	150.01
36-7-8-9	150.01
36-7-9	150.02
36-7-9-1	150.02
36-7-9-1 - 36-7-9-28	150.02
36-7-9-1 et seq.	150.02
36-7-9-2	150.02
36-7-9-4	32.10, 150.02
36-7-9-14	150.02
36-7-9-14(c)	150.02
36-7-9-28	150.02
36-7-14	31.15
36-7-14-1	31.15

**Whitley County - Parallel Reference**

<i>I.C. Code Section</i>	<i>Code Section</i>
36-7-14-1 et seq.	31.15
36-7-14.5	31.31
36-7-14.5-1	31.31
36-7.6-1 et seq.	31.33
36-7.6-2-3	31.33
36-8-2-3	91.01, 91.99
36-8-16.7-1 et seq.	91.02
36-8-16.7-10	32.04
36-9-13-5	31.30
36-9-14.5	35.03
36-9-27	152.060, 152.078
36-9-27-2	90.06
36-9-30	50.01
36-9-30-12	50.01
36-9-30-35	53.99

## REFERENCES TO 1986 CODE OF ORDINANCES

<i>1986 Code Section</i>	<i>2002 Code Section</i>
1-1-9-1	33.06
1-1-10-1	33.07
3-11-1.5-3	34.01
4-1-4-230.11	
5-1-4-431.32	
5-10-1.1-1	33.01
5-10.1-3-4	33.04
5-10.3-1-1	33.05
5-10-6-1	33.02
5-10-8-1	33.03
6-3.5-1.1-2	35.01
8-16-3-1	35.05
8-17-1-39	90.02
8-17-5-13	31.75 - 31.77
8-17-9-1	70.04, Ch. 71 Sch. III
8-17-15-1	110.01
8-22-2-1	31.60 - 31.63
8-23-4-3	90.01
9-4-1-58	70.01, 70.04
9-4-1-114	70.04
9-4-1-125	70.02
11-12-2-2	31.01
11-12-5-5	32.05
11-12-6-6	35.02
11-12-6-9	35.02
13-1-13-5	32.07
13-9.5-2-1	50.10
13-9.5-4-6(a)	50.11
13-9.5-4-6(b)	50.11
13-9.5-4-6(c)	50.13
13-9.5-4-6(d)	50.14
13-30-1-1	32.06
14-1-3.5-14	70.03
15-2.1-7-1	92.01

## Whitley County - Parallel Reference

<i>1986 Code Section</i>	<i>2002 Code Section</i>
16-1-4-24	31.46
16-1-7-5	31.45
16-1-39-15	32.01
16-12.1-2-3	31.02
16-12.1-4-4	35.04
16-19-3-4	52.01, 52.02
16-19-3-5	52.15 - 52.26, 52.28 - 52.33
16-42-5-24(a)	112.01
16-42-5-24(b)	112.02
16-42-5-24(c)	112.03
16-42-5-24(d)	112.04
16-42-5-24(e)	112.05
16-42-5-24(f)	112.06
16-42-5-24(g)	112.07
16-42-5-24(h)	112.08
16-42-5-24(i)	112.99
20-4-8-4	32.02
22-9-1-12.1	32.03
33-5-50-11	30.10
33-9-15-3	31.03
33-14-7-20	30.13
34-4-30.1-3	35.06
36-1-3-1	30.08
36-1-3-2	30.09
36-1-3-8	32.04
36-1-9-4	90.03
36-2-2-4	30.01
36-2-2-6	30.02
36-2-2-10	30.03
36-2-2-24	30.12
36-2-3-4	30.04
36-2-4-11	30.05
36-2-8-2	30.06
36-6-1-2	30.07
36-7-4-700	152.001 - 152.008, 152.020 - 152.025, 152.040 - 152.043, 152.055 - 152.062, 152.075 - 152.083, 152.095 - 152.098
36-7-8-2	150.20 - 150.29, 150.31 - 150.37, 150.98
36-7-8-7	150.01
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<i>1986 Code Section</i>	<i>2002 Code Section</i>
36-7-14-1	31.15
36-7-14.5-1	31.31
36-8-2-3	91.01, 91.99
36-8-2-4	150.50 - 150.58
36-8-3-20	31.04
36-8-16-6	91.02
36-9-13-5	31.30
36-9-14.5-3	35.03
36-9-30-21	50.01



## REFERENCES TO RESOLUTIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
—	2-7-45	32.06
—	7-2-57	31.45
—	12-20-65	152.001 - 152.008, 152.020 - 152.025, 152.040 - 152.043, 152.055 - 152.062, 152.075 - 152.083, 152.095 - 152.098
—	10-8-68	31.02
—	9-30-74	31.32
—	8-15-83	33.01
—	9-4-84	31.30
—	8-4-86	150.02
—	1-5-87	33.02
87-3	6-15-87	35.05
87-4	6-15-87	35.03
—	5-2-88	31.02
88-2	8-1-88	35.03
—	9-18-89	35.04
90-02	2-13-90	31.01
R-91-04	8-19-91	35.03
R-92-11	11-2-92	35.05
R-94-02	1-17-94	150.01



## REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
R-1	--	T.S.O. IV
R-9	--	T.S.O. IV
R-11	--	T.S.O. IV
R-16	--	T.S.O. IV
R-18	--	T.S.O. IV
R-19	--	T.S.O. IV
R-22	--	T.S.O. IV
R-23	--	T.S.O. IV
R-24	--	T.S.O. IV
R-25	--	T.S.O. IV
R-26	--	T.S.O. IV
R-27	--	T.S.O. IV
R-30	--	T.S.O. IV
R-31	--	T.S.O. IV
R-32	--	T.S.O. IV
R-33	--	T.S.O. IV
R-35	--	T.S.O. IV
R-36	--	T.S.O. IV
R-37	--	T.S.O. IV
R-38	--	T.S.O. IV
R-39	--	T.S.O. IV
R-40	--	T.S.O. IV
R-41	--	T.S.O. IV
R-42	--	T.S.O. IV
R-43	--	T.S.O. IV
R-44	--	T.S.O. IV
R-53	--	T.S.O. IV
R-60	--	T.S.O. IV
R-61	--	T.S.O. IV
R-65	--	T.S.O. IV
R-68	--	T.S.O. IV
R-69	--	T.S.O. IV
R-70	--	T.S.O. IV
R-76	--	T.S.O. IV

## Whitley County - Parallel Reference

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
R-77	--	T.S.O. IV
R-78	--	T.S.O. IV
R-80	--	T.S.O. IV
R-83	--	T.S.O. IV
R-84	--	T.S.O. IV
R-87	--	T.S.O. IV
R-89	--	T.S.O. IV
R-90	--	T.S.O. IV
—	5-7-1838	30.07
—	6-26-1838	30.01
—	5-6-1839	30.07
—	11-16-1839	30.11
—	1-9-1840	30.11
—	5-5-1840	30.07
—	9-8-1840	30.07
—	1-4-1841	30.05
—	9-13-1860	30.07
—	6-1-1863	30.05
—	12-11-1868	30.07
—	6-11-1869	30.07
—	5-3-1899	30.04
—	6-7-37	T.S.O. II
—	5-1-39	T.S.O. II
—	8-7-39	T.S.O. II
—	3-3-42	T.S.O. III
—	2-23-44	T.S.O. III
—	3-6-45	T.S.O. III
—	6-5-45	T.S.O. III
—	8-13-45	31.60 - 31.63
—	4-12-46	90.01
—	8-5-46	T.S.O. III
—	5-5-47	T.S.O. II
—	9-2-47	T.S.O. III
—	9-7-47	Ch. 71, Sch. III
—	5-5-48	T.S.O. II
—	4-4-49	T.S.O. II
—	4-5-49	T.S.O. III
—	9-7-49	T.S.O. II
—	10-3-49	T.S.O. II
—	1-27-50	30.07
—	2-11-50	Ch. 71, Sch. I

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—	12-5-50	T.S.O. III
—	12-26-50	T.S.O. II
—	3-7-51	T.S.O. II
—	4-3-51	T.S.O. III
—	7-3-51	T.S.O. III
—	8-7-51	T.S.O. II
—	5-5-52	T.S.O. II
—	8-8-52	T.S.O. II
—	12-1-52	T.S.O. III
—	4-18-53	T.S.O. II
—	5-5-53	T.S.O. II
—	6-1-53	T.S.O. II
—	6-22-53	T.S.O. II
—	5-3-54	T.S.O. II
—	6-8-54	T.S.O. II
—	3-5-56	32.04
—	10-17-56	T.S.O. II
1-1957	4-2-57	31.46, 52.15 - 52.26, 52.28 - 52.33
—	6-3-57	32.04
—	6-10-57	T.S.O. II
—	8-5-57	T.S.O. II
—	12-23-57	33.02
—	4-7-58	T.S.O. II
—	8-5-58	T.S.O. II
—	9-3-58	T.S.O. II
—	11-5-58	T.S.O. II
—	12-1-58	T.S.O. II
—	1-6-59	T.S.O. II
—	8-4-59	T.S.O. II
—	10-5-59	T.S.O. II
—	12-8-59	T.S.O. II
—	5-4-60	T.S.O. III
—	6-6-60	T.S.O. III
—	7-6-60	Ch. 71, Sch. I
—	8-2-60	T.S.O. III
—	12-6-60	T.S.O. II
1-1961	1-2-61	112.01 - 112.08, 112.99
—	4-3-61	T.S.O. II
—	9-6-61	T.S.O. III
1-1961	1-2-62	31.46
—	4-2-62	Ch. 71, Sch. II; T.S.O. II

## Whitley County - Parallel Reference

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–	10-11-62	T.S.O. II
–	7-1-63	32.04
–	7-2-63	32.02
–	11-4-63	32.02, 32.04
–	12-8-64	150.50 - 150.58
–	3-1-65	T.S.O. II
–	4-5-65	90.03
–	5-6-65	33.02
–	12-7-65	T.S.O. III
–	7-5-66	T.S.O. II
–	9-6-66	T.S.O. III
–	10-3-66	T.S.O. III
–	1-4-67	30.12
–	5-1-67	T.S.O. II
–	6-4-67	33.02
–	6-6-67	T.S.O. II
–	10-2-67	T.S.O. II
–	11-6-67	T.S.O. II
–	11-4-68	T.S.O. II
–	12-3-68	T.S.O. II
–	12-23-68	T.S.O. II
–	5-5-69	32.06
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R-4	10-6-69	T.S.O. IV
–	11-4-69	T.S.O. II
R-5	1-5-70	T.S.O. IV
–	5-6-70	T.S.O. II
–	7-3-70	30.12
R-8	7-6-70	T.S.O. IV
3, 1970	7-14-70	92.01
–	7-23-70	33.02
–	9-8-70	T.S.O. II
R-10	11-2-70	T.S.O. IV
R-12	11-2-70	T.S.O. IV
–	12-7-70	T.S.O. III
R-13	12-7-70	T.S.O. IV
R-14	2-1-71	T.S.O. IV
R-15	5-3-71	T.S.O. IV
R-17	8-2-71	T.S.O. IV



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P2-1971	9-7-71	152.001 - 152.008, 152.020 - 152.025, 152.040 - 152.043, 152.055 - 152.062, 152.075 - 152.083, 152.095 - 152.098
–	6-5-72	T.S.O. III
–	7-21-72	T.S.O. II
R-21	7-21-72	T.S.O. IV
–	10-3-72	50.01
–	11-6-72	T.S.O. II
–	11-8-72	110.01
R-28	4-2-73	T.S.O. IV
R-29	5-7-73	T.S.O. IV
–	12-21-73	31.75 - 31.77
R-34	12-21-73	T.S.O. IV
R-47	1-7-74	T.S.O. IV
–	5-6-74	T.S.O. III
–	8-5-74	T.S.O. II
–	11-4-74	T.S.O. III
R-45	12-2-74	T.S.O. IV
R-46	12-2-74	T.S.O. IV
1975-1	2-3-75	70.03
–	3-3-75	30.02, T.S.O. III
R-48	4-7-75	T.S.O. IV
R-49	4-7-75	T.S.O. IV
–	5-5-75	T.S.O. II, T.S.O. III
R-50	5-5-75	T.S.O. IV
R-51	5-19-75	T.S.O. IV
R-52	10-20-75	T.S.O. IV
R-56	8-2-76	T.S.O. IV
R-57	8-2-76	T.S.O. IV
–	8-16-76	32.01
–	10-4-76	32.04
–	11-15-76	T.S.O. II
O-77-1, R-63	12-6-76	T.S.O. IV
O-77-1, R-64	3-7-77	T.S.O. IV
O-77-3	3-21-77	Ch. 71, Sch. I
–	5-16-77	T.S.O. III
O-78-1, R-66	1-3-78	T.S.O. IV
O-78-2	1-3-78	70.02
78-3	--	T.S.O. III
R-67	5-1-78	T.S.O. IV
O-78-5, R-71	11-1-78	T.S.O. IV

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O-78-4	11-6-78	Ch. 71, Sch. I
O-79-1, R-72	1-15-79	T.S.O. IV
O-79-2, R-73	3-5-79	T.S.O. IV
O-79-3A, R-74	5-21-79	T.S.O. IV
O-79-4, R-75	5-21-79	T.S.O. IV
O-79-3	6-4-79	150.20 - 150.29, 150.31 - 150.37, 150.98
O-79-7	12-17-79	152.001 - 152.008, 152.020 - 152.025, 152.040 - 152.043, 152.055 - 152.062, 152.075 - 152.083, 152.095 - 152.098
–	1-21-80	T.S.O. III
O-80-1	5-5-80	152.001 - 152.008, 152.020 - 152.025, 152.040 - 152.043, 152.055 - 152.062, 152.075 - 152.083, 152.095 - 152.098
–	9-15-80	T.S.O. III
O-81-2	7-7-81	T.S.O. III
–	7-21-81	T.S.O. II
R-79	9-8-81	T.S.O. IV
R-81	11-19-81	T.S.O. IV
O-82-1	7-19-82	T.S.O. III
O-82-2	7-19-82	30.09
O-82-3	9-7-82	T.S.O. III
R-82	11-1-82	T.S.O. IV
–	4-18-83	50.01
R-85	8-15-83	T.S.O. IV
–	10-3-83	33.02
R-86	10-3-83	T.S.O. IV
–	11-7-83	33.02
–	1-3-84	30.08
1984-1	2-6-84	110.01
1984-3	3-5-84	70.02
–	5-21-84	33.02
R-88	6-18-84	T.S.O. IV
1984-4	9-7-84	32.04
R-91	10-1-84	T.S.O. IV
R-92	10-1-84	T.S.O. IV
R-94	10-1-84	T.S.O. IV
1984-5	10-1-84	T.S.O. I
–	11-19-84	T.S.O. III
R-95	11-19-84	T.S.O. IV
R-96	11-19-84	T.S.O. IV

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1984-6	11-19-84	150.20 - 150.29, 150.31 - 150.37, 150.98
1984-7	12-17-84	52.15 - 52.26, 52.28 - 52.33
1985-3	4-26-85	T.S.O. III
- 5-6-85	32.06	
R-97	5-6-85	T.S.O. IV
R-98	5-6-85	T.S.O. IV
R-99	5-20-85	T.S.O. IV
R-100	7-1-85	T.S.O. IV
R-101	7-1-85	T.S.O. IV
1985-4	7-15-85	T.S.O. III
1985-5	8-5-85	T.S.O. III
1985-6	8-5-85	T.S.O. III
R-104	9-3-85	T.S.O. IV
85-7	9-3-85	31.46
R-105	10-7-85	T.S.O. IV
85-8	10-21-85	152.001 - 152.008, 152.020 - 152.025, 152.040 - 152.043, 152.055 - 152.062, 152.075 - 152.083, 152.095 - 152.098
85-9	12-16-85	31.46, 52.15 - 52.26, 52.28 - 52.33, 112.01 - 112.08, 112.99
1985-10	12-16-85	T.S.O. III
1985-11	12-16-85	T.S.O. III
R-106	12-20-85	T.S.O. IV
85-1	2-3-86	30.03, 30.06, 31.46, 32.04
- 3-3-86	T.S.O. IV	
86-1	4-21-86	30.13
- 12-1-86	32.04	
87-1	3-17-87	35.01
- 8-17-87	32.07	
- 1-4-88	T.S.O. II	
88-1	3-21-88	150.20 - 150.29, 150.31 - 150.37, 150.98
88-2	5-2-88	T.S.O. I
89-	4-3-89	T.S.O. I
89-	4-4-89	T.S.O. I
- 4-17-89	T.S.O. II	
- 7-3-89	T.S.O. II	
89-12	10-3-89	35.06
89-13	11-13-89	90.04
- 11-20-89	32.07	
O-90-09	7-2-90	35.02

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90-11	8-20-90	Ch. 71, Sch. I
O-90-14	11-16-90	91.02
O-90-16	12-3-90	52.01, 52.02
O-90-17	12-3-90	112.01 - 112.08, 112.99
- 12-17-90	T.S.O. II	
91-01	1-7-91	T.S.O. IV
91-02	1-7-91	T.S.O. IV
91-03	2-4-91	T.S.O. IV
- 4-1-91	T.S.O. IV	
91-04	6-17-91	50.10
O-91-06	7-1-91	150.02
91-07	9-15-91	T.S.O. III
91-08	9-16-91	31.04
91-09	12-2-91	T.S.O. IV
O-91-0	12-9-91	30.01
91-10	12-9-91	30.04
91-11	12-16-91	T.S.O. III
92-01	1-14-92	T.S.O. III
O-92-02	4-20-92	35.02
92-04	5-4-92	T.S.O. III
92-05	6-1-92	T.S.O. III
- 8-17-92	90.01	
92-07	9-8-92	31.03
O-92-08	9-21-92	Ch. 71, Sch. I
92-11	12-21-92	90.02
O-93-02	1-21-93	35.02
O-93-4	2-1-93	33.02
O-93-5	2-1-93	30.01 - 30.04, 30.06, 30.10, 30.13, 31.01 - 31.04, 31.30, 31.46, 32.01, 32.04, 32.06, 33.02 - 35.05, 50.10 - 50.14, 52.01, 52.02, 90.01, 90.04, 91.01, 91.02, 91.99
O-95-5	2-1-93	35.06
93-03	2-1-93	50.11 - 50.14
93-05	2-1-93	90.02
93-5	2-1-93	30.11, 35.01, 150.02, 150.20 - 150.29, 150.31 - 150.37, 150.98
93-06	3-1-93	T.S.O. III
O-93-08	5-3-93	52.15 - 52.26, 52.28 - 52.33
93-09	5-3-93	T.S.O. III

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93-10	5-10-93	T.S.O. III
O-93-11	6-7-93	31.15
93-12	6-7-93	T.S.O. III
93-13	6-21-93	T.S.O. IV
93-14	6-21-93	T.S.O. IV
93-15	6-21-93	T.S.O. IV
93-17	9-7-93	T.S.O. IV
93-19	10-4-93	T.S.O. III
93-20	11-1-93	T.S.O. IV
93-21	11-15-93	T.S.O. III
93-23	12-6-93	T.S.O. III
– 12-20-93	T.S.O. II	
93-25	12-20-93	T.S.O. III
88-1-94	1-17-94	150.20 - 150.29, 150.31 - 150.37, 150.98
94-03	2-1-94	T.S.O. III
– 2-7-94	T.S.O. II	
94-02	2-7-94	T.S.O. IV
O-94-04	2-21-94	35.02
94-06	4-4-94	T.S.O. III
94-07	4-4-94	T.S.O. III
94-10	6-6-94	T.S.O. III
94-09	8-1-94	T.S.O. III
O-94-11	10-3-94	31.31
94-12	10-3-94	T.S.O. IV
94-13	11-7-94	T.S.O. III
94-15	12-5-94	T.S.O. III
94-16	12-5-94	T.S.O. III
94-19	12-19-94	T.S.O. III
95-1	2-6-95	35.02
95-2	2-20-95	T.S.O. IV
O-95-5	4-17-95	32.05
95-3	4-17-95	T.S.O. III
95-7	5-3-95	150.20 - 150.29, 150.31 - 150.37, 150.98
95-04	5-15-95	T.S.O. III
95-08	10-2-95	Ch. 71, Sch. I
95-09	10-2-95	T.S.O. IV
95-10	10-16-95	T.S.O. III
96-01	1-2-96	T.S.O. IV
96-3	2-5-96	35.02
96-05	4-1-96	T.S.O. IV

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96-10	8-5-96	T.S.O. IV
96-11	8-5-96	T.S.O. IV
96-11-1	9-3-96	T.S.O. IV
O-96-12	10-7-96	T.S.O. IV
96-13	11-4-96	Ch. 71, Sch. I
96-15	12-2-96	T.S.O. IV
96-	12-16-96	T.S.O. I
O-97	- -97	90.03
97-	- -97	31.15, 31.31, 150.01, 150.20 - 150.29, 150.31 - 150.37, 150.98
97-01	1-20-97	Ch. 71, Schs. I, III
97-02	3-3-97	T.S.O. IV
97-04	4-7-97	Ch. 71, Sch. III
97-05	4-21-97	T.S.O. III
97-06	5-5-97	T.S.O. IV
97-09	5-19-97	T.S.O. III
97-12	8-18-97	T.S.O. III
97-13	9-2-97	T.S.O. IV
97-14	9-15-97	Ch. 71, Sch. I
97-16	11-17-97	T.S.O. IV
O-97-17	12-15-97	52.15 - 52.18
O-98-02	1-5-98	51.01 - 51.08, 51.10 - 51.13
98-01	1-5-98	Ch. 71, Sch. I
O-98-03	1-19-98	34.01
98-04	4-6-98	T.S.O. IV
98-06	6-1-98	T.S.O. III
98-08	6-1-98	T.S.O. IV
98-09	7-20-98	T.S.O. IV
98-12	8-17-98	T.S.O. IV
98-13	9-8-98	T.S.O. IV
98-14	9-21-98	T.S.O. IV
98-18	11-2-98	T.S.O. IV
98-20	11-10-98	T.S.O. III
98-21	12-21-98	T.S.O. IV
99-01	1-7-99	Ch. 71, Sch. I
99-02	1-7-99	Ch. 71, Sch. III
99-03	1-7-99	T.S.O. III
99-04	1-18-99	T.S.O. III
99-05	2-1-99	T.S.O. IV
99-08	5-17-99	T.S.O. III

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99-11	8-16-99	Ch. 71, Sch. III
99-12	8-16-99	Ch. 71, Sch. III
99-13	9-2-99	Ch. 71, Sch. III
99-14	9-2-99	Ch. 71, Sch. III
99-15	9-2-99	T.S.O. I
88-2	9-6-99	91.01, 91.99
99-17	11-1-99	T.S.O. IV
99-18	11-1-99	T.S.O. IV
99-19	11-15-99	T.S.O. III
99-20	12-20-99	90.04
2000-03	6-5-00	T.S.O. IV
2000-04	6-19-00	Ch. 71, Sch. III
2000-05	6-19-00	Ch. 71, Sch. I
2000-06	7-5-00	93.01 - 93.10
2000-08	8-21-00	T.S.O. III
2001-01	4-3-01	35.07
2001-09	8-20-01	T.S.O. III
2001-13	12-3-01	T.S.O. IV
2001-14	12-3-01	T.S.O. IV
2001-15	12-17-01	70.04
2001-16	12-31-01	34.02
2001-17	12-31-01	34.03
2002-02	5-6-02	T.S.O. III
2002-03	5-6-02	T.S.O. IV
2002-05	7-1-02	36.01 - 36.04, 36.10 - 36.16, 36.25 - 36.31, 36.99
2002-07	8-5-02	T.S.O. IV
2002-12	10-21-02	T.S.O. IV
2002-14	12-2-02	T.S.O. IV
2002-15	12-2-02	T.S.O. IV
2003-01	1-23-03	Adopting Ordinance
2003-02	1-23-03	110.01
2003-03	2-17-03	32.04
2003-04	3-03-03	Ch. 71, Sch. III
2003-05	3-03-03	Ch. 71, Sch. III
2003-12	11-4-03	91.02
2003-13	12-2-03	35.09
2003-20	11-17-03	30.01
2003-21	11-17-03	30.04

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2004-01	1-20-04	31.46
2004-03	3-17-04	35.08
2004-05	8-16-04	35.07
2004-09	11-1-04	35.10
2005-01	1-3-05	Ch. 71, Sch. I
2005-02	2-7-05	36.02, 36.04, 36.10, 36.12, 36.13, 36.25 - 36.27, 36.31
2005-09	6-7-05	35.11
2005-10	6-20-05	53.01 - 53.09, 53.99
2005-11	6-20-05	31.85 - 31.91
2005-13	9-20-05	Ch. 71, Sch. I
2005-15	10-17-05	90.05
2005-18	10-17-05	Ch. 71, Sch. III
2005-19	12-5-05	35.12
2006-03	2-6-06	Ch. 71, Sch. III
2006-04	2-6-06	Ch. 71, Sch. III
2006-05	2-21-06	32.04
2006-07	3-6-06	153.01
2006-11	9-6-06	32.04
2006-12	9-6-06	32.04
2006-15	9-5-06	Ch. 71, Sch. I
2006-16	9-5-06	Ch. 71, Sch. III
2006-17	10-2-06	32.08
2006-21	11-20-06	Ch. 71, Sch. I
2007-03	2-5-07	153.01
2007-08	5-8-07	32.04
2007-09	7-2-07	153.01
2007-20	11-5-07	32.05
2008-01	1-7-08	70.04
2008-05	4-7-08	51.01 - 51.08, 51.10 - 51.13
2008-07	8-4-08	31.04
2009-01	4-6-09	153.01
2010-01	2-1-10	T.S.O. IV
2010-04	4-5-10	153.01
2010-06	6-7-10	T.S.O. IV
2010-11	9-7-10	T.S.O. IV
2010-12	9-20-10	91.02
2011-01	2-7-11	31.46
2011-02	3-7-11	110.01
2011-03	3-7-11	T.S.O. V



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2011-04	4-1-11	52.15 - 52.33, 52.99
2012-04	3-5-12	32.04
2012-06	4-2-12	32.04
2012-07	4-2-12	T.S.O. IV
2012-09	8-6-12	153.01, 154.01 - 154.09
5-21-12	70.05, 70.99	
2012-12	7-2-12	153.01
2013-04	8-5-13	53.03
2013-05	6-3-13	52.16 - 52.18, 52.31, 52.32
O-90-17	8-5-13	112.01 - 112.08, 112.99
2013-06	8-19-13	T.S.O. III
2013-07	8-19-13	Ch. 71, Sch. III
2013-08	8-19-13	93.02
2013-09	9-16-13	T.S.O. III
2014-01	4-7-14	T.S.O. III
2014-02	4-21-14	T.S.O. III
2014-04	6-3-14	35.11
2014-05	7-7-14	T.S.O. IV
2014-06	- -	91.05
2014-07	10-7-14	35.13
2014-13	11-3-14	T.S.O. IV
2015-01	3-16-15	112.03, 112.09
2015-02	3-25-15	T.S.O. V
2015-03	4-6-15	153.01
2015-04	4-7-15	35.14
2015-	4-7-15	35.15
2015-06	4-20-15	32.04
2015-08	6-2-15	31.33
2015-09	6-22-15	35.05
	--7-6-15	35.05
	--9-22-15	91.04
2015-11	10-19-15	91.04
2015-12	10-27-15	35.01
2015-14	12-8-15	32.09
2016-01	4-4-16	35.16
2016-02	5-2-16	32.11
2016-03	5-16-15	51.05
2016-4	6-6-16	150.30
2016-05	7-5-16	32.10
2016-06	7-6-16	T.S.O. V
2016-07	8-1-16	T.S.O. IV
2016-08	10-3-16	T.S.O. IV

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2016-11	10-17-16	Ch. 71, Sch. III
2016-12	10-17-16	Ch. 71, Sch. I
2016-13	12-5-16	T.S.O. III
2016-15	9-19-16	T.S.O. III
2017-01	1-3-17	T.S.O. IV
2017-02	2-6-17	32.12
2017-03	- -	52.15 - 52.33, 52.99
2017-04	5-1-17	153.01
2017-05	6-19-17	32.13
2017-06	7-17-17	111.01 - 111.11, 111.25 - 111.33, 111.99
2017-07	7-17-17	T.S.O. IV
2017-08	8-30-17	T.S.O. IV
2017-09	9-5-17	T.S.O. IV
2017-10	9-18-17	153.01
2017-13	11-6-17	150.30
2017-14	11-6-17	Ch. 71, Sch. III
2018-01	5-21-18	151.01 - 151.16, 151.99
2018-02	6-5-18	35.17
2018-03	7-2-18	35.18
2018-04	8-6-18	T.S.O. II
2018-07	- -	153.01
2018-08	11-7-18	35.19
2018-09	11-19-18	153.01
2018-10	- -	91.05
02-2019	4-1-19	51.01 - 51.13, 51.99
2019-03	4-1-19	T.S.O. IV
2019-04	5-6-19	T.S.O. IV
2019-05	5-6-19	T.S.O. IV
2019-08	6-17-19	32.04
2019-09	8-19-19	T.S.O. IV
2019-10	9-3-19	113.01 - 113.03
2019-12	12-2-19	112.01 - 112.08, 112.99
2019-14	12-2-19	32.14
2019-15	12-2-19	35.20
2020-01	1-6-20	T.S.O. II
2020-02	2-3-20	32.15
2020-03	3-16-20	T.S.O. IV
2020-04	3-16-20	T.S.O. IV
2020-05	6-3-20	T.S.O. V
2020-06	6-15-20	T.S.O. IV
2020-07	6-15-20	52.45 - 52.49, 52.50 - 52.55, 52.99
2020-08	7-20-20	Ch. 71, Sch. II

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2020-09	8-17-20	T.S.O. IV
2020-14	12-21-20	90.06
2021-01	2-1-21	T.S.O. IV
2021-02	2-1-21	T.S.O. IV
2021-03	3-15-21	35.05
2021-04	4-5-21	T.S.O. IV
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