

Whitley County, IN, Code of Ordinances

COUNTY OF WHITLEY, INDIANA CODE OF ORDINANCES

**COUNTY OF WHITLEY, INDIANA
CODE OF ORDINANCES**

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**COUNTY OF WHITLEY, INDIANA CODE OF ORDINANCES / ORDINANCE NO.
2003-01**

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

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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
- TITLE V PUBLIC WORKS

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Chapter 50. Waste Disposal

Chapter 51. Water Wells

Chapter 52. Sewage Disposal Systems

TITLE VII TRAFFIC CODE

Chapter 70. Traffic Regulations

Chapter 71. Traffic Schedules

TITLE IX GENERAL REGULATIONS

Chapter 90. Streets and Sidewalks

Chapter 91. Public Safety

Chapter 92. Animals

Chapter 93. Fair Housing

TITLE XI BUSINESS REGULATIONS

Chapter 110. General Business Regulations

Chapter 111. Tattoo Parlors

TITLE XIII GENERAL OFFENSES

[Reserved]

TITLE XV LAND USAGE

Chapter 150. Building Regulations

Chapter 151. Flood Control Management

Chapter 152. Subdivision Regulations

Chapter 153. Zoning Code

TABLES OF SPECIAL ORDINANCES

Table I. Franchises

Table II. County Highway System

Table III. Vacations

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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

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Douglas C. Eber /s/

Douglas C. Eber, Member

ATTEST:

Linda J. Glassley /s/

Linda Glassley, Whitley County Auditor

OFFICIALS

OFFICIALS

County Commissioners

Tom Rethlake

Don Amber

George Schrumph

County Attorney

Don Sigler

County Auditor

Jennifer McGuire

TITLE I: GENERAL PROVISIONS

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

Section

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Construction of code
- 10.05 Rules of interpretation; definitions
- 10.06 Severability
- 10.07 Reference to other sections
- 10.08 Reference to offices; name designations
- 10.09 Errors and omissions
- 10.10 Reasonable time
- 10.11 Repeal or modification of code section
- 10.12 Limitation periods
- 10.13 Ordinances unaffected
- 10.14 Ordinances which amend or supplement code
- 10.15 Section histories; statutory references
- 10.16 Preservation of penalties, offenses, rights and liabilities

- 10.99 General penalty

**TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.01
TITLE OF CODE.**

§ 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.

TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.02 INTERPRETATION.

§ 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.

TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.03 APPLICATION TO FUTURE ORDINANCES.

§ 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.

TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.04 CONSTRUCTION OF CODE.

§ 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.

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(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)

**TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.05
RULES OF INTERPRETATION; DEFINITIONS.**

§ 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

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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)

TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.06 SEVERABILITY.

§ 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.

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(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)

**TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.07
REFERENCE TO OTHER SECTIONS.**

§ 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.

**TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.08
REFERENCE TO OFFICES; NAME DESIGNATIONS.**

§ 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

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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)

**TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.09
ERRORS AND OMISSIONS.**

§ 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.

**TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.10
REASONABLE TIME.**

§ 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.

**TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.11
REPEAL OR MODIFICATION OF CODE SECTION.**

§ 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)

TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.12 LIMITATION PERIODS.

§ 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

TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.13 ORDINANCES UNAFFECTED.

§ 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.

TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

§ 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.

TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.15 SECTION HISTORIES; STATUTORY REFERENCES.

§ 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.

TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.16 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.

§ 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.

TITLE I: GENERAL PROVISIONS / CHAPTER 10: GENERAL PROVISIONS / § 10.99 GENERAL PENALTY.

§ 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

TITLE III: ADMINISTRATION

Chapter

30. COUNTY GOVERNMENT

**31. DEPARTMENTS, BOARDS, COMMISSIONS, AND
AUTHORITIES**

- 32. COUNTY POLICIES**
- 33. PERSONNEL**
- 34. ELECTIONS**
- 35. TAXATION, FINANCE AND FUNDS**
- 36. EMERGENCY MANAGEMENT**

TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT

CHAPTER 30: COUNTY GOVERNMENT

Section

- 30.01 Districts
- 30.02 Meetings
- 30.03 Business hours
- 30.04 County fiscal body
- 30.05 County seal
- 30.06 Salary and wage payments
- 30.07 Townships
- 30.08 Home rule
- 30.09 Membership dues
- 30.10 Small claims referee
- 30.11 County seat
- 30.12 County courthouse
- 30.13 Prosecuting attorney's compensation

TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.01 DISTRICTS.

§ 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;

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- (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;
- (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

TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.02 MEETINGS.

§ 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

TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.03 BUSINESS HOURS.

§ 30.03 BUSINESS HOURS.

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(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

**TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.04
COUNTY FISCAL BODY.**

§ 30.04 COUNTY FISCAL BODY.

The following County Council election districts are established:

(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;

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(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

**TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.05
COUNTY SEAL.**

§ 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

**TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.06
SALARY AND WAGE PAYMENTS.**

§ 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

TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.07 TOWNSHIPS.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.08 HOME RULE.

§ 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.

('86 Code, § 36-1-3-1) (Ord. passed 1-3-84)

Statutory reference:

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

TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.09 MEMBERSHIP DUES.

§ 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.

('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

TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.10 SMALL CLAIMS REFEREE.

§ 30.10 SMALL CLAIMS REFEREE.

The position of small claims referee for the Whitley County Superior Court is established.
('86 Code, § 33-5-50-11) (Ord. O-93-5, passed 2-1-93)

**TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.11
COUNTY SEAT.**

§ 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.

('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)

**TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.12
COUNTY COURTHOUSE.**

§ 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.

('86 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

**TITLE III: ADMINISTRATION / CHAPTER 30: COUNTY GOVERNMENT / § 30.13
PROSECUTING ATTORNEY'S COMPENSATION.**

§ 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.

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

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES

CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES

Section

Boards

- 31.01 Community Corrections Advisory Board
- 31.02 County Hospital Board
- 31.03 County Public Defender Board
- 31.04 County Sheriff’s Reserve Board

Commissions and Committees

- 31.15 Redevelopment Commission

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TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / BOARDS

BOARDS

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / BOARDS / § 31.01 COMMUNITY CORRECTIONS ADVISORY BOARD.

§ 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).

('86 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

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / BOARDS / § 31.02 COUNTY HOSPITAL BOARD.

§ 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.

('86 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

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / BOARDS / § 31.03 COUNTY PUBLIC DEFENDER BOARD.

§ 31.03 COUNTY PUBLIC DEFENDER BOARD.

(A) Pursuant to I.C. 33-9-15-3, 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 I.C. 33-9-15.

(C) The members to be appointed must meet the criteria set forth in I.C. 33-9-15-3(b).

(D) The Board of Commissioners may terminate the County Public Defender Board in a manner provided in I.C. 33-9-15-3(f).

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

Statutory reference:

Board members; appointments, see I.C. 33-9-15-3

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS,

COMMISSIONS AND AUTHORITIES / BOARDS / § 31.04 COUNTY SHERIFF'S RESERVE BOARD.

§ 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.

('86 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)

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / COMMISSIONS AND COMMITTEES

COMMISSIONS AND COMMITTEES

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / COMMISSIONS AND COMMITTEES / § 31.15

REDEVELOPMENT COMMISSION.

§ 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. O-93-11, passed 6-7-93; Am. Ord. 97- , passed - -97)

Statutory reference:

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

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / AUTHORITIES

AUTHORITIES

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / AUTHORITIES / § 31.30 COUNTY BUILDING AUTHORITY.

§ 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. O-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

**TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS,
COMMISSIONS AND AUTHORITIES / AUTHORITIES / § 31.31 REDEVELOPMENT
AUTHORITY.**

§ 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. O-94-11, passed 10-3-94; Am. Ord. 97- , passed - -97)

Statutory reference:

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

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / AUTHORITIES / § 31.32 HOSPITAL AUTHORITY.

§ 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

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / COUNTY HEALTH DEPARTMENT

COUNTY HEALTH DEPARTMENT

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / COUNTY HEALTH DEPARTMENT / § 31.45 DEPARTMENT ESTABLISHED.

§ 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

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / COUNTY HEALTH DEPARTMENT / § 31.46 FEE SCHEDULE.

§ 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.

(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.

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(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

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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

**TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS,
COMMISSIONS AND AUTHORITIES / COUNTY DEPARTMENT OF AVIATION**

COUNTY DEPARTMENT OF AVIATION

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS,

**COMMISSIONS AND AUTHORITIES / COUNTY DEPARTMENT OF AVIATION / §
31.60 DEFINITIONS.**

§ 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.

(’86 Code, § 8-22-2-1) (Ord. passed 8-13-45)

**TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS,
COMMISSIONS AND AUTHORITIES / COUNTY DEPARTMENT OF AVIATION / §
31.61 ESTABLISHED.**

§ 31.61 ESTABLISHED.

The Board establishes the Department.

(’86 Code, § 8-22-2-1) (Ord. passed 8-13-45)

Statutory reference:

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

**TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS,
COMMISSIONS AND AUTHORITIES / COUNTY DEPARTMENT OF AVIATION / §
31.62 COMPOSITION.**

§ 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

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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.

('86 Code, § 8-22-2-1) (Ord. passed 8-13-45)

**TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS,
COMMISSIONS AND AUTHORITIES / COUNTY DEPARTMENT OF AVIATION / §
31.63 OFFICERS.**

§ 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.

('86 Code, § 8-22-2-1) (Ord. passed 8-13-45)

**TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS,
COMMISSIONS AND AUTHORITIES / DEPARTMENT OF ENGINEERING**

DEPARTMENT OF ENGINEERING

**TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS,
COMMISSIONS AND AUTHORITIES / DEPARTMENT OF ENGINEERING / § 31.75
ESTABLISHED.**

§ 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

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / DEPARTMENT OF ENGINEERING / § 31.76 SUPERVISION OF ENGINEERING SERVICES.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / DEPARTMENT OF ENGINEERING / § 31.77 PERSONNEL.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / ORDINANCE VIOLATIONS BUREAU

ORDINANCE VIOLATIONS BUREAU

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / ORDINANCE VIOLATIONS BUREAU / § 31.85 ESTABLISHMENT.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / ORDINANCE VIOLATIONS BUREAU / § 31.86 ADMISSIONS OF VIOLATIONS.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / ORDINANCE VIOLATIONS BUREAU / § 31.87 VIOLATIONS CLERK.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS,

**COMMISSIONS AND AUTHORITIES / ORDINANCE VIOLATIONS BUREAU / § 31.88
VIOLATIONS SUBJECT TO ADMISSION BEFORE ORDINANCE VIOLATIONS
BUREAU.**

**§ 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)

**TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS,
COMMISSIONS AND AUTHORITIES / ORDINANCE VIOLATIONS BUREAU / § 31.89
CIVIL PENALTY.**

§ 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

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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)

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / ORDINANCE VIOLATIONS BUREAU / § 31.90 PROCEEDS PLACED IN GENERAL FUND.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES / ORDINANCE VIOLATIONS BUREAU / § 31.91 EFFECT ON OTHER ORDINANCES AND PROVISIONS.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 32: COUNTY POLICIES

CHAPTER 32: COUNTY POLICIES

Section

- 32.01 Emergency services
- 32.02 Consolidated school districts
- 32.03 Nondiscrimination policy
- 32.04 Fee schedule

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- 32.05 County inmate health care payments
- 32.06 County homes
- 32.07 Designated smoking areas
- 32.08 Use of electronic data

**TITLE III: ADMINISTRATION / CHAPTER 32: COUNTY POLICIES / § 32.01
EMERGENCY SERVICES.**

§ 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. O-93-5, passed 2-1-93)

Statutory reference:

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

**TITLE III: ADMINISTRATION / CHAPTER 32: COUNTY POLICIES / § 32.02
CONSOLIDATED SCHOOL DISTRICTS.**

§ 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;

(2) District Two: that part of Smith Township, Whitley County, contained with 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;

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

(3) District Three: all of Cleveland Township, Whitley County.

('86 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.

**TITLE III: ADMINISTRATION / CHAPTER 32: COUNTY POLICIES / § 32.03
NONDISCRIMINATION POLICY.**

§ 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.

('86 Code, § 22-9-1-12.1)

**TITLE III: ADMINISTRATION / CHAPTER 32: COUNTY POLICIES / § 32.04 FEE
SCHEDULE.**

§ 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

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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) *Prosecutor's office dishonored check fee.*

(1) 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 I.C. 35-43-5-5. 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.

(2) 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 I.C. 35-43-5-5(e) 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.

(3) 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 I.C. 35-43-5-5(e).

(4) 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.

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

(G) *Real property endorsements.*

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(1) The County Auditor shall collect a fee of \$5.00 for each real property endorsement that the auditor makes in accordance with I.C. 36-2-11-14 to allow a deed of partition or conveyance to be placed of record.

(2) The County Auditor shall place the revenue received for this endorsement 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

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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. 36-8-16-3).

('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)

Cross-reference:

Other county funds, see Ch. 35

Statutory reference:

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

**TITLE III: ADMINISTRATION / CHAPTER 32: COUNTY POLICIES / § 32.05
COUNTY INMATE HEALTH CARE PAYMENTS.**

§ 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.

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(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;

(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

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payments due to any third party providing health care to such inmates pursuant to a contract with the county and/or County Sheriff.

('86 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

**TITLE III: ADMINISTRATION / CHAPTER 32: COUNTY POLICIES / § 32.06
COUNTY HOMES.**

§ 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.

('86 Code, § 13-30-1-1) (Res. passed 2-7-45; Ord. passed 5-5-69; Ord. passed 5-6-85; Ord. O-93-5, passed 2-1-93)

**TITLE III: ADMINISTRATION / CHAPTER 32: COUNTY POLICIES / § 32.07
DESIGNATED SMOKING AREAS.**

§ 32.07 DESIGNATED SMOKING AREAS.

The following smoking areas are designated by the County Commissioners:

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- (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.

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

TITLE III: ADMINISTRATION / CHAPTER 32: COUNTY POLICIES / § 32.08 USE OF ELECTRONIC DATA.

§ 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

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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)

TITLE III: ADMINISTRATION / CHAPTER 33: PERSONNEL

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

TITLE III: ADMINISTRATION / CHAPTER 33: PERSONNEL / § 33.01 DEFERRED COMPENSATION PLAN.

§ 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.

('86 Code, § 5-10-1.1-1) (Res. passed 8-15-83)

Statutory reference:

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

TITLE III: ADMINISTRATION / CHAPTER 33: PERSONNEL / § 33.02 VACATIONS, BENEFITS.

§ 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.

('86 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. O-93-4, passed 2-1-93; Ord. O-93-5, passed 2-1-93)

TITLE III: ADMINISTRATION / CHAPTER 33: PERSONNEL / § 33.03 GROUP INSURANCE.

§ 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.

('86 Code, § 5-10-8-1)

Statutory reference:

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

TITLE III: ADMINISTRATION / CHAPTER 33: PERSONNEL / § 33.04 SOCIAL SECURITY CONTRIBUTIONS.

§ 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.

('86 Code, § 5-10.1-3-4)

Statutory reference:

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

TITLE III: ADMINISTRATION / CHAPTER 33: PERSONNEL / § 33.05 PUBLIC

EMPLOYEES RETIREMENT FUND.

§ 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.

('86 Code, § 5-10.3-1-1)

Statutory reference:

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

TITLE III: ADMINISTRATION / CHAPTER 33: PERSONNEL / § 33.06 LEGAL HOLIDAYS.

§ 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.

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(`86 Code, § 1-1-9-1)

Statutory reference:

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

TITLE III: ADMINISTRATION / CHAPTER 33: PERSONNEL / § 33.07 WHITLEY COUNTY DAY.

§ 33.07 WHITLEY COUNTY DAY.

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

(`86 Code, § 1-1-10-1)

Statutory reference:

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

TITLE III: ADMINISTRATION / CHAPTER 34: ELECTIONS

CHAPTER 34: ELECTIONS

Section

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

TITLE III: ADMINISTRATION / CHAPTER 34: ELECTIONS / § 34.01 PRECINCT BOUNDARIES.

§ 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 O-98-03, passed 1-19-98:

- (1) Columbia Township Northeast;
- (2) Columbia Township Northwest;
- (3) Columbia Township #3;

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- (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 O-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. O-98-03, passed 1-19-98)

Statutory reference:

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

TITLE III: ADMINISTRATION / CHAPTER 34: ELECTIONS / § 34.02 COUNTY COMMISSIONER DISTRICTS.

§ 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.
- (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

TITLE III: ADMINISTRATION / CHAPTER 34: ELECTIONS / § 34.03 COUNTY COUNCIL DISTRICTS.

§ 34.03 COUNTY COUNCIL DISTRICTS.

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

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- (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

TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS

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

Cross-reference:

County Recorder's Records Perpetuation Fund, see § 32.04

**TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS
/ § 35.01 COUNTY ADJUSTED GROSS INCOME TAX.**

§ 35.01 COUNTY ADJUSTED GROSS INCOME TAX.

The County Adjusted Gross Income Tax (CAGIT), as provided in I.C. 6-3.5-1.1, is adopted for and on behalf of the county at the county rate of 1% for resident county taxpayers and 0.25% for all other county taxpayers in that county.

('86 Code, § 6-3.5-1.1-2) (Ord. 87-1, passed 3-17-87; Ord. 93-5, passed 2-1-93)

TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS / § 35.02 COUNTY COMMUNITY CORRECTIONS FUND; COUNTY CORRECTIONS FUND.

§ 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

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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.

(`86 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

**TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS
/ § 35.03 COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND.**

§ 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.

(`86 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)

**TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS
/ § 35.04 CUMULATIVE HOSPITAL BUILDING FUND.**

§ 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.

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

**TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS
/ § 35.05 CUMULATIVE BRIDGE FUND.**

§ 35.05 CUMULATIVE BRIDGE FUND.

The Board of Commissioners establishes a Cumulative Bridge Fund under I.C. 8-16-3-1. The Fund will be at a rate not to exceed \$.10 on each \$100 of assessed valuation for a period not to exceed five years. The levy will be levied beginning in 1993.

('86 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)

Statutory reference:

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

**TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS
/ § 35.06 LAW ENFORCEMENT FUND.**

§ 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.

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

**TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS
/ § 35.07 PURCHASING AGENCY.**

§ 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)

**TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS
/ § 35.08 COUNTY ECONOMIC DEVELOPMENT INCOME TAX.**

§ 35.08 COUNTY ECONOMIC DEVELOPMENT INCOME TAX.

(A) The Council imposes the Homestead Credit County Economic Development

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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)

TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS / § 35.09 DEDUCTION FOR ASSESSED VALUE OF INVENTORY.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS / § 35.10 COUNTY DOG FUND.

§ 35.10 COUNTY DOG FUND.

(A) Pursuant to I.C. 15-5-9, the Humane Society of Whitley County is hereby

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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.

**TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS
/ § 35.11 LICENSE EXCISE SURTAX AND WHEEL TAX.**

§ 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

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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	7.50
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

(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, 2005.

(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)

**TITLE III: ADMINISTRATION / CHAPTER 35: TAXATION, FINANCE AND FUNDS
/ § 35.12 IDENTIFICATION SECURITY PROTECTION FUND.**

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT

CHAPTER 36: EMERGENCY MANAGEMENT

Section

General Provisions

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Emergency Management Council and Department

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36.99 Penalty

Cross-reference:

County policies, see Chapter 32

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / GENERAL PROVISIONS

GENERAL PROVISIONS

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / GENERAL PROVISIONS / § 36.01 PURPOSE.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / GENERAL PROVISIONS / § 36.02 DEFINITIONS.

§ 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

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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 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,

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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.

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / GENERAL PROVISIONS / § 36.03 GENERAL SCOPE AND INTENT.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / GENERAL PROVISIONS / § 36.04 LIMITATIONS.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / EMERGENCY MANAGEMENT COUNCIL AND DEPARTMENT

EMERGENCY MANAGEMENT COUNCIL AND DEPARTMENT

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / EMERGENCY MANAGEMENT COUNCIL AND DEPARTMENT / § 36.10 COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL.

§ 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.

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(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 division (c) below.

(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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / EMERGENCY MANAGEMENT COUNCIL AND DEPARTMENT / § 36.11 DIRECTOR OF EMERGENCY MANAGEMENT.

§ 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.

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(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

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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.

(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.

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(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)

**TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT /
EMERGENCY MANAGEMENT COUNCIL AND DEPARTMENT / § 36.12
DEPARTMENT OF EMERGENCY MANAGEMENT.**

§ 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

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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

(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

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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

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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.

(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.

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(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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / EMERGENCY MANAGEMENT COUNCIL AND DEPARTMENT / § 36.13 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.

§ 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, 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;

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- (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:
- (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

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(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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / EMERGENCY MANAGEMENT COUNCIL AND DEPARTMENT / § 36.14 JURISDICTION OF DEPARTMENT OF EMERGENCY MANAGEMENT.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / EMERGENCY MANAGEMENT COUNCIL AND DEPARTMENT / § 36.15 TESTS OF THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN; OTHER

EMERGENCY TESTS.

**§ 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)

**TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT /
EMERGENCY MANAGEMENT COUNCIL AND DEPARTMENT / § 36.16 BOARD OF
COMMISSIONERS.**

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT /

EMERGENCY POWERS, REGULATIONS AND PROCEDURES

EMERGENCY POWERS, REGULATIONS AND PROCEDURES

**TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT /
EMERGENCY POWERS, REGULATIONS AND PROCEDURES / § 36.25
APPLICABILITY OF SECTION.**

§ 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)

**TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT /
EMERGENCY POWERS, REGULATIONS AND PROCEDURES / § 36.26 PRINCIPAL
EXECUTIVE OFFICER.**

§ 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,

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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.

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(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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / EMERGENCY POWERS, REGULATIONS AND PROCEDURES / § 36.27 BOARD OF COMMISSIONERS.

§ 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;

(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

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(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 division (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;

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(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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT /

EMERGENCY POWERS, REGULATIONS AND PROCEDURES / § 36.28 OFFICERS AND EMPLOYEES OF INCORPORATED AND UNINCORPORATED AREAS OF COUNTY.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / EMERGENCY POWERS, REGULATIONS AND PROCEDURES / § 36.29 NONCOMPLIANCE WITH EMERGENCY ORDERS, RULES AND REGULATIONS.

§ 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

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / EMERGENCY POWERS, REGULATIONS AND PROCEDURES / § 36.30 LIMITATION OF LIABILITY.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / EMERGENCY POWERS, REGULATIONS AND PROCEDURES / § 36.31 COMPENSATION FOR PROPERTY COMMANDEERED OR USED DURING DISASTER EMERGENCY.

§ 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)

TITLE III: ADMINISTRATION / CHAPTER 36: EMERGENCY MANAGEMENT / EMERGENCY POWERS, REGULATIONS AND PROCEDURES / § 36.99 PENALTY.

§ 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

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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

TITLE V: PUBLIC WORKS

Chapter

- 50. SOLID WASTE**
- 51. WATER WELLS**
- 52. SEWAGE DISPOSAL SYSTEMS**
- 53. JUNK AND TRASH**

TITLE V: PUBLIC WORKS / CHAPTER 50: SOLID WASTE

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

TITLE V: PUBLIC WORKS / CHAPTER 50: SOLID WASTE / GENERAL PROVISIONS

GENERAL PROVISIONS

TITLE V: PUBLIC WORKS / CHAPTER 50: SOLID WASTE / GENERAL PROVISIONS / § 50.01 LANDFILL OPERATION.

§ 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.

('86 Code, § 36-9-30-21) (Ord. passed 10-3-72; Am. Ord. passed 4-18-83)

Statutory reference:

Fees for use of and services rendered by facilities, see I.C. 36-9-30-12

TITLE V: PUBLIC WORKS / CHAPTER 50: SOLID WASTE / SOLID WASTE MANAGEMENT

SOLID WASTE MANAGEMENT

TITLE V: PUBLIC WORKS / CHAPTER 50: SOLID WASTE / SOLID WASTE MANAGEMENT / § 50.10 DISTRICT.

§ 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.

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(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.

('86 Code, § 13-9.5-2-1) (Ord. 91-04, passed 6-17-91; Am. Ord. O-93-5, passed 2-1-93)

TITLE V: PUBLIC WORKS / CHAPTER 50: SOLID WASTE / SOLID WASTE MANAGEMENT / § 50.11 PURPOSE.

§ 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.

('86 Code, § 13-9.5-4-6(a)) (Ord. 93-03, passed 2-1-93; Am. Ord. O-93-5, passed 2-1-93)

TITLE V: PUBLIC WORKS / CHAPTER 50: SOLID WASTE / SOLID WASTE MANAGEMENT / § 50.12 DEFINITIONS.

§ 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.

('86 Code, § 13-9.5-4-6(b)) (Ord. 93-03, passed 2-1-93; Am. Ord. O-93-5, passed 2-1-93)

TITLE V: PUBLIC WORKS / CHAPTER 50: SOLID WASTE / SOLID WASTE MANAGEMENT / § 50.13 UNAUTHORIZED DISPOSAL PROHIBITED.

§ 50.13 UNAUTHORIZED DISPOSAL PROHIBITED.

(A) No person shall discharge, deposit, throw, or store or allow or cause, directly or

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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;
- (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)

TITLE V: PUBLIC WORKS / CHAPTER 50: SOLID WASTE / SOLID WASTE MANAGEMENT / § 50.14 ENFORCEMENT.

§ 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

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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)

TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS

CHAPTER 51: WATER WELLS

Section

51.01	Title
51.02	Adoption of regulations by reference
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TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS / § 51.01 TITLE.

§ 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)

TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS / § 51.02 ADOPTION OF REGULATIONS BY REFERENCE.

§ 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.* entitled "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. O-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08)

TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS / § 51.03 DEFINITIONS.

§ 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 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 or which are designed for drilling fluid purposes.

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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 a 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 wells and springs.

GROUT PIPE. A length of hose or pipe positioned in the annular space of a well, between the well casing and the 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

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monitor the quality or quantity of ground water.

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 5% 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 groundwater;
 - (c) Utilize the geo-thermal properties of each formation;
 - (d) Obtain groundwater for any purpose, including residential, commercial, public, agricultural and/or irrigational purposes; and
 - (e) Find and/or locate a water source (i.e. test wells).

(2) **WATER WELL** includes a monitoring well, a dewatering well and a geo-thermal well, as those terms are defined herein. **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)

TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS / § 51.04 WATER WELLS.

§ 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

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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)

TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS / § 51.05 CONSTRUCTION, PLACEMENT, PERMITS AND INSPECTIONS.

§ 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 inhabiting 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	25 feet

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(O-299 gallons)

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 30 feet or more if necessary to enter a satisfactory aquifer. Single suction lines must be 50 from the septic tanks and sewage absorption systems, unless the suction lines are made of water main grade pipe with water main grade fittings.

(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 adapters shall be required on each new water well as in accordance with the 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 Officer will provide

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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 \$10, 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 any other substances as deemed necessary by the Whitley County Health Officer. The applicant may employ private laboratory personnel from Indiana state certified labs 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 States 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 the 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 Board of Health is not open for public business, a water well may be installed without first obtaining a local permit,

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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 geo-thermal 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:

(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 geo- thermal 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)

TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS / § 51.06 POWERS FOR INSPECTION.

§ 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 Officer may at any time observe 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 portion 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)

TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS / § 51.07 NOTICES.

§ 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)

TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS / § 51.08 HEARINGS.

§ 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

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(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 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 and 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. 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.

(D) 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 one well driller, registered with the state, appointed by 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 the Whitley County Attorney in accordance with § 10.99, the hearing provisions contained within 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)

TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS / § 51.09 WELL ABANDONMENT.

§ 51.09 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

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maintained so the well does not become a source or channel of ground water contamination. A well which poses a hazard to human health must also be plugged under division (C). A cased or uncased bucket well or a 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) Equipped with a properly reinforced cover constructed of pressure treated lumber, using chromium copper arsenic (CCA) salt that has dimensions larger than the nominal diameter of the borehole or well casing. The cover shall be protected against the water with roofing or other water repelling materials that are properly maintained to ensure the integrity of the cover. Closure shall not be performed under this subdivision, however, if the cover is in direct contact with ground water or surface water;
- (3) 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 or 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 subsection 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 retard swelling);
 - (c) Pelletized, medium-grade or coarse-grade crushed bentonite;

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(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. 16-9-1.

(d) A cased well shall be plugged as follows:

1. With neat cement, bentonite slurry or medium-grade or coarse-grade crushed or pelletized bentonite from the bottom of the well to within two feet below the ground surface, unless otherwise provided by the Department;

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 subdivision (h) or (i)), shall be filled with natural clay materials, neat cement, bentonite slurry or medium-grade or coarse-grade or pelletized bentonite from the bottom of the borehole to a depth of no less than 25 feet below ground surface. The borehole shall be filled with neat cement or medium-grade or coarse-grade crushed or pelletized 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 pelletized 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

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cement, bentonite slurry or pelletized, 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 subdivision (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 minimized 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 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 pelletized, 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 a 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 within 30 days after plugging is completed.

(Ord. O-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08)

**TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS / § 51.10
CONSTRUCTION.**

§ 51.10 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 any 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 preempting 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. O-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08)

TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS / § 51.11 AUTHORITY OF HEALTH OFFICER.

§ 51.11 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. O-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08)

TITLE V: PUBLIC WORKS / CHAPTER 51: WATER WELLS / § 51.12 DISCLAIMER.

§ 51.12 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 meets the Whitley County Board of Health's minimum standards. The Whitley County Health Officer's signature makes no other representation.

(Ord. O-98-02, passed 1-5-98; Am. Ord. 2008-05, passed 4-7-08)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS

CHAPTER 52: SEWAGE DISPOSAL SYSTEMS

Section

Sewage Disposal Systems

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On-Site Sewage Disposal Systems

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SEWAGE DISPOSAL SYSTEM INSTALLERS

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / SEWAGE DISPOSAL SYSTEM INSTALLERS / § 52.01 DEFINITIONS.

§ 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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / SEWAGE DISPOSAL SYSTEM INSTALLERS / § 52.02 REGISTRATION AND BONDING OF INSTALLERS.

§ 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 name 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

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the requirements of this section commits an ordinance violation and shall be subject to the penalties described in § 10.99.

(`86 Code, § 16-19-3-4) (Ord. 0-90-16, passed 12-3-90; Am. Ord. 0-93-5, passed 2-1-93)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS

ON-SITE SEWAGE DISPOSAL SYSTEMS

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.15 TITLE.

§ 52.15 TITLE.

This subchapter may be referred to as the "Whitley County On-Site Sewage Disposal System Ordinance."

(`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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.16 ADOPTION OF RULES BY REFERENCE.

§ 52.16 ADOPTION OF RULES BY REFERENCE.

The regulations of the Indiana State Department of Health at 410 I.A.C. 6-8.2 *et seq.* entitled "Residential On-Site 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 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)

Statutory reference:

Sanitation standards, see I.C. 16-19-3-5

**TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS /
ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.17 DEFINITIONS.**

§ 52.17 DEFINITIONS.

Except as provided below, the terms defined in 410 I.A.C. 6-8.2 *et seq.*, 410 I.A.C. 6-10-1 *et seq.*, and Bulletin S.E. 11 shall carry the same definition whenever used in this subchapter as the definition provided in those regulations. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AVAILABLE. Located within 300 feet of the property line of the affected property, as measured along accessible easements or right-of-ways, 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 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 and his or her duly authorized representative.

NUISANCE. Any condition created by sewage which may transmit, generate, or promote disease, create a health hazard, or cause a 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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS /

ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.18 GENERAL REQUIREMENTS.

§ 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 chapter concerning on-site sewage disposal systems and Rule 410 I.A.C. 6-8.2.

(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.

(D) Every on-site sewage disposal facility shall be designed, constructed, installed, located, maintained, and operated in accordance with the requirements of Rules 410 I.A.C. 6-8.2 or 410 I.A.C. 6-10.

(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 is given by the district, owner of system, or government agent.

('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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.19 SITE INVESTIGATION.

§ 52.19 SITE INVESTIGATION.

Prior to 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 necessary. 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 a 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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.20 PERMITS.

§ 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 the 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

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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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.21 PLAN SUBMITTAL.

§ 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:

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- (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 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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.22 ABSORPTION SYSTEM.

§ 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.

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(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 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.

('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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.23 REPAIR OF SOIL ABSORPTION FIELDS.

§ 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.

('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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS /

ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.24 RESERVE AREA.

§ 52.24 RESERVE AREA.

All lots in subdivisions approved by the 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.

(’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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.25 PERIMETER DRAINS.

§ 52.25 PERIMETER DRAINS.

(A) Perimeter drains must be installed at least six inches into the 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 filed 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.

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(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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.26 SEPTIC TANK ABANDONMENT.

§ 52.26 SEPTIC TANK ABANDONMENT.

(A) Proper abandonment of a septic tank shall include:

- (1) The pumping and cleaning of the septic tank by a licensed company.
- (2) The removal or crushing in of the tank lid.
- (3) The placement of sand and gravel in the void left by the lid.

(B) Septic tank(s) must be abandoned within 30 days of connection of dwelling or facility to a sanitary sewerage system.

(Ord. 2011-04, passed 4-1-11)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.27 INSPECTIONS.

§ 52.27 INSPECTIONS.

No person shall cover any on-site sewage disposal system or any part thereof. No person shall place an on-site sewage disposal system into operation without Health Officer approval. The Health Officer shall be allowed to inspect the work at any stage of 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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.28 RIGHT OF ENTRY.

§ 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 and 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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.29 NOTICES.

§ 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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.30 HEARINGS.

§ 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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.31 REGISTRATION.

§ 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, he or she 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 his or her 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 he or she 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. 6-8.2.

(D) The Health Officer may revoke one's registration for deliberate violations of this subchapter or Rule 410 I.A.C. 6-8.2. 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 on-site sewage disposal system who is not registered shall be deemed in violation of this subchapter and is subject to fines and penalties described therein.

(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

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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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.32 CONSTRUCTION.

§ 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 410 I.A.C. 6-8..2, 6-10, or S.E. Bulletin11, then and in any such event 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 preempted by any state or federal law or regulation, this subchapter shall automatically be deemed amended by eliminating the preempted provision and incorporating in its place the applicable provision of the preempting 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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.33 HEALTH OFFICER AUTHORITY.

§ 52.33 HEALTH OFFICER AUTHORITY.

(A) It is hereby acknowledged, understood, and declared by the Board of Commissioners that under this subchapter, 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 with regards to the

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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 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)

TITLE V: PUBLIC WORKS / CHAPTER 52: SEWAGE DISPOSAL SYSTEMS / ON-SITE SEWAGE DISPOSAL SYSTEMS / § 52.99 PENALTY.

§ 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 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 county Health Department without conviction.

(Ord. 2011-04, passed 4-1-11)

TITLE V: PUBLIC WORKS / CHAPTER 53: JUNK AND TRASH

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

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53.08 Inspection

53.09 Notice of violation

53.99 Penalty

Cross-reference:

Junk and Trash, see § 153.100

**TITLE V: PUBLIC WORKS / CHAPTER 53: JUNK AND TRASH / § 53.01
DEFINITIONS.**

§ 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

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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

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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)

**TITLE V: PUBLIC WORKS / CHAPTER 53: JUNK AND TRASH / § 53.02
ACCUMULATION PROHIBITED.**

§ 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)

**TITLE V: PUBLIC WORKS / CHAPTER 53: JUNK AND TRASH / § 53.03
EXCEPTION FOR CERTAIN TRACTS.**

§ 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) greater than 20 acres in size; and (ii) located within a district

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zoned primarily for agriculture use (currently, the A-1 Agricultural District).

(Ord. 2005-10, passed 6-20-05)

**TITLE V: PUBLIC WORKS / CHAPTER 53: JUNK AND TRASH / § 53.04
EXCEPTION FOR COMPOST PILES.**

§ 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)

**TITLE V: PUBLIC WORKS / CHAPTER 53: JUNK AND TRASH / § 53.05
MAINTENANCE OF PROPERTY.**

§ 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

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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)

**TITLE V: PUBLIC WORKS / CHAPTER 53: JUNK AND TRASH / § 53.06
VIOLATIONS CREATED BY OTHERS.**

§ 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)

**TITLE V: PUBLIC WORKS / CHAPTER 53: JUNK AND TRASH / § 53.07
ENFORCEMENT OFFICER.**

§ 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)

**TITLE V: PUBLIC WORKS / CHAPTER 53: JUNK AND TRASH / § 53.08
INSPECTION.**

§ 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.

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(Ord. 2005-10, passed 6-20-05)

TITLE V: PUBLIC WORKS / CHAPTER 53: JUNK AND TRASH / § 53.09 NOTICE OF VIOLATION.

§ 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)

TITLE V: PUBLIC WORKS / CHAPTER 53: JUNK AND TRASH / § 53.99 PENALTY.

§ 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

TITLE VII: TRAFFIC CODE

Chapter

70. TRAFFIC REGULATIONS

71. TRAFFIC SCHEDULES

TITLE VII: TRAFFIC CODE / CHAPTER 70: TRAFFIC REGULATIONS

CHAPTER 70: TRAFFIC REGULATIONS

Section

- 70.01 Speed limits
- 70.02 Weight limit restrictions
- 70.03 Snowmobiles
- 70.04 Snow emergency

- 70.99 Penalty

**TITLE VII: TRAFFIC CODE / CHAPTER 70: TRAFFIC REGULATIONS / § 70.01
SPEED LIMITS.**

§ 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

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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. 1

**TITLE VII: TRAFFIC CODE / CHAPTER 70: TRAFFIC REGULATIONS / § 70.02
WEIGHT LIMIT RESTRICTIONS.**

§ 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

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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

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satisfied, and the sale of vehicles, if the liability not be satisfied, are incorporated herein by reference and made a part of this section.

('86 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

**TITLE VII: TRAFFIC CODE / CHAPTER 70: TRAFFIC REGULATIONS / § 70.03
SNOWMOBILES.**

§ 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.

(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

**TITLE VII: TRAFFIC CODE / CHAPTER 70: TRAFFIC REGULATIONS / § 70.04
SNOW EMERGENCY.**

§ 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 Sheriffs 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

TITLE VII: TRAFFIC CODE / CHAPTER 70: TRAFFIC REGULATIONS / § 70.99 PENALTY.

§ 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

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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.

(Ord. 2001-15, passed 12-17-01; Am. Ord. 2008-01, passed 1-7-08)

Statutory reference:

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

TITLE VII: TRAFFIC CODE / CHAPTER 71: TRAFFIC SCHEDULES

CHAPTER 71: TRAFFIC SCHEDULES

Schedule

- I. Speed limits
- II. Parking restrictions
- III. Stop and yield signs

TITLE VII: TRAFFIC CODE / CHAPTER 71: TRAFFIC SCHEDULES / SCHEDULE I. SPEED LIMITS.

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

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<i>Highway</i>	<i>Locations</i>	<i>Speed M.P.H.</i>
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
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 650 East	From McGuire Road to CR 575 North	25

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<i>Highway</i>	<i>Locations</i>	<i>Speed M.P.H.</i>
	(Rindfuze Road)	
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
Darland Street and Indiana Street	Between SR 205 and SR 205 within Collins in Smith Township	20
Donatello's Village	All streets and roads in the subdivision, located south of CR 500 South, north of SR 14 and	20

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<i>Highway</i>	<i>Locations</i>	<i>Speed M.P.H.</i>
Jefferson Township	west of County Line Road	
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
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. O-77-3, passed 3-21-77; Ord. O-78-4, passed 11-6-78; Ord. 90-11, passed 8-20-90; Ord. O-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,

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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) Penalty, see § 70.99

TITLE VII: TRAFFIC CODE / CHAPTER 71: TRAFFIC SCHEDULES / SCHEDULE II. PARKING RESTRICTIONS.

SCHEDULE II. PARKING RESTRICTIONS.

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.

('86 Code, § 9-4-1-114) (Ord. passed 4-2-62)

Statutory reference:

Stopping, standing or parking prohibited in specific places, see I.C. 9-21-16-5

TITLE VII: TRAFFIC CODE / CHAPTER 71: TRAFFIC SCHEDULES / SCHEDULE III. STOP AND YIELD SIGNS.

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>

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</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>
125 West (southbound) stops for 500 North
<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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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
200 South (westbound) stops for 900 West
200 South (eastbound) stops for Raber Road

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
200 South (eastbound) stops for Washington Road
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
250 West (southbound) yields for Lincoln Way
<i>CR 275</i>

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</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>CR 280</i>
280 South (westbound) yields for Business 30 East
280 South (westbound) stops for 625 West
<i>CR 300</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
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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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
350 West (northbound) stops for 275 North
350 West (southbound) stops for 275 North
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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
<i>CR 375</i>
375 North (westbound) stops for 850 East
375 West (southbound) stops for 500 North
375 West (northbound) stops for Etna Road
<i>CR 400</i>
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

Whitley County, IN, Code of Ordinances

<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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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
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
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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
500 East stops for Lincoln Way East
500 East (northbound) stops for Old Trail East
500 North stops for 250 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
<i>CR 525</i>
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
<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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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
600 North (eastbound and westbound) stops for 650 West

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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
<i>CR 625</i>
625 West (northbound) stops for 200 South
<i>CR 650</i>
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
<i>CR 675</i>
675 East (northbound) stops for 300 North
675 East (southbound) stops for Johnson Road
675 West (northbound) stops for 150 South

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
675 West stops for 200 South
675 West (southbound) stops for 300 South
<i>CR 700</i>
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
700 East yields for 800 South
700 East stops for Lincoln Way East
700 East (northbound) stops for Old Trail Road
700 East (northbound) stops for Yellow River Road
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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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
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
800 North (eastbound and westbound) stops for 750 West
800 South (westbound) yields for 950 West
800 South (eastbound) stops for County Line Road

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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 yields for Raber Road

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
900 South stops for Washington Road
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
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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
Airport Road (northbound and southbound) stops for 500 North
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
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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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
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

Whitley County, IN, Code of Ordinances

<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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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
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
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
Hiler Road (eastbound and westbound) stops for 700 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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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
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
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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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
Meridian Road (northbound and southbound) stops for 900 South

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
Meridian Road (northbound and southbound) stops for 1000 South
Meridian Road yields for Keiser Road
Meridian Road (southbound) stops for Keiser Road
Meridian Road (northbound) yields 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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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
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
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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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
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
Whitley Road (northbound) stops for 425 West
Whitley Road (eastbound) stops for 500 West

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
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

Whitley County, IN, Code of Ordinances

<i>Stop and Yield Signs</i>
Yellow River Road (eastbound) stops for 700 East
Yellow River Road (eastbound) yields for County Line Road
Yellow River Road (northbound) yields for Lincoln Way East

(E) Three way stop intersections:

North Street extended and Park Street extended.

(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) Penalty, see § 70.99

TITLE IX: GENERAL REGULATIONS

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. STREETS AND SIDEWALKS**
- 91. PUBLIC SAFETY**
- 92. ANIMALS**
- 93. FAIR HOUSING**

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: STREETS AND SIDEWALKS

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

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: STREETS AND SIDEWALKS / § 90.01 COUNTY ARTERIAL HIGHWAY SYSTEM.

§ 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. O-93-5, passed 2-1-93)

Statutory reference:

**TITLE IX: GENERAL REGULATIONS / CHAPTER 90: STREETS AND SIDEWALKS
/ § 90.02 STREET AND ROAD SPECIFICATIONS.**

§ 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

**TITLE IX: GENERAL REGULATIONS / CHAPTER 90: STREETS AND SIDEWALKS
/ § 90.03 SNOW REMOVAL CLAIMS.**

§ 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. O-97, passed - -97)

**TITLE IX: GENERAL REGULATIONS / CHAPTER 90: STREETS AND SIDEWALKS
/ § 90.04 SNOW EMERGENCIES.**

§ 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

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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. O-93-5, passed 2-1-93; Am. Ord. 99-20, passed 12-20-99)

TITLE IX: GENERAL REGULATIONS / CHAPTER 90: STREETS AND SIDEWALKS / § 90.05 PLACEMENT OF MAILBOXES.

§ 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)

TITLE IX: GENERAL REGULATIONS / CHAPTER 91: PUBLIC SAFETY

CHAPTER 91: PUBLIC SAFETY

Section

- 91.01 Smoke detectors
- 91.02 Enhanced emergency telephone system fees
- 91.03 Synthetic cannabinoid

- 91.99 Penalty

**TITLE IX: GENERAL REGULATIONS / CHAPTER 91: PUBLIC SAFETY / § 91.01
SMOKE DETECTORS.**

§ 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.

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.

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(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

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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

**TITLE IX: GENERAL REGULATIONS / CHAPTER 91: PUBLIC SAFETY / § 91.02
ENHANCED EMERGENCY TELEPHONE SYSTEM FEES.**

§ 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

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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

Statutory reference:

Uniform fee, see I.C. 36-8-16-6

TITLE IX: GENERAL REGULATIONS / CHAPTER 91: PUBLIC SAFETY / § 91.03 SYNTHETIC CANNABINOID.

§ 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-butylindol-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

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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)

TITLE IX: GENERAL REGULATIONS / CHAPTER 91: PUBLIC SAFETY / § 91.99 PENALTY.

§ 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:

TITLE IX: GENERAL REGULATIONS / CHAPTER 92: ANIMALS

CHAPTER 92: ANIMALS

Section

92.01 Cattle testing program

TITLE IX: GENERAL REGULATIONS / CHAPTER 92: ANIMALS / § 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

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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.

(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.

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FAIR HOUSING

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

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FAIR HOUSING / § 93.01

POLICY STATEMENT.

§ 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)

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FAIR HOUSING / § 93.02 DEFINITIONS.

§ 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.*

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;

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- (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)

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FAIR HOUSING / § 93.03 UNLAWFUL PRACTICE.

§ 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:

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(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

(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

**TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FAIR HOUSING / § 93.04
DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.**

§ 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 or 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 prospective 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:

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- (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;
- (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

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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

**TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FAIR HOUSING / § 93.05
DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.**

**§ 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

**TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FAIR HOUSING / § 93.06
DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICE.**

§ 93.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICE.

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It shall be unlawful to deny any person access to or membership or participation in any multiple-listing 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

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FAIR HOUSING / § 93.07 INTERFERENCE, COERCION OR INTIMIDATION.

§ 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

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FAIR HOUSING / § 93.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

§ 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

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(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)

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FAIR HOUSING / § 93.09 EXEMPTIONS.

§ 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:

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(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)

TITLE IX: GENERAL REGULATIONS / CHAPTER 93: FAIR HOUSING / § 93.10 ADMINISTRATIVE ENFORCEMENT.

§ 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

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GENERAL BUSINESS REGULATIONS

111. TATTOO PARLORS

112. FOOD ESTABLISHMENTS

TITLE XI: BUSINESS REGULATIONS / CHAPTER 110: GENERAL BUSINESS REGULATIONS

CHAPTER 110: GENERAL BUSINESS REGULATIONS

Section

110.01 License fees for horse-drawn vehicles

TITLE XI: BUSINESS REGULATIONS / CHAPTER 110: GENERAL BUSINESS REGULATIONS / § 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.

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(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.

(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)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS

CHAPTER 111: TATTOO PARLORS

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General Provisions

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TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / GENERAL PROVISIONS

GENERAL PROVISIONS

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / GENERAL PROVISIONS / § 111.01 SANITARY OPERATION OF TATTOO PARLORS.

§ 111.01 SANITARY OPERATION OF TATTOO PARLORS.

All places, individuals and businesses that offer to affix any type of permanent tattoo to a person shall be regulated by this chapter and shall maintain the premises in which tattoos are

performed and equipment used in the tattoo process in a sanitary manner in accordance with this chapter.

(Ord. 2000-02, passed 4-17-00)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / GENERAL PROVISIONS / § 111.02 DEFINITIONS.

§ 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;
- (3) HIV.

CLEANED. Removal of all visible dust, soil or any other foreign material.

CONTAMINATED. The presence or reasonably anticipated presence of blood or 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 Columbia City - Whitley County Health Department.

HBV. The Hepatitis B Virus.

HCV. The Hepatitis C Virus.

HIV. The Human Immunodeficiency Virus.

HEALTH OFFICER. The duly appointed health officer as set forth in I.C. 16-20-2-16. The County Health Officer or his or her designee shall be designated as the official in charge of enforcing this chapter. The Health Officer may designate a representative in the Health

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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, the following:

- (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.*** The following:

- (1) Human body fluids as follows:
 - (a) Semen;
 - (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 body fluid that is visibly contaminated with blood;
 - (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;

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(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 animals infected with HIV or HBV.

PARENTERAL. Piercing the mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts or abrasions.

PERSONAL PROTECTIVE EQUIPMENT. Specialized clothing or equipment worn for protection against contact 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 a physical or chemical procedure 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;

(2) Any design, letter, scroll, figure or symbol done by scarring upon or under the skin;

(3) 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.

TATTOO ARTIST. Any person who provides a tattoo to an individual or who performs any type of piercing of the mucous membranes or the skin through which needles or other objects are inserted for temporary or permanent placement.

TATTOO OPERATOR or **OPERATOR.** A person who controls, operates, conducts, manages or owns any tattoo parlor.

TATTOO PARLOR. Any room where tattooing is provided or where the business of tattooing 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. 2000-02, passed 4-17-00)

**TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS /
GENERAL PROVISIONS / § 111.03 TATTOO OPERATOR'S TRAINING
RESPONSIBILITIES.**

§ 111.03 TATTOO OPERATOR'S TRAINING RESPONSIBILITIES.

An 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 artists, anyone employed by the tattoo parlor or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane or parenteral contact with blood or OPIM;

(B) Ensure that training on the handling of infectious waste is provided to all tattoo artists, anyone employed by the tattoo parlor or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane or parenteral contact with blood or OPIM;

(C) Ensure that a record of training described in divisions (A) and (B) is maintained, as required under the Indiana Occupational Safety and Health Administration's Blood Borne Pathogens Standard (as found in 29 CFR 1910.1030) of an individual's participation in the training that is provided. The record shall be made available to the department for inspection upon request.

(Ord. 2000-02, passed 4-17-00)

**TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS /
GENERAL PROVISIONS / § 111.04 TATTOO OPERATOR'S RESPONSIBILITIES.**

§ 111.04 TATTOO OPERATOR'S RESPONSIBILITIES.

(A) The tattoo operator shall ensure that tattoo artists, anyone employed by the tattoo parlor or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane or parenteral contact with blood are provided personal protective equipment and expendables needed to implement the precautions required by this rule and the Indiana Occupational Safety and Health Administration's Blood Borne Pathogens Standard (as

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found in 29 CFR 1910.1030).

(B) The tattoo operator shall require tattoo artists, anyone employed by the tattoo parlor or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane or parenteral contact with blood to provide evidence of compliance with the universal precautions education requirements contained in § 111.06.

(C) The tattoo operator shall display a description of compliance with the requirements contained in division (D) of this section.

(D) The tattoo operator shall display written materials prepared or approved by the department explaining universal precautions and patrons' 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 insure that no illicit drugs or alcohol are consumed or permitted in the tattoo parlor.

(F) The tattoo operator shall insure that no tattoo shall be affixed to any person that is intoxicated.

(Ord. 2000-02, passed 4-17-00)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / GENERAL PROVISIONS / § 111.05 TATTOO OPERATOR POLICIES.

§ 111.05 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 and 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. 2000-02, passed 4-17-00)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / GENERAL PROVISIONS / § 111.06 TATTOO ARTIST MINIMUM TRAINING AND CERTIFICATION REQUIREMENTS.

§ 111.06 TATTOO ARTIST MINIMUM TRAINING AND CERTIFICATION REQUIREMENTS.

All tattoo artists, anyone employed by the tattoo parlor and anyone acting on behalf of the tattoo parlor 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 Pathogen 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 under the Indiana Occupational Safety and Health Administration's Blood Borne Pathogens 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 parlor and anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane or parenteral contact with blood or OPIM must be trained in the tattoo parlor's policies on the handling of infectious waste.

(Ord. 2000-02, passed 4-17-00)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / GENERAL PROVISIONS / § 111.07 PATRON RECORDS.

§ 111.07 PATRON RECORDS.

(A) Records of each patron shall be maintained for two years.

(B) The record shall include the following:

(1) Patron's name;

(2) Address;

(3) Age which must be verified by two items of identification, one of which

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must be a valid government issued identification;

- (4) Date tattooed;
- (5) Design of the tattoo;
- (6) Location of the tattoo on the patron's body;
- (7) The name of the tattoo artist who performed the work;
- (8) Parental consent must be in writing when performed on any minor as

required by law.

(Ord. 2000-02, passed 4-17-00)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / GENERAL PROVISIONS / § 111.08 PERMITS.

§ 111.08 PERMITS.

(A) *Business.* Each tattoo parlor operation shall obtain a permit from the Department. The permit shall provide the name and address of the owner of the business and the name and address of each and every tattoo artist located at each location. The cost for this permit shall be \$250 and shall not be transferable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The Department shall provide the appropriate forms for obtaining and issuing a permit. The permit shall be posted at the tattoo parlor in the place where the tattoos are performed and clearly visible to the public.

(B) *Tattoo artist.* Every person that desires to perform any tattoo shall obtain a "Tattoo Artist Permit" from the Department. This permit must be obtained before any tattoos are affixed to any person and after the requisite training. The applicant must satisfy the minimum requirements as set forth herein. The cost of the permit shall be \$50 and shall not be transferable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The Department shall provide the appropriate forms for obtaining and issuing a permit. The permits shall be posted at the tattoo parlor in the place where the tattoos are performed and clearly visible to the public.

(C) *Owner/operator.* If a tattoo parlor is a sole proprietorship and the owner also performs tattooing for his or her business, the owner shall only be required to obtain a business permit as described in this section.

(D) *Pro ratio of fees.* If a business or tattoo artist applies for a permit any time prior to June 1 of any year, they shall be responsible for the total annual fee as described in this section. If a business and/or tattoo artist applies for a permit any time after June 1 of any year, they shall be

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required to pay one-half of the annual fee. All permits shall expire on December 31 of the year in which they were issued.

(Ord. 2000-02, passed 4-17-00)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / GENERAL PROVISIONS / § 111.09 INSPECTIONS.

§ 111.09 INSPECTIONS.

The Department shall conduct inspections of each and every tattoo parlor located in Whitley County, Indiana. The Department shall conduct a minimum of two inspections per year. Additional inspections may be conducted by the Department as it determines and/or in response to complaints submitted to the Department. The results of the inspections shall be provided to each operator. Violations noted by the Department shall be corrected immediately. The Department shall conduct follow-up inspections to determine compliance with this chapter.

(Ord. 2000-02, passed 4-17-00)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / GENERAL PROVISIONS / § 111.10 REVOCATION OF PERMIT.

§ 111.10 REVOCATION OF PERMIT.

The Health Officer or his or her designees may suspend or revoke the permit of any tattoo artist or tattoo operator for any period of time for any violation of this chapter and/or any state or federal regulations concerning blood borne pathogens or tattooing. The suspension and/or revocation shall be effective upon issuance by the Health Officer or his or her designee. The tattoo operator or tattoo artist may have the permit reinstated upon compliance with this chapter and/or state or federal regulations concerning blood borne pathogens or tattooing and to the satisfaction of the Health Officer. Appeals of orders of suspension or revocation shall be conducted pursuant to I.C. 4-21.5-3-1 *et seq.* by the Department, which shall conduct administrative hearings concerning the suspension or revocation of any permit issued herein as set forth in I.C. 4-21.5-3-1 *et seq.*

(Ord. 2000-02, passed 4-17-00)

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REGULATIONS AND REQUIREMENTS

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / REGULATIONS AND REQUIREMENTS / § 111.25 ILLNESS.

§ 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:

- (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. 2000-02, passed 4-17-00) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / REGULATIONS AND REQUIREMENTS / § 111.26 HANDWASHING.

§ 111.26 HANDWASHING.

Handwashing facilities shall be readily accessible in the same room where tattooing is provided. 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. 2000-02, passed 4-17-00) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / REGULATIONS AND REQUIREMENTS / § 111.27 PERSONAL PROTECTION EQUIPMENT.

§ 111.27 PERSONAL PROTECTION 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 of clothing 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 when decontaminating environmental surfaces and equipment.

(Ord. 2000-02, passed 4-17-00) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / REGULATIONS AND REQUIREMENTS / § 111.28 TATTOOING EQUIPMENT.

§ 111.28 TATTOOING EQUIPMENT.

(A) Only single use razors shall be used to shave the area to be tattooed.

(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. 2000-02, passed 4-17-00) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / REGULATIONS AND REQUIREMENTS / § 111.29 NEEDLES.

§ 111.29 NEEDLES.

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- (A) Needles shall be individually packaged and sterilized prior to use.
- (B) Needles shall be single use only.
- (C) Needles shall be discarded in sharps containers immediately after use.
- (D) Contaminated needles shall not be bent or broken or otherwise manipulated by hand.

(Ord. 2000-02, passed 4-17-00) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / REGULATIONS AND REQUIREMENTS / § 111.30 REUSABLE EQUIPMENT.

§ 111.30 REUSABLE EQUIPMENT.

- (A) Heating procedures capable of sterilization must be used when heat stable, nondisposable equipment is sterilized.
- (B) Records must be maintained to document the following:
 - (1) Duration of sterilization technique;
 - (2) Determination of effective sterility, such as use of a biological indicator, is performed monthly;
 - (3) 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 not be stored or processed in a manner that requires any person to reach by hand into the containers where these items have been placed.
- (D) Reusable contaminated equipment shall be:
 - (1) Placed in puncture-resistant containers;
 - (2) Labeled with the biohazard symbol;
 - (3) Leakproof 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.
- (E) Contaminated reusable equipment shall be effectively cleaned prior to sterilizations.

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(F) Reusable tubes shall be effectively cleaned and sterilized before reuse.

(Ord. 2000-02, passed 4-17-00) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / REGULATIONS AND REQUIREMENTS / § 111.31 DYES OR PIGMENTS.

§ 111.31 DYES OR PIGMENTS.

(A) All dyes or pigments in tattooing shall be from professional 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 use 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 single use or individual containers shall be discarded along with the container.

(Ord. 2000-02, passed 4-17-00) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / REGULATIONS AND REQUIREMENTS / § 111.32 WORK ENVIRONMENT.

§ 111.32 WORK ENVIRONMENT.

(A) No tattooing shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.

(B) Live animals shall be excluded from areas where tattooing is being conducted. This exclusion does not apply to the following:

- (1) Patrol dogs accompanying security or police officers;
- (2) Guide dogs accompanying the following:
 - (a) Blind persons;
 - (b) Partially blind persons;
 - (c) Physically disabled persons;
 - (d) Guide dog trainers; or

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(e) Persons with impaired hearing.

(C) Eating, drinking, smoking or applying cosmetics shall not be allowed in work areas where there is likelihood of exposure to blood or OPIM.

(D) Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.

(E) All equipment and environmental surfaces shall be cleaned and decontaminated after contact with blood or OPIM.

(F) Environmental surfaces and equipment not requiring sterilization that have been contaminated by blood shall be cleaned and decontaminated.

(G) 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.

(H) Disinfectant solutions shall be:

(1) A hospital grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or

(2) Sodium hypochlorite, 0.5% concentration, by volume (common household bleach is 10% concentration in water); the solution shall be dated and shall not be used if it is more than 24 hours old.

(Ord. 2000-02, passed 4-17-00) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / REGULATIONS AND REQUIREMENTS / § 111.33 INFECTIOUS WASTE CONTAINMENT.

§ 111.33 INFECTIOUS WASTE CONTAINMENT.

(A) Contaminated disposable needles or instruments shall be stored in leak-resistant, puncture-resistant containers, tightly sealed to prevent expulsion, labeled with the biohazard symbol and effectively treated in accordance with this chapter prior to being stored in an unsecured area and sent for final disposal.

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(B) Infectious wastes that are contaminated sharps or objects that could potentially become contaminated sharps shall be placed in containers that meet the following requirements:

- (1) Impervious to moisture;
- (2) Sufficient strength and thickness to prevent expulsion;
- (3) Secured to prevent leakage expulsion;
- (4) Labeled with the biohazard symbol; and
- (5) Effectively treated in accordance with this chapter prior to being placed in an unsecured area and sent for final disposal.

(C) If infectious waste is stored prior to final disposal, all persons subject to this chapter shall store infectious waste in a secure area that:

- (1) Is locked or otherwise secured to eliminate access by or exposure to the general public;
 - (2) Affords protection from adverse environmental conditions and vermin;
- and
- (3) Has a prominently displayed biohazard symbol.

(D) Infectious waste shall be stored in a manner that preserves the integrity of the container and is not conducive to rapid microbial growth and putrefaction.

(E) Disinfect reusable containers for infectious waste each time that they are emptied unless the surfaces of the reusable containers have been protected from contamination by disposable liners, bags or other devices that are removed with the infectious waste.

(Ord. 2000-02, passed 4-17-00) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS / CHAPTER 111: TATTOO PARLORS / REGULATIONS AND REQUIREMENTS / § 111.34 TREATMENT AND TRANSPORT OF INFECTIOUS WASTE.

§ 111.34 TREATMENT AND TRANSPORT OF INFECTIOUS WASTE.

(A) All tattoo operators shall ensure that infectious waste is either treated on-site in accordance with this chapter or transported off-site for treatment in accordance with this chapter.

(B) A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved and is carried out in a manner

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consistent with this chapter. Effective treatment may include:

- (1) Incineration in an incinerator designed to accommodate infectious waste;
- (2) Steam sterilization;
- (3) Chemical disinfection under circumstances where safe handling of the waste is assured;
- (4) Thermal inactivation;
- (5) Irradiation; or
- (6) Discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.

(C) All persons subject to this chapter shall:

- (1) Transport infectious waste in a manner that reasonably protects waste haulers and the public from contracting a dangerous communicable disease; and
- (2) Effectively treat infectious waste in accordance with this chapter before it is compacted.

(D) The tattoo operator shall ensure that infectious waste, effectively treated or not, is transported off-site in compliance with 410 I.A.C. 1-3.

(Ord. 2000-02, passed 4-17-00) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS / CHAPTER 112: FOOD ESTABLISHMENTS

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 inspect and to copy records
- 112.08 Approval of plans

112.99 Penalty

TITLE XI: BUSINESS REGULATIONS / CHAPTER 112: FOOD ESTABLISHMENTS / § 112.01 DEFINITIONS.

§ 112.01 DEFINITIONS.

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

CARRY OUT FOOD ESTABLISHMENT. A food establishment where food is prepared and consumption is off the premises only.

FOOD SERVICE ESTABLISHMENTS. A place where food is prepared and intended for individual portion service, and includes 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 the food. The term also includes delicatessen-type operations that prepare sandwiches and other food service intended for individual portion service. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines and supply vehicles.

HEALTH OFFICER. The County Health Officer or the Health Officer's authorized representative.

LIMITED FOOD SERVICE ESTABLISHMENT. An establishment where single service pre-packaged, potentially hazardous food products are offered to the consumer, and the food products are prepared and supplied by an off-site, licensed food establishment or manufacturer.

MOBILE FOOD UNIT. A vehicle-mounted food service establishment designed to be readily movable.

RETAIL FOOD ESTABLISHMENT. May include any of the definitions in this section or providing for the incorporation by reference the following State Department of Health Rules:

410 IAC 7-15.1, Food Service and Sanitation Requirements;

410 IAC 7-16.1, Sanitation of Retail Food Markets;

410 IAC 7-17, Sanitation of Vending Foods and Beverages, or as the same may be changed or amended after December 3, 1990.

RETAIL FOOD STORES. An establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. The term includes delicatessens that offer prepared food in bulk quantities, individual portion service,

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or both. The term does not include establishments that handle only pre-packaged, non-potentially hazardous foods, food service establishments or food and beverage vending machines.

TEMPORARY FOOD SERVICE ESTABLISHMENT. A food service establishment that operates at a fixed location for a time not more than 14 consecutive days in conjunction with a single event or celebration.

WHITLEY COUNTY. The rural and urban areas under the jurisdiction of the County Health Officer.

('86 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)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 112: FOOD ESTABLISHMENTS / § 112.02 PERMITS.

§ 112.02 PERMITS.

(A) It is unlawful for a person to operate a retail food establishment, temporary food establishment,

mobile food establishment or push cart in the county, who does not possess a valid permit from the Health Officer. The permit must be posted in a conspicuous place in such retail food establishment.

(B) Only persons who comply with the applicable requirements as specified by the State Department of Health laws and rules, and requirements of this section are entitled to receive and retain a permit.

(C) A permit for a retail food establishment is for a period of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually.

(D) The permit for a temporary retail food establishment is for the term of one continuous operation not to exceed 14 days.

(E) A permit issued by the Health Officer must contain the name and address of the person to whom the permit is granted, the address of the premises for which same is issued, and other pertinent data required by the Health Officer.

(F) A separate permit is required for each retail food establishment operated or to be operated by a person. A permit issued under this section is not transferable.

(G) A permit shall be issued to any person on application after inspection and approval by the Health Officer or an authorized representative; however, the retail food

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establishment must comply with applicable requirements.

(H) A permit is not required and no permit fee shall be paid for retail food establishments operated by religious, educational, or charitable organizations. However, these establishments shall comply with the other provisions of this section.

(I) An organization that is exempt from the state gross income tax under I.C. 6-2.1-3-20 through 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 this section that may be imposed upon the sale of food at that event if:

- (1) Members of the organization prepare or donate the food that will be sold;
- (2) Events conducted by the organization under this section take place for no more than 30 days in any calendar year; and
- (3) The name of each member who has prepared a food item is attached to the container in which the food item has been prepared.

(`86 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)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 112: FOOD ESTABLISHMENTS / § 112.03 MINIMUM REQUIREMENTS FOR RETAIL FOOD ESTABLISHMENTS.

§ 112.03 MINIMUM REQUIREMENTS FOR RETAIL FOOD ESTABLISHMENTS.

All retail food establishments and vending machines shall comply with the minimum requirements specified by the State Department of Health in Rules 410 IAC 7-15.1, 410 IAC 7-16.1, and 410 IAC 7-17. These rules are incorporated by reference into this section, and as required by I.C. 36-1-5-4, two copies of these rules are on file in the office of the County Auditor for public inspection.

(`86 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)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 112: FOOD ESTABLISHMENTS / § 112.04 SALE, EXAMINATION, AND CONDEMNATION OF UNWHOLESOME, ADULTERATED OR MISBRANDED FOOD.

§ 112.04 SALE, EXAMINATION, AND CONDEMNATION OF UNWHOLESOME,

ADULTERATED OR MISBRANDED FOOD.

(A) It is unlawful for a person to sell through a retail food establishment, mobile food establishment, temporary food establishment or vending machine, 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.

(B) 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. The Health Officer may, on written notice to the owner or operator, impound and forbid the sale of any food which is unwholesome, adulterated, or misbranded. In the case of misbranding, which can be corrected by proper labeling, the food may be released to the operator for correct labeling under the supervision of the Health Officer. The Health Officer may also cause to be removed or destroyed, any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit or other perishable articles which in the Health Officer's opinion are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

('86 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)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 112: FOOD ESTABLISHMENTS / § 112.05 INSPECTION OF RETAIL FOOD ESTABLISHMENTS.

§ 112.05 INSPECTION OF RETAIL FOOD ESTABLISHMENTS.

(A) *Frequency of inspection.* At least once each four months, the Health Officer shall inspect each retail food operation for which a permit is required under this section.

(B) *Procedure when violations are noted.* If during the inspection of any retail food operation, the Health Officer discovers the violation of any of the requirements in division (C) of this section, the Health Officer shall issue a written order listing the violations to the proprietor or, in the proprietor's absence, to the person in charge, and fixing a time within which the proprietor of the retail food establishment shall abate and remedy the violations. A copy of the written order shall be filed with the records of the Health Department.

(C) *Final inspection; prosecution or hearing for violators.* If upon a second and final inspection, the Health Officer finds that a retail food operation, person, or employee is violating any provision of this section which was in violation on the previous inspection, and concerning which a written order was issued, the Health Officer shall furnish evidence of the violation to the prosecutor having jurisdiction in the county in which the violation occurs. The prosecuting attorney shall prosecute all persons violating this section, or the Health Officer may promptly

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issue a written order to the permittee of the retail food operation to appear at a certain time, no later than ten consecutive days from the date of final inspection, at a place in the county fixed in the order to show cause why the permit issued under division (A) should not be revoked.

(D) *Revocation of permit.* The Health Officer upon a hearing, if the permittee should fail to show cause, may revoke the permit and promptly give written notice of this action to the permittee. The Health Officer shall maintain a permanent record of the Health Officer's proceedings filed in the office of the Health Department.

(E) *Suspension of permit.* A permit issued under this section may be temporarily suspended by the Health Officer without notice or hearing for a period of not to exceed 30 days, for any of the following reasons:

(1) Insanity or other conditions which in the Health Officer's opinion endanger the public's health.

(2) Interference with the Health Officer or any of the Health Officer's authorized representative in the performance of their duties. However, upon written application from the permittee, served upon the Health Officer within 15 days after the suspension, the Health Officer shall conduct a hearing upon the matter after giving at least five days written notice of the time, place, and purpose of the hearing to the suspended permittee. Further, any suspension order shall be issued by the Health Officer in writing and served upon the permittee by leaving a copy at the permittee's usual place of business or by; [sic]

(F) *Reinstatement of permit.* A person whose permit has been suspended may at any time make application to the Health Officer for the reinstatement of that permit.

('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)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 112: FOOD ESTABLISHMENTS / § 112.06 INSPECTION OF TEMPORARY FOOD ESTABLISHMENTS.

§ 112.06 INSPECTION OF TEMPORARY FOOD ESTABLISHMENTS.

(A) *Frequency of inspection.* At least once in each 24-hour period, the Health Officer shall inspect each temporary food establishment for which a permit is required under this section.

(B) *Procedure to follow when any violation is noted.* If during the inspection of a temporary food establishment, the Health Officer discovers a violation of this section, the Health Officer may order the immediate correction of the violation.

(C) *Revocation of permit and penalties for continued operation.* Upon failure of a

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person maintaining or operating a temporary food establishment to comply with any order of the Health Officer, the Health Officer shall summarily, to revoke the permit of the person and establishment and forbid the further sale or serving of food in the temporary food establishment.

('86 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)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 112: FOOD ESTABLISHMENTS / § 112.07 AUTHORITY TO INSPECT AND TO COPY RECORDS.

§ 112.07 AUTHORITY TO INSPECT AND TO COPY RECORDS.

The retail food establishment operator shall, upon the request of the Health Officer, permit the Health Officer or the Health Officer's authorized representative access to all parts of the food establishment and shall permit the Health Officer or the Health officer's authorized representative to collect evidence, exhibits, or both, and to copy any or all records relative to the enforcement of this section.

('86 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)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 112: FOOD ESTABLISHMENTS / § 112.08 APPROVAL OF PLANS.

§ 112.08 APPROVAL OF PLANS.

All retail food establishments that are constructed or altered after December 3, 1990 shall conform with the applicable requirements of the State Department of Health and by the State Department of Fire Prevention and Building Services. Properly prepared plans and specifications shall be submitted to and approved by the Health Officer, or in the absence of a local plan review program, by the Division of Retail and Manufactured Foods, State Department of Health, as may be required before starting any construction work.

('86 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)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 112: FOOD ESTABLISHMENTS / § 112.99 PENALTY.

§ 112.99 PENALTY.

In addition to any civil penalty that may be imposed under state law, any person who violates any provisions of the chapter shall be deemed guilty of a Class A infraction. Each day the violation continues, constitutes a separate offense.

('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)

TITLE XIII: GENERAL OFFENSES

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

[RESERVED]

TITLE XV: LAND USAGE

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. RESERVED

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TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS

CHAPTER 150: BUILDING REGULATIONS

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TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / GENERAL PROVISIONS

GENERAL PROVISIONS

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / GENERAL PROVISIONS / § 150.01 BUILDING AUTHORITY.

§ 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

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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

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / GENERAL PROVISIONS / § 150.02 BUILDING ENFORCEMENT.

§ 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

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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 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;

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- (b) Faulty construction;
 - (c) The removal, movement or instability or 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

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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.

(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

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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. O-91-06, passed 7-1-91; Am. Ord. 93-5, passed 2-1-93)

Statutory reference:

Application, see I.C. 36-7-9-1

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE

BUILDING CODE

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.20 TITLE.

§ 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. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.21 PURPOSE.

§ 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. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.22 AUTHORITY.

§ 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

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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. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.23 SCOPE.

§ 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. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.24 APPLICATION TO EXISTING BUILDINGS AND STRUCTURES.

§ 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. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.25 ADOPTION OF REGULATIONS BY REFERENCE.

§ 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

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the Building Commissioner at the Columbia City/Whitley County Planning and Building Department.

('86 Code, § 36-7-8-2) (Ord. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.26 APPLICATION FOR PERMITS.

§ 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.

(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.

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(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. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.27 PERMIT REQUIRED.

§ 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. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.28 REVIEW OF APPLICATION.

§ 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

(3) Uses construction methods and practices that will minimize flood damage.

('86 Code, § 36-7-8-2) (Ord. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.29 OTHER ORDINANCES.

§ 150.29 OTHER ORDINANCES.

(A) All work done under any permit shall be in full compliance with all other

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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. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.30 FEES.

§ 150.30 FEES.

- (A) One and two family residences (Class 2) - new construction and remodeling:
- (1) \$.04 per square foot of the floor area (floor area includes basements, decks, garages, but does not include crawl space floors or attic area that can not be finished);
 - (2) Minimum fee: \$40 (single inspection \$20).
- (B) Accessory structures (other than Class 1) - new construction and remodeling:
- (1) Minimum fee: \$40. (Detached buildings that are over 1,000 square foot shall be charged the minimum fee plus \$.02 for each square foot over the minimum);
 - (2) Buildings having the minimum fee charged and containing shop areas, offices, restrooms and the like requiring additional inspections shall be charged an additional fee of \$20;
 - (3) Minimum fee: \$40. (Detached buildings that are over 1,000 square foot shall be charged the minimum fee plus \$.02 for each square foot over the minimum.)
- (C) Industrial and commercial structures (Class 1):
- (1) New construction (including Class 1 accessory structures) shall be \$.05 per square foot with a maximum fee of \$1,000;
 - (2) Remodeling projects (including Class 1 accessory structures) shall be \$.025 per square foot with a maximum fee of \$500.
- (D) Electrical service: \$20.

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- (E) Electrical service and new system: \$35. (The inspection of a new electrical service and any interior rewiring).
- (F) New gas line system, appliance installation: \$20. (Pressure test required unless waived by Building Inspector).
- (G) Swimming pools:
- (1) Inground pools: \$50;
 - (2) Aboveground pools: \$20.
- (H) Reinspection fee, as described in § 150.31: \$20.
- (I) Refund of permit fees: a refund of permit fees may be made by the Building Commissioner for permits issued under § 150.27, subject to the following conditions:
- (1) No work shall be commenced on the project for which such permit was issued;
 - (2) The permit must be canceled by the owner or his or her agent, in writing, within 60 days of the date of issuance;
 - (3) No refund shall be made when the permit fee is \$10 or less. Qualifying refunds shall be 75% of the original permit fee.
- (J) Definitions:
- (1) **SWIMMING POOLS.** Permanently installed structures, including aboveground pools that are not dismantled for winter storage.
 - (2) **CLASS 1.** All structures not Class 2.
 - (3) **CLASS 2.** 1 and 2 family dwellings and related structures.
 - (4) **SINGLE INSPECTION PROJECTS.** Include, but are not limited to:
 - (a) Decks;
 - (b) Gas line pressure tests, furnace installations, gas log installations;
 - (c) Woodburners;
 - (d) Portable buildings not requiring disassembly for relocation;
 - (e) Signs.

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('86 Code, § 36-7-8-2) (Ord. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.31 INSPECTION.

§ 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, fire-stopping, draft-stopping 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. O-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am.

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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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.32 ALARM SYSTEMS.

§ 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. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.33 ENTRY.

§ 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. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.34 STOP ORDER.

§ 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. O-79-3, passed 6-4-79; Am. Ord. 1984-6, passed 11-19-84; Am.

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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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.35 CERTIFICATE OF OCCUPANCY.

§ 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. O-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

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.36 WORKMANSHIP.

§ 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. O-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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / BUILDING CODE / § 150.37 RIGHT OF APPEAL.

§ 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.

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('86 Code, § 36-7-8-2) (Ord. O-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)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS /
PLUMBING SYSTEM STANDARDS**

PLUMBING SYSTEM STANDARDS

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS /
PLUMBING SYSTEM STANDARDS / § 150.50 DEFINITIONS.**

§ 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;

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(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)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS /
PLUMBING SYSTEM STANDARDS / § 150.51 ADMINISTRATIVE AGENCY.**

§ 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)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS /
PLUMBING SYSTEM STANDARDS / § 150.52 ADVISORY COMMITTEE.**

§ 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

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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)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS /
PLUMBING SYSTEM STANDARDS / § 150.53 PLUMBING RULES AND
REGULATIONS.**

§ 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)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS /
PLUMBING SYSTEM STANDARDS / § 150.54 PERMITS.**

§ 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.

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- (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)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS /
PLUMBING SYSTEM STANDARDS / § 150.55 PERMIT FEES.**

§ 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

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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)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS /
PLUMBING SYSTEM STANDARDS / § 150.56 INSPECTIONS.**

§ 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)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS /
PLUMBING SYSTEM STANDARDS / § 150.57 NOTICES.**

§ 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)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS /
PLUMBING SYSTEM STANDARDS / § 150.58 ENFORCEMENT.**

§ 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)

TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS / PLUMBING SYSTEM STANDARDS / § 150.98 VIOLATIONS.

§ 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. O-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

TITLE XV: LAND USAGE / CHAPTER 151: RESERVED

CHAPTER 151: RESERVED

[Reserved for Future Legislation]

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS

CHAPTER 152: SUBDIVISION REGULATIONS

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TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / GENERAL PROVISIONS

GENERAL PROVISIONS

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / GENERAL PROVISIONS / § 152.001 SHORT TITLE.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / GENERAL PROVISIONS / § 152.002 PURPOSE.

§ 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

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(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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / GENERAL PROVISIONS / § 152.003 COMPLIANCE.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / GENERAL PROVISIONS / § 152.004 HARDSHIP.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / GENERAL PROVISIONS / § 152.005 CONFLICT.

§ 152.005 CONFLICT.

Whenever there is a difference between minimum standards or dimensions specified

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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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / GENERAL PROVISIONS / § 152.006 JURISDICTION AREA.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / GENERAL PROVISIONS / § 152.007 INTERPRETATION.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / GENERAL PROVISIONS / § 152.008 DEFINITIONS.

§ 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

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lands.

BLOCK. Property abutting on one side of a street and lying between the two nearest intersecting or intercepting 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 grading 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.

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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

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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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS /
PROCEDURE FOR SUBMISSION OF PLAT**

PROCEDURE FOR SUBMISSION OF PLAT

**TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS /
PROCEDURE FOR SUBMISSION OF PLAT / § 152.020 GENERAL.**

§ 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

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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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS /
PROCEDURE FOR SUBMISSION OF PLAT / § 152.021 ADVISORY MEETING.**

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS /
PROCEDURE FOR SUBMISSION OF PLAT / § 152.022 PRELIMINARY PLAT.**

§ 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

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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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS /
PROCEDURE FOR SUBMISSION OF PLAT / § 152.023 FINAL PLAT.**

§ 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

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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.

('86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

**TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS /
PROCEDURE FOR SUBMISSION OF PLAT / § 152.024 MINOR PLAT.**

§ 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.

('86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS /

PROCEDURE FOR SUBMISSION OF PLAT / § 152.025 RECORDING.

§ 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.

('86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / PLAT SPECIFICATIONS

PLAT SPECIFICATIONS

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / PLAT SPECIFICATIONS / § 152.040 GENERAL.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / PLAT SPECIFICATIONS / § 152.041 SKETCH PLAN.

§ 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.

O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / PLAT SPECIFICATIONS / § 152.042 PRELIMINARY PLAT.

§ 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;

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- (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

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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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / PLAT SPECIFICATIONS / § 152.043 FINAL PLAT.

§ 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

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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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / DESIGN STANDARDS

DESIGN STANDARDS

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / DESIGN STANDARDS / § 152.055 GENERAL.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / DESIGN STANDARDS / § 152.056 NATURAL FEATURES.

§ 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:

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(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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / DESIGN STANDARDS / § 152.057 STREETS.

§ 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.

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(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.

	<i>Arterial</i>	<i>Collector</i>	<i>Local</i>	<i>Cul-de-s</i>	<i>Cross-</i>	<i>Alleys</i>

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following table.

	<i>Arterial Streets</i>	<i>Collector Streets</i>	<i>Local Streets</i>	<i>Cul-de-sacs</i>	<i>Cross-walks</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

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('86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / DESIGN STANDARDS / § 152.058 BLOCKS.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / DESIGN STANDARDS / § 152.059 LOTS.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / DESIGN STANDARDS / § 152.060 EASEMENTS.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / DESIGN STANDARDS / § 152.061 WATER AND SEWER SYSTEM.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / DESIGN STANDARDS / § 152.062 PLANNED UNIT DEVELOPMENT.

§ 152.062 PLANNED UNIT DEVELOPMENT.

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(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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / IMPROVEMENTS

IMPROVEMENTS

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 152.075 GENERAL.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 152.076 MONUMENTS AND MARKERS.

§ 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

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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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 152.077 STREETS.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 152.078 STORM DRAINAGE.

§ 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.

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('86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 152.079 EROSION CONTROL.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 152.080 WATER SUPPLY.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 152.081 SEWERS.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 152.082 UTILITIES.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / IMPROVEMENTS / § 152.083 STREET SIGNS.

§ 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.

('86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / ADMINISTRATION

ADMINISTRATION

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / ADMINISTRATION / § 152.095 INSPECTION.

§ 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.

('86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / ADMINISTRATION / § 152.096 ACCEPTANCE.

§ 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.

('86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / ADMINISTRATION / § 152.097 APPEALS.

§ 152.097 APPEALS.

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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.

('86 Code, § 36-7-4-700) (Res. passed 12-20-65; Am. Ord. P2-1971, passed 9-7-71; Am. Ord. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 152: SUBDIVISION REGULATIONS / ADMINISTRATION / § 152.098 NUISANCE.

§ 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. O-79-7, passed 12-17-79; Am. Ord. O-80-1, passed 5-5-80; Am. Ord. 85-8, passed 10-21-85)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE

CHAPTER 153: ZONING CODE

Section

General Provisions

- 153.001 Title
- 153.002 Authority
- 153.003 Compliance
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Editor's Note:

The entire zoning code was set forth as one section with one history containing all past ordinances and resolutions set forth in that section. This created a very lengthy list of ordinances and resolutions, and I was unable to separate these histories out for each section. In order to retain the ordinances as part of the code, but not attach lengthy histories to each section, I have chosen to set forth these histories as a part of this note. The past ordinances and resolutions affecting this chapter are as follows: Res. passed 12-20-65; Ord. passed 7-7-69; Ord. passed 7-8-69; Ord. passed 4-20-70; Ord. passed 7-7-71; Ord. Z0A-2, passed 8-7-72; Ord. 1976-1, passed 3-15-76; Ord. 76-4, passed 11-1-76; Ord. 77-2, passed 3-21-77; Ord. 1978-1, passed 1-3-78; Ord. 78-3, passed 4-3-78; Ord. 79-5, passed 11-4-79; Ord. O-80-2, passed 5-5-80; Ord. O-81-1, passed 6-1-81; Ord. O-82-4, passed 9-7-82; Ord. O-82-5, passed 1-17-83; Ord. 1985-2, passed 4-1-85; Ord. 85-8, passed 10-21-85; Ord. 89-5, passed 6-19-89; Ord. O-90-02, passed 1-16-90; Ord. O-90-08, passed 7-2-90; Ord. O-90-10, passed 8-6-90; Ord. O-92-09, passed 10-5-92; Ord. O-92-10, passed 11-2-92; Ord. O-93-01, passed 1-4-93; Ord. 93-18, passed 9-20-93; Ord. 95-11, passed 11-20-95

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / GENERAL PROVISIONS

GENERAL PROVISIONS

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / GENERAL PROVISIONS / § 153.001 TITLE.

§ 153.001 TITLE.

The official title of this chapter is "The Zoning Ordinance of Whitley County, Indiana."
(86 Code, § 36-7-4-600, 101)

Statutory reference:

Local zoning ordinances, see I.C. 36-7-4-600

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / GENERAL PROVISIONS / § 153.002 AUTHORITY.

§ 153.002 AUTHORITY.

This chapter is adopted pursuant to I.C. 36-7-4, as amended.

(86 Code, § 36-7-4-600, 103)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / GENERAL PROVISIONS / § 153.003 COMPLIANCE.

§ 153.003 COMPLIANCE.

No structure shall be located, erected, constructed, reconstructed, moved, converted or enlarged; nor shall any structure or land be used, except in full compliance with all of the provisions of this chapter and after the lawful issuance of the permits required by this chapter.

(86 Code, § 36-7-4-600, 104) Penalty, see § 153.999

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / GENERAL PROVISIONS / § 153.004 JURISDICTIONAL AREA.

§ 153.004 JURISDICTIONAL AREA.

This chapter shall apply to all unincorporated land within Whitley County, except that in accordance 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 such 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, § 36-7-4-600, 105)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / GENERAL PROVISIONS / § 153.005 APPLICATION.

§ 153.005 APPLICATION.

It is not intended by this chapter to interfere with, abrogate or amend any easements, covenants or other agreements between parties existing on May 20, 1969, nor is it intended by this chapter to repeal, abrogate, annul or in any way interfere with any provisions of laws or ordinances or any rules or regulations in effect on May 20, 1969 or permits adopted or issued

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pursuant to law before the effective date of this chapter and relating to the use of buildings or premises. However, where this chapter imposes a greater restriction upon the use of buildings or premises than is imposed or required by existing provisions of law or by rules, regulations, agreements, covenants or permits, the provisions of this chapter shall control; but where private covenants, permits, agreements, rules or regulations impose a greater restriction than is imposed by this chapter, the greater restriction shall control.

('86 Code, § 36-7-4-600, 106)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / GENERAL PROVISIONS / § 153.006 DEFINITIONS.

§ 153.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; and the word *SHALL* is mandatory and not permissive.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

ADD-A-ROOM UNIT. A unit of manufactured housing, not designed as a part of the original structure, which may have less occupied space than a manufactured section.

ADULT ARCADE. Any place to which the public is permitted or invited where coin-operated or slug-operated or electronic or manual devices are maintained to show images to ten or less persons per machine at any one time, and where the images displayed are distinguished or characterized by the depicting or describing of specific sexual activities or specified anatomical areas.

ADULT BOOKSTORE or ***ADULT VIDEO STORE.*** A commercial establishment which, as one of its principle business purposes, offers for sale or rental, for any form of consideration, any one or more of the following:

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe specific sexual activities or specified anatomical areas; or

(2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

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A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specific sexual activities or specified anatomical area and still be categorized as **ADULT BOOKSTORES** or **ADULT VIDEO STORES**. Such other business purposes will not serve to exempt said commercial establishments from being categorized as an **ADULT BOOKSTORE** or **ADULT VIDEO STORE** as long as one of its principal business purposes is the offering for sale or rental for consideration the specified material which depicts or describes specific sexual activities or specified anatomical areas.

ADULT CABARET. A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity or semi-nudity;
- (2) Live performances which are characterized by the exposure of specific sexual activities or specified anatomical areas; or
- (3) Files, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specific sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT FACILITIES. Any commercial establishment, business or service, or portion thereof, which offers sexually oriented material, devices, paraphernalia or specific sexual activities, services, performances or any combination thereof or in any other form whether printed, filed, recorded or live. The term **ADULT ENTERTAINMENT FACILITIES** shall include but not be limited to such activities as included in the definition of sexually oriented business.

ADULT MOTEL. A hotel, motel or similar commercial establishment which offers a sleeping room for rent, which can be rented by the hour for a time period less than ten hours. This does not mean that someone cannot check in and out of a room in a time period that is less than ten hours, only that the cost for the room cannot be at a rate that is for less than ten hours.

ADULT THEATER. A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specific sexual activities or specified anatomical areas.

AGRICULTURE. Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture or animal or poultry husbandry. Accessory uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos and any other use or structure that is clearly a part of an agricultural operation.

ANCHORING SYSTEM. An approved system of straps, cables, turnbuckles, chains, ties

or other approved materials used to secure a manufactured or mobile home.

ANSI/NFPA 501 A STANDARD OF INSTALLATION OF (MANUFACTURED) MOBILE HOMES. Model national standards (including all authorized successor documents) for installation of manufactured or mobile homes, as adopted and copyrighted by the National Fire Protection Association and Manufactured Housing Institute.

APPROVED. Acceptable to the appropriate authority having jurisdiction by reason of investigation, accepted principals or tests by nationally recognized organizations.

AREA. Area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

AREOLA. A circular area of a different color, surrounding a central point, as such an area surrounding the nipple of the breast.

BASEMENT (FOUNDATION) STRUCTURE. A one story structure which has more than 30% of its total aggregate wall area below finished grade level or a two or more story structure which has more than 60% of its total aggregate wall area below finished grade level.

BOARD. The Board of Zoning Appeals established by this chapter.

BUTTOCK. One of the two masses of muscle and fat tissue, divided by a cleft, that is prominent at the lower back of the torso, both masses forming the seat; a gluted prominence; the nates.

CLINIC. Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

CLUB. An establishment operated for social, recreational or educational purposes but open only to members and not the general public.

DWELLING UNIT. Any structure or part of a structure designed or used as the living quarters for one family.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities, rural electric membership cooperatives or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such.

EXPANDO UNIT. An expandable manufactured housing unit.

FAMILY. One or more persons occupying a premises and living as a single housekeeping

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unit as distinguished from a group occupying a boarding house or lodging house, club, fraternity or hotel.

FOUNDATION SIDING/SKIRTING. A type of wainscoting constructed of fire and weather resistant material, such as aluminum, asbestos board, treated or pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or mobile home.

HOME OCCUPATION. An occupation conducted wholly within the principal or accessory structure which is clearly incidental and secondary to the use of the principal structure for dwelling purposes and which does not change the character thereof.

LAKE ACCESS DEVELOPMENT.

(1) Any development:

(a) That has a portion of its perimeter bound by a public freshwater lake; or

(b) That contains as a part of the development or through the grant of an easement, license or other interest, the right of owners in the development to use a waterfront lot for access to the waters of any public freshwater lake; and

(c) That requires any type of approval by the Board of Zoning Appeals or Plan Commission.

(2) A **LAKE ACCESS DEVELOPMENT** shall include by way of example, but not be limited to lake front recreational areas, beaches, parks, playgrounds, regardless of whether such area has been specifically denominated as a common area or access point, whether located in a residential subdivision, apartment building development condominium, cooperative, used by a neighborhood association, or associated with an organization, club retirement community, mobile home park, mobile home subdivision, subdivisions subject to the provisions of the subdivision control ordinance, or multi-family residential units, mobile home parks, and camp grounds, planned unit developments with a residential component, residential development under the Indiana Horizontal Property Regime Act, platted or exempt residential subdivisions and any other residential use in all zoning districts.

LIGHT INDUSTRIAL. The processing and fabrication of certain materials and products where no process involved shall produce noise, vibration, air pollution, fire hazard or noxious emission which shall disturb or endanger neighboring properties.

LOT. A parcel of land occupied or capable of being occupied by one or more structures.

LOT OF RECORD. Any lot which individually or as part of a subdivision has been recorded in the office of County Recorder of Deeds.

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LOT, DEPTH OF. A mean horizontal distance between the front and rear lot lines.

LOT, MINIMUM AREA OF. The horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfares.

LOT, WIDTH OF. The mean width measured at right angles to its depth.

MANUFACTURED HOME. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or I.C. 22-12-1, as promulgated by the State Department of Fire Prevention and Building Safety. The three types of manufactured homes (Type I, Type II, Type III) are defined as meeting all of the appropriate requirements of Section 304.

MANUFACTURED HOME SUBDIVISION. A parcel of land platted for subdivision according to all requirements of the County Comprehensive Plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE. Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 *et seq.*), as amended (previously known as the Federal Mobile Home Construction and Safety Act), the rules and regulations promulgated thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the United States Department of Housing and Urban Development (HUD), pursuant to HUD rules) and regulations and interpretations of said code by the State Department of Fire Prevention and Building Safety; all of which became effective for mobile/manufactured home construction on June 15, 1976.

MANUFACTURED OR MOBILE HOME COMMUNITY (PARK). A parcel of land on which two or more manufactured and/or mobile homes are occupied as residences.

MASSAGE ESTABLISHMENT. Any business or enterprise which offers, sells or provides, or which holds itself out as offering, selling or providing, massages which include bathing, physical massage, rubbing, kneading, anointing, stroking, manipulating or other tactile stimulation of the human body, by either male or female employees or attendants, by hand or other physical means, including but not limited to any electrical or mechanical device.

MOBILE HOME. A transportable structure larger than 320 square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976.

NON-WATERFRONT LOT. Any parcel of real estate not having as one of its

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boundaries the shoreline of a public freshwater lake.

NONCONFORMING STRUCTURES. A structure designed, converted or adapted for a use prior to the adoption of provisions prohibiting such use in such location.

NONCONFORMING USE. Any use or arrangement of land or structures legally existing at the time of enactment of this chapter or any of its amendments which does not conform to the provisions of this chapter.

NUDE MODEL STUDIO. Any place where, for money or any other form of consideration, a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay such money or other form of consideration. A **NUDE MODEL STUDIO** does not include and an exemption shall be made if a person appearing in a state of nudity did so in a modeling class operated:

(1) By a school (licensed by the State of Indiana), a college, junior college or university supported entirely or partly by taxation;

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;

(3) In a structure:

(a) Which does not have a sign visible from the exterior of the structure and no other advertisement that indicates a nude person is available for viewing; and

(b) Where in order to participate in a class a student must enroll at least three days in advance of the class; and

(c) Where no more than one nude model is on the premises at any one time.

NUDITY or A STATE OF NUDITY. The appearance or display of bare human buttocks, anus, male genitals, female genitals or female breast.

OCCUPIED SPACE. The total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.

ONE AND TWO FAMILY DWELLING CODE, INDIANA. The nationally recognized model building code prepared by the Council of American Building Officials, adopted by the State Department of Fire Prevention and Building Safety, as mandated through I.C. 22-11-1, and which includes those supplements and amendments promulgated by the State Department of Fire Prevention and Building Safety.

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PERMANENT PERIMETER FOUNDATION. A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

PERMANENT FOUNDATION. Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

PUBLIC FRESHWATER LAKE. Shall have the definition stated in I.C. 14-26-2-3, as amended from time to time.

RECREATIONAL VEHICLE. A portable vehicular structure not built to the Federal Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard), designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including, but not limited to travel and camping trailers, truck campers and motor homes.

SECTION. A unit of a manufactured home at least ten body feet in width and 30 body feet in length.

SEMI-NUDE. A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that as one of its primary business purposes offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
- (2) Specified sexual activities between male and female persons and or persons of the same sex when one or more of the persons are in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS. Includes an adult arcade, adult bookstore or adult video store, adult cabaret, adult entertainment facility, adult motel, adult motion picture theater, adult theater, nude model studio or sexual encounter center.

SHORELINE. Shall have the definition stated in I.C. 14-26-2-4, as amended from time to time.

SIGN. Any identification, description, display or illustration which is affixed to or represented upon a structure or parcel of land which directs attention to an object, product, place, activity, business, person, service or interest.

SPECIAL EXCEPTION PERMIT. A device for permitting a use within a district other

than a principally permitted use.

SPECIFIED ANATOMICAL AREAS. Male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals or a simulation thereof.

SPECIFIED SEXUAL ACTIVITIES. Means and includes any of the following:

- (1) The fondling or other erotic touching, actual or simulated, of human genitals, pubic region, buttocks, anus or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions, actual or simulated, as a part of or in connection with any of the activities set forth in subsections (1) through (3) above.

STRUCTURE. Anything constructed or erected, the use of which required a fixed location on the ground, including buildings, billboards, carports, porches and other building features, but not including sidewalks, drives, fences and patios.

SUPPLY YARDS. A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods. ***SUPPLY YARDS*** do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

SUPPORT SYSTEMS. A pad or combination of footage, piers, caps, plate and shims, which, when properly installed, support the manufacture or mobile home.

WATERFRONT LOT. Any parcel of real estate having as one of its boundaries the shoreline of a public freshwater lake.

YARD, SIDE. A yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required to the rear yard. The width of the required side yard shall be measured horizontally and perpendicular from the nearest point of the side lot line toward the nearest part of the main building.

('86 Code, § 36-7-4-600, Art. 7) (Am. Ord. 2000-1, passed 1-3-00; Am. Ord. 2007-03, passed 2-5-07)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / GENERAL PROVISIONS / § 153.007 VACATION OF PROPERTY.

§ 153.007 VACATION OF PROPERTY.

(A) (1) All persons who are entitled to file, and desire to file, a petition for vacation of a public way or public place of the county, pursuant to I.C. 36-7-3-12, shall file the petition with the County Engineer. In addition to the information required by I.C. 36-7-3-12(b), the petition shall be accompanied by the following:

(a) The fee specified in division (C) below;

(b) A title search issued by a reputable title company and/or surveys and/or copies of documents, plats or maps of record which establish that:

1. The property to be vacated, as described and designated in the petition, is in fact a public way or public place of Whitley County located outside the corporate boundaries of a municipality; and

2. The petitioner in fact owns or has an interest in the property contiguous to the public way or public place described in the petition.

(2) The County Engineer will then review the petition and all items submitted with the petition, together with any other records and information at the Engineer's disposal, to confirm ownership by the county and the accuracy of the legal descriptions before the petition is forwarded to the Board of Commissioners for consideration.

(B) Upon proper filing of the petition, the Board of Commissioners shall hold a public hearing within 30 days thereafter. The notices required by I.C. 36-7-3-12(c) must be given at the petitioner's expense. After the hearing, the Board of Commissioners may, by ordinance, vacate the public way or public place. The form of ordinance to be used by the Board of Commissioners to vacate property, if it elects to vacate the property, must be prepared by the petitioner or its counsel for consideration by the Board of Commissioners at the public hearing.

(C) A fee of \$500 shall be paid when each petition under this county section is submitted to the County Engineer. The fee is non-refundable even if the petition is subsequently withdrawn by the petitioner or is rejected by Whitley County. The Board of Commissioners may elect to refund the fee, in its discretion, if the petitioner is a church or is designated as a charitable organization by the Internal Revenue Service under IRC Section 501(c)(3) and if a request for a refund is made by the petitioner at a public hearing. The fee shall be used to offset the administrative costs related to the review of the petition, the legal descriptions, title searches, plats, surveys and documents submitted by the petitioner and the records of Whitley County to determine if the property is in fact a public way or public place of Whitley County, if the petitioning party has the right to file a petition under Indiana law and whether vacating the property is appropriate.

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('86 Code, § 36-7-3-12) (Ord. O-93-24, passed 12-6-93; Am. Ord. 97- , passed - -97; Am. Ord. 2004-11, passed 11-15-04)

Statutory reference:

Vacation procedures, see I.C. 36-7-3-12

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / GENERAL PROVISIONS / § 153.008 PLAN COMMISSION.

§ 153.008 PLAN COMMISSION.

The Commissioners establish the County Advisory Plan Commission, which shall have the membership set forth in and shall exercise all of the powers granted to it under I.C. 36-7-4.

('86 Code, § 36-7-4-200) (Ord. 1-1965, passed 7-6-65; Am. Ord. 5-1993, passed 2-1-93)

Statutory reference:

Plan Commission, see I.C. 36-7-4-200

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / GENERAL PROVISIONS / § 153.009 COUNTY NUMBERING SYSTEM.

§ 153.009 COUNTY NUMBERING SYSTEM.

The Commissioners approve the implementation of a county house numbering system.

('86 Code, § 36-7-4-405) (Ord. O-93-5, passed 2-1-93)

Statutory reference:

Development plans, street numbers and names, see I.C. 36-7-4-405

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / GENERAL PROVISIONS / § 153.010 CHURUBUSCO AND LARWILL JURISDICTION.

§ 153.010 CHURUBUSCO AND LARWILL JURISDICTION.

(A) The Towns of Churubusco and Larwill shall be governed by the County Comprehensive Plan, as defined in § 153.011. The County Plan Commission shall enforce the provisions of the Comprehensive Plan in and for these towns.

(B) The Commissioners approve Columbia City Ordinance #991-93, providing for

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joint planning for Columbia City and the county.

('86 Code, § 36-7-4-410) (Res. passed 12-1-75; Ord. 85-1, passed 2-3-86; Ord. 991 (Columbia City), passed 5-18-87; Ord. 991-93, passed 12-6-93; Ord. 97- , passed - -97)

Statutory reference:

Powers, county-municipal plan commission, see I.C. 36-7-4-410

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / GENERAL PROVISIONS / § 153.011 COUNTY COMPREHENSIVE PLAN.

§ 153.011 COUNTY COMPREHENSIVE PLAN.

The Board of Commissioners adopts the Comprehensive Plan entitled Whitley County Comprehensive Plan, 1993. This Plan is incorporated by reference and is the official comprehensive plan for Whitley County.

('86 Code, § 36-7-4-500) (Res. passed 12-20-65; Ord. 85-8, passed 10-21-85; Res. 1993-R-93-06, passed 9-7-93)

Statutory reference:

County Comprehensive Plan, see I.C. 36-7-4-500

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS

DISTRICT REGULATIONS

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS / § 153.025 ZONE MAPS.

§ 153.025 ZONE MAPS.

A Zone Map of each township in the county is adopted as a part of this chapter. The Zone Maps shall be kept on file available for examination at the office of the County Plan Commission.

('86 Code, § 36-7-4-600, 201)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS / § 153.026 ZONING DISTRICTS.

§ 153.026 ZONING DISTRICTS.

(A) The jurisdictional area of the County Plan Commission shall be divided into the districts stated on the Zone Maps.

(B) The districts are as follows:

- (1) "C-1" Conservation;
- (2) "A-1" Agricultural;
- (3) "L-1" Lake Residential;
- (4) "S-1" Suburban Residential;
- (5) "MHS" Mobile Home Subdivision;
- (6) "B-1" Business;
- (7) "B-2" Business;
- (8) "I-1" Industrial;
- (9) "I-2" Industrial.

('86 Code, § 36-7-4-600, 202)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS / § 153.027 DISTRICT BOUNDARIES.

§ 153.027 DISTRICT BOUNDARIES.

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the centerlines. The vacation of streets shall not affect the location of district boundaries. When the Zoning Administrator cannot definitely determine the location of a district boundary by centerlines, the scale or dimensions stated on the Zone Map or by the fact that it clearly coincides with a property line, the Administrator shall refuse action, and the Board of Zoning Appeals, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zone Map and the purposes set forth in all relevant provisions of this chapter.

('86 Code, § 36-7-4-600, 203)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS / § 153.028 CONSERVATION DISTRICT.

§ 153.028 CONSERVATION DISTRICT.

The district designated for Conservation, "C-1," is limited to agricultural, recreational and certain other open land uses. Residential and related uses are permitted if approved by the Board of Zoning Appeals. The purpose of this district is to prevent intensive development of land that is unsuitable for development because of topography, soil conditions or periodic flooding. The boundary for this District shall be based upon prior flood elevations as determined from information on file in the office of the State Department of Natural Resources, Division of Water.

('86 Code, § 36-7-4-600, 204)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS / § 153.029 AGRICULTURAL DISTRICT.

§ 153.029 AGRICULTURAL DISTRICT.

The district designated for agricultural use, "A-1," is intended to preserve and protect agricultural land from undesirable urban growth while permitting limited residential development on large-size lots which provide adequate space for private water and sewerage facilities. Planned residential subdivisions with small-size lots may be approved by the Board of Zoning Appeals if the development provides for common utilities systems and meets the requirements of § 153.094.

('86 Code, § 36-7-4-600, 205)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS / § 153.030 RESIDENTIAL DISTRICTS.

§ 153.030 RESIDENTIAL DISTRICTS.

Districts designated for residential use, "L-1" and "S-1," are limited to dwelling and public or semipublic uses which are normally associated with residential neighborhoods. The "MHS" District shall at no time be construed to include manufactured housing parks. The only new uses permitted in these Districts are those which would not detract from the character of the neighborhood. The only new uses permitted in these Districts are those which would not detract from the character of the neighborhood. The purpose of these districts is to create an attractive, stable and orderly environment. However, to provide for the various housing needs and desires of

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the citizens of the county, the families per dwelling structure and the lot and yard requirements are different in each of the five districts.

('86 Code, § 36-7-4-600, 206)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS / § 153.031 BUSINESS DISTRICTS.

§ 153.031 BUSINESS DISTRICTS.

The districts designated for business, "B-1" and "B-2," are limited to business, public and certain residential uses. By establishing compact districts for such uses, more efficient traffic movement, parking facilities, fire protection and police protection may be provided. Industrial uses are excluded in order to reduce the hazards caused by extensive truck and rail movements normally associated with such uses. The purpose of these Districts is to provide conveniently located unified shopping districts.

('86 Code, § 36-7-4-600, 207)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS / § 153.032 DISTRICT LAND USAGE.

§ 153.032 DISTRICT LAND USAGE.

The permitted, prohibited and special exception uses for each district are shown in the following table. Where the district column is marked with a "P," the use is permitted in that district. Where the district column is marked with an "S," a special exception must first be obtained as specified by § 153.118. The Zoning Administrator shall determine into which category land is defined, specifically listed or herein defined. This determination may be appealed to the Board of Zoning Appeals.

<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
<i>Natural Resources - Agriculture</i>									
Agriculture - cropland	P	P	P	P	P	P	P	P	P
Agriculture - orchards	P	P	P	P	P	P	P	P	P
Agriculture - pasture and grazing	P	P	S	S	P	P	P	P	P

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
Agriculture - confined feeding	P	P	S	S	S	P	P	P	P
Agriculture - commercial fur farms	P	P	S	S	S	P	P	P	P
Agriculture - accessory storage facilities	P	P	S	S	S	P	P	P	P
Agriculture - processing of goods produced on property only	P	P	S	S	S	P	P	P	P
Agriculture - cropland research or demonstration test plots (not to exceed 1 year)	P	P	S	S	S	P	P	P	P
Agriculture - cropland research or demonstration test plot (permanent)	p	P	S	S	S	P	P	P	P
Agriculture - livestock research or evaluation	P	P	S	S	S	P	P	P	P
Forestry, woodland	P	P	P	P	P	P	P	P	P
Plant nursery (not to include office or retail business facilities)	P	P	S	S	S	P	P	P	P
<i>Natural Resources - Recreational</i>									
Water management and use facilities such as dams, docks, channel improvements, seawalls, flood walls and irrigation facilities	P	P	P	P	P	P	P	P	P
Private individual piers	P	P	P	P	P	P	P	P	P

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
Wildlife and nature preserves	P	P	P	P	P	P	P	P	P
Public landing facilities	P	P	P	P	P	P	P	P	P
Public owned park or recreational area and accessory structures	P	P	P	P	P	P	P	P	P
Conservation or environmental study clubs	S	S	S	S	S	S	S	S	S
Golf courses (public) and accessory structures	S	S	S	S	S	S	S	S	S
<i>Natural Resources - Miscellaneous</i>									
Mineral extraction	S	S	S	S	S	S	S	S	S
Fish hatcheries	S	P	S	S	S	P	P	P	P
Artificial lake or reservoir of three acres or more	S	S	S	S	S	S	S	S	S
Oil and gas production (not to include refining)	P	P	S	S	S	P	P	P	P
Agricultural and environmental research centers	S	S	S	S	S	P	P	P	P
Water areas, marshland	P	P	P	P	P	P	P	P	P
Fill of natural wetland or water areas or marshland	S	S	S	S	S	S	S	S	S
<i>Residential</i>									
Residence - farm	X	P	P	P	X	S	S	X	X
Residence - single	X	P	P	P	X	S	S	X	X

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
family non-farm									
Residence - two family	X	S	S	S	X	S	S	X	X
Residence - multi family	X	S	S	S	X	S	S	X	X
Residence - cabin or cottage	X	P	P	P	X	S	S	X	X
Residence - seasonal farm worker housing	X	P	S	S	X	S	S	X	X
Residence - manufactured housing:									
Type I	X	P	P	P	P	S	S	X	X
Type II	X	S	S	S	S	S	S	X	X
Type III	X	S	X	X	X	X	X	X	X
Mobile home	X	S	X	X	X	X	X	X	X
Type II, Type III or mobile home when located in conjunction with a permitted business (accessory)	X	X	X	X	X	P	P	P	P
Type II, Type III or mobile home occupied by a relative or employee of the family, resident in the permanent dwelling unit when situated upon at least four acres of land	S	S	S	S	X	X	X	X	X
Type II, Type III or mobile home occupied by a relative of the family, resident in the permanent dwelling unit when situated upon at least four acres of land and is for a health or age related circumstance	S	S	S	S	X	X	X	X	X
Manufactured home									

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
community	X	S	S	S	S	S	S	X	X
Nursing and rest homes	X	S	S	S	X	S	S	X	X
Retirement homes	X	S	S	S	X	S	S	X	X
Children's homes	X	S	S	S	X	S	S	X	X
Halfway house	X	S	S	S	X	S	S	X	X
Group housing quarters	X	S	S	S	X	S	S	X	X
Boarding or lodging house (tourist home)	X	S	S	S	X	S	S	X	X
Motel or hotel	X	X	X	X	X	P	P	S	S
Residential accessory uses	X	P	P	P	P	P	P	P	P
<i>Retail Trade - Apparel</i>									
Apparel and accessories	X	X	X	X	X	P	P	S	S
Custom tailoring	X	X	X	X	X	P	P	S	S
Shoes	X	X	X	X	X	P	P	S	S
Fabrics	X	X	X	X	X	P	P	S	S
Dressmaking (H.O.)	X	X	X	X	X	P	P	S	S
Clothing rental	X	X	X	X	X	P	P	S	S
<i>Retail Trade - Furniture and Home Furnishings</i>									
Furniture, new and used	X	X	X	X	X	P	P	S	S
Household appliances	X	X	X	X	X	P	P	S	S
Draperies or carpet	X	X	X	X	X	P	P	S	S

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
Custom drapery	X	X	X	X	X	P	P	S	S
China, glassware, metal ware	X	X	X	X	X	P	P	S	S
Furniture - office and institutional	X	X	X	X	X	P	P	S	S
<i>Retail Trade - Food</i>									
Grocery and delicatessen	X	X	X	X	X	P	P	S	S
Bakeries	X	X	X	X	X	P	P	S	S
Specialty food shops, including meats, fruits, vegetables, dairy, candy, ice cream	X	X	X	X	X	P	P	S	S
Restaurant and cafeterias (not including drive-ins)	X	X	X	X	X	P	P	S	S
Drive-in and carry-out restaurants	X	X	X	X	X	S	P	S	S
Agricultural produce on-site sale	X	P	S	S	S	P	P	P	P
<i>Retail Trade - Automotive and Accessory Services</i>									
Automobile sales and rental - new and used and accessory service and repair	X	X	X	X	X	X	S	P	P
Automobile repair and service (not including auto dismantling and/or impoundment yards)	X	X	X	X	X	X	S	P	P
Automotive parts supply	X	X	X	X	X	P	P	P	P
Automobile service	X	X	X	X	X	X	S	P	P

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
stations and accessory service and repair (not including auto dismantling and/or impoundment yards)									
Automobile body shop and painting	X	X	X	X	X	X	S	P	P
Automobile car washing and waxing (H.O.)	X	X	X	X	X	X	S	P	P
Automobile dismantling and/or impoundment yard	X	X	X	X	X	X	X	X	S
Motorcycle sales and accessory service and repair	X	X	X	X	X	X	S	P	P
Mobile home sales	X	X	X	X	X	X	S	P	P
Recreational vehicle sales and rental and accessory service and repair	X	X	X	X	X	X	S	P	P
Tire and battery dealers and accessory service and repair	X	X	X	X	X	X	S	P	P
Truck sales and rental and accessory service and repair	X	X	X	X	X	X	S	P	P
Truck service centers	X	X	X	X	X	X	S	P	P
Farm equipment sales and rental - new and used and accessory service and repair	X	S	X	X	X	X	S	P	P
Heavy equipment sales	X	X	X	X	X	X	S	P	P

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
and rental - new and used and accessory service and repair									
Aircraft sales and rentals and accessory service and repair	X	X	X	X	X	X	S	P	P
Wheel and frame alignment	X	X	X	X	X	X	S	P	P
Bicycle sales	X	X	X	X	X	P	P	S	S
Bicycle service and repair	X	X	X	X	X	P	P	S	S
<i>Retail Trade - Miscellaneous</i>									
Records	X	X	X	X	X	P	P	S	S
Department stores	X	X	X	X	X	P	P	S	S
Hardware	X	X	X	X	X	P	P	S	S
Variety stores	X	X	X	X	X	P	P	S	S
Antiques (H.O.)	X	X	X	X	X	P	P	S	S
Bait shop (H.O.)	X	X	X	X	X	P	P	S	S
Boat and other marine sales and rental and accessory service and repair	X	X	X	X	X	X	S	P	P
Books, magazines and stationery	X	X	X	X	X	P	P	S	S
Camera and photographer supply	X	X	X	X	X	P	P	S	S
Tobacco	X	X	X	X	X	P	P	S	S

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
Drug store	X	X	X	X	X	P	P	S	S
Lawn and garden supply	X	X	X	X	X	S	P	S	S
Florist (not to include greenhouse)	X	X	X	X	X	P	P	S	S
Gift and souvenir shop	X	X	X	X	X	P	P	S	S
Farm supply center	X	S	X	X	X	X	S	P	P
Business machine sales and rental	X	X	X	X	X	P	P	S	S
Business machine service and repair	X	X	X	X	X	P	P	S	S
Toy and hobby shops	X	X	X	X	X	P	P	S	S
Jewelry	X	X	X	X	X	P	P	S	S
Monument sales	X	X	X	X	X	S	P	S	S
Pet shops (not to include kennels)	X	X	X	X	X	P	P	S	S
Sporting goods	X	X	X	X	X	P	P	S	S
Arts and crafts supplies	X	X	X	X	X	P	P	S	S
Arts and crafts (H.O.)	X	X	X	X	X	P	P	S	S
Dinner theater, night club	X	X	X	X	X	S	P	S	S
Taverns	X	X	X	X	X	S	P	S	S
Liquor stores	X	X	X	X	X	P	P	S	S
Sexually oriented business	X	X	X	X	X	S	S	X	X
Plant nurseries	X	S	X	X	X	X	X	X	X

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
<i>Retail Trade - Lumber and Building Supplies</i>									
Lumber and building supplies (including outdoor storage)	X	X	X	X	X	X	S	P	P
Paint, glass and wallpaper	X	X	X	X	X	S	P	P	P
Pipe, concrete, metal (including outdoor storage)	X	X	X	X	X	X	S	P	P
Plumbing, heating, air conditioning and water softener showroom (including service yard)	X	X	X	X	X	X	S	P	P
<i>Services - Financial</i>									
Agricultural credit institutions	X	X	X	X	X	P	P	S	S
Banks and branch banks	X	X	X	X	X	P	P	S	S
Bond companies	X	X	X	X	X	P	P	S	S
Financial companies	X	X	X	X	X	P	P	S	S
Insurance agents (H.O.)	X	X	X	X	X	P	P	S	S
Savings and loan associations	X	X	X	X	X	P	P	S	S
Stock brokers and dealers	X	X	X	X	X	P	P	S	S
<i>Services - Repair</i>									
Household appliance service/repair (H.O.)	X	X	X	X	X	P	P	S	S
Re-upholstery and	X	X	X	X	X	P	P	S	S

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
furniture repair and accessory re-sale (H.O.)									
Watch, clock and jewelry repair (H.O.)	X	X	X	X	X	P	P	S	S
Shoe repair (H.O.)	X	X	X	X	X	P	P	S	S
<i>Services - Medical</i>									
Clinic	X	X	X	X	X	P	P	S	S
Hospitals	X	S	X	X	X	P	P	S	S
Medical and dental laboratories	X	X	X	X	X	P	P	S	S
Medical and dental offices	X	X	X	X	X	P	P	S	S
<i>Services - Research</i>									
Engineering, research and development laboratories (involving fire, explosives and other hazardous or radioactive materials)	X	X	X	X	X	X	X	X	S
Engineering, research and development laboratories (not involving fire, explosives and other hazardous or radioactive materials)	X	X	X	X	X	X	S	P	P
Data processing analysis (H.O.)	X	X	X	X	X	X	S	P	P
<i>Services - Governmental and Non-Profit</i>									
Auto license bureaus	X	X	X	X	X	P	P	S	S

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School - art and music	X	S	X	X	X	P	P	S	S
School - college and university	X	S	X	X	X	P	P	S	S
School - elementary and secondary	X	S	S	S	S	P	P	S	S
School - trade, vocational or business	X	S	X	X	X	P	P	P	P
Governmental offices	X	S	S	S	S	P	P	S	S
Fire stations	X	S	S	S	S	P	P	P	P
Police stations	X	S	S	S	S	P	P	P	P
Libraries	X	S	S	S	S	P	P	S	S
Community centers	X	S	S	S	S	S	S	S	S
Post office	X	X	X	X	X	P	P	S	S
Penal or correctional institutions	X	X	X	X	X	S	S	S	S
Government installation	X	S	X	X	X	S	S	S	S
Churches	X	S	S	S	S	P	P	S	S
Cemetery	S	S	S	S	S	S	S	S	S
Civic and charitable organization facilities	X	S	S	S	S	P	P	P	P
Sanitary landfill	X	S	X	X	X	S	S	S	S
Public water wells, filtration plants and storage tanks	S	S	S	S	S	P	P	P	P
Sewage treatment plants	S	S	S	S	S	P	P	P	P

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
<i>Services - Personal</i>									
Barber shop (H.O.)	X	X	X	X	X	P	P	S	S
Beauty shop (H.O.)	X	X	X	X	X	P	P	S	S
Coin operated laundries	X	X	X	X	X	P	P	S	S
Dry cleaning	X	X	X	X	X	P	P	S	S
Laundries (commercial)	X	X	X	X	X	X	S	P	P
Diaper service	X	X	X	X	X	X	S	P	P
Mortuary	X	X	X	X	X	P	P	S	S
Photographic studio (H.O.)	X	X	X	X	X	P	P	S	S
Veterinary hospital and clinic	X	S	X	X	X	P	P	P	P
Tutor - educational (H.O.)	X	X	X	X	X	P	P	S	S
Kennel	X	S	X	S	S	S	P	P	P
Day care and nursery school	X	S	S	S	S	P	P	S	S
Woodworking, cabinet shop (H.O.)	X	X	X	X	X	X	S	P	P
Taxidermist (H.O.)	X	X	X	X	X	P	P	S	S
Sign painting (H.O.)	X	X	X	X	X	S	P	S	S
Welding	X	S	X	X	X	S	S	P	P
Blue printing and photocopying	X	X	X	X	X	P	P	P	P
Travel bureau	X	X	X	X	X	P	P	S	S

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
Landscaping (to include plant nurseries)	X	S	X	X	X	P	P	S	S
Chiropractor	X	X	X	X	X	P	P	S	S
<i>Services - Office</i>									
Abstractors	X	X	X	X	X	P	P	S	S
Advertising consultants (H.O.)	X	X	X	X	X	P	P	S	S
Collection agencies	X	X	X	X	X	P	P	S	S
Detective and protective service agencies	X	X	X	X	X	P	P	S	S
Exterminating services (not to include service yard)	X	X	X	X	X	P	P	S	S
Private employment agencies	X	X	X	X	X	P	P	S	S
Interior design and decorating (H.O.)	X	X	X	X	X	P	P	S	S
Real estate (H.O.)	X	X	X	X	X	P	P	S	S
Attorneys (H.O.)	X	X	X	X	X	P	P	S	S
Engineer, architects, surveyors (H.O.)	X	X	X	X	X	P	P	S	S
Accounting, auditing, tax consultant, notary, bookkeeper (H.O.)	X	X	X	X	X	P	P	S	S
Labor union, business organizations	X	X	X	X	X	P	P	S	S
Political organizations	X	X	X	X	X	P	P	S	S

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
Professional societies	X	X	X	X	X	P	P	S	S
Contractors, including well drillers, excavating, housing, roofers and house movers (not to include outdoor storage)	X	S	X	X	X	P	P	S	S
Chemical and fertilizer dealers and feed and grain dealers (not to include storage)	X	S	X	X	X	P	P	S	S
Plant nurseries	X	S	X	X	X	X	X	X	X
<i>Services - Recreational</i>									
Bowling alley	X	X	X	X	X	P	P	P	P
Billiard and pool establishment	X	X	X	X	X	P	P	P	P
Dance hall and schools	X	X	X	X	X	P	P	P	P
Fairgrounds	X	S	X	X	X	P	P	P	P
Golf and country clubs (private)	S	S	S	S	S	P	P	P	P
Golf driving range	S	S	X	X	X	P	P	P	P
Miniature golf course	S	S	X	X	X	P	P	P	P
Lodges, fraternal organizations and private clubs	X	S	S	S	S	P	P	P	P
Theater, indoor	X	X	X	X	X	P	P	P	P
Theater, outdoor	S	X	X	X	X	P	P	P	P
Museum and art gallery	X	X	X	X	X	P	P	P	P

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
Race track	S	X	X	X	X	P	P	P	P
Auditorium, coliseum, stadiums	X	X	X	X	X	P	P	P	P
Riding stables	S	S	X	X	X	P	P	P	P
Shooting range (outdoor)	S	S	X	X	X	P	P	P	P
Archery range (outdoor)	S	S	X	X	X	P	P	P	P
Archery range (indoor)	X	X	X	X	X	P	P	P	P
Ice and roller skating arena	X	X	X	X	X	P	P	P	P
Amusement park	X	X	X	X	X	P	P	P	P
Tennis and racquet clubs	X	X	X	X	X	P	P	S	S
Ski and toboggan runs	S	S	X	X	X	P	P	S	S
Reception halls	X	X	X	X	X	P	P	S	S
Zoos, botanical gardens	X	S	S	S	S	P	P	S	S
Recreational vehicle park	X	S	X	X	X	S	S	S	S
Organizational campground (group)	X	S	S	X	X	S	S	S	S
Campground (public and private)	X	S	S	X	X	S	S	S	S
Reducing and health salon	X	X	X	X	X	P	P	S	S
Hunting preserves and gamelands	S	S	S	X	X	S	S	S	S
Recreational and	X	X	X	X	X	P	P	P	P

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
exercise facilities									
Motorcycle riding trails	S	S	X	X	X	S	S	S	S
Boat rental	S	S	S	X	X	P	P	P	P
<i>Services, Transportation, Communications, Utilities</i>									
Airport	S	S	X	X	X	S	S	S	S
Heliport	S	S	X	X	X	S	S	S	S
Landing strip	S	S	X	X	X	S	S	S	S
Radio or television station	X	X	X	X	X	X	S	P	P
Radio or TV transmitting tower	S	S	S	S	S	P	P	P	P
Telephone exchange	S	S	S	S	S	P	P	P	P
Utility station - main installation	S	S	S	S	S	P	P	P	P
Utility station - substation	S	S	S	S	S	P	P	P	P
Transmission lines	P	P	P	P	P	P	P	P	P
Railroad right-of-way	P	P	P	P	P	P	P	P	P
Highway right-of-way	P	P	P	P	P	P	P	P	P
Pipeline pumping stations	S	S	S	S	S	P	P	P	P
Pipelines	P	P	P	P	P	P	P	P	P
Electric generation	S	S	X	X	X	S	S	S	S
Bridges	P	P	P	P	P	P	P	P	P

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
<i>Wholesale Trade</i>									
Motor vehicles and automotive equipment	X	X	X	X	X	X	S	P	P
Drugs, chemicals and similar products	X	X	X	X	X	X	S	P	P
Dry goods and apparel	X	X	X	X	X	X	S	P	P
Groceries and similar products	X	X	X	X	X	X	S	P	P
Farm products (raw material)	X	X	X	X	X	X	S	P	P
Electrical goods	X	X	X	X	X	X	S	P	P
Hardware, plumbing, heating equipment and supplies	X	X	X	X	X	X	S	P	P
Machinery, equipment and supplies	X	X	X	X	X	X	S	P	P
Furniture and home furnishings	X	X	X	X	X	X	S	P	P
Scrap and waste material	X	X	X	X	X	X	X	S	P
Lumber and lumber products	X	X	X	X	X	X	S	P	P
Paper and paper products	X	X	X	X	X	X	S	P	P
Greenhouse (commercial)	X	S	X	X	X	P	P	S	S
<i>Warehousing and Storage</i>									
Contractors storage yard	X	X	X	X	X	X	S	P	P
Exterminating services									

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
storage yard	X	X	X	X	X	X	S	P	P
Liquified fertilizer and chemical storage and distribution	X	S	X	X	X	X	S	P	P
Bottled gas storage and distribution	X	S	X	X	X	X	S	P	P
Feed and grain dealers storage and distribution	X	S	X	X	X	X	S	P	P
Bulk fuel yard (local distribution)	X	X	X	X	X	X	S	P	P
Bulk fuel yard (regional distribution)	X	X	X	X	X	X	X	X	S
Highway maintenance garage and storage	X	X	X	X	X	X	S	P	P
Utility company storage yard	X	X	X	X	X	X	S	P	P
Frozen food lockers	X	X	X	X	X	S	P	P	P
Mini-warehouses	X	X	X	X	X	X	S	P	P
Moving companies and storage	X	X	X	X	X	X	S	P	P
Auction sales yard (not involving livestock)	X	X	X	X	X	X	S	P	P
Auction barn (livestock)	X	S	X	X	X	X	S	P	P
Boat storage (commercial)	X	X	X	X	X	X	S	P	P
Supply yard	X	X	X	X	X	X	S	P	P
Scrap metal and junk	X	X	X	X	X	X	X	S	P

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
yard									
Freight distributors and terminal (truck and railroad)	X	X	X	X	X	S	P	P	P
Storage (warehousing) - inside - (involving explosives or other radioactive material)	X	X	X	X	X	S	P	P	P
Air cargo services	X	X	X	X	X	S	P	P	P
Aircraft storage (including crop dusting services)	X	S	X	X	X	X	S	P	P
<i>Manufacturing</i>									
Meat products (not to include slaughterhouse)	X	X	X	X	X	X	S	P	P
Slaughterhouse and rendering plant	X	X	X	X	X	X	X	S	P
Dairy products	X	X	X	X	X	X	S	P	P
Canning and preservation of fruits and vegetables	X	X	X	X	X	X	S	P	P
Feed and grain mill products and elevators (including flour, cereals and food for animals and other agricultural product processing)	X	S	X	X	X	X	S	P	P
Bakery products	X	X	X	X	X	X	S	P	P
Sugar and confectionary	X	X	X	X	X	X	S	P	P
Bottling company	X	X	X	X	X	X	S	P	P

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
Ice production	X	X	X	X	X	X	S	P	P
Textile mill products (including cotton, manmade fibers, silk, wool, yarn, threads and knit goods)	X	X	X	X	X	X	S	P	P
Apparel and other finished products made from fabrics, leather and similar goods	X	X	X	X	X	X	S	P	P
Sawmills and planing mills (as distinguished from a temporary sawmill on the property where lumbering is being done)	X	X	X	X	X	X	X	S	P
Millwork, veneer, plywood and prefabricated structural wood products	X	X	X	X	X	X	S	P	P
Wooden containers	X	X	X	X	X	X	S	P	P
Furniture and fixtures	X	X	X	X	X	X	S	P	P
Paper and allied products	X	X	X	X	X	X	X	S	P
Printer and publishing (including newspapers, books, periodicals and commercial printing)	X	X	X	X	X	X	S	P	P
Chemicals and allied products (including plastics, drugs, soaps and paints)	X	X	X	X	X	X	X	S	P

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
Agricultural fertilizers	X	S	X	X	X	X	S	P	P
Explosives	X	X	X	X	X	X	X	X	S
Petroleum refining (including paving and roofing materials)	X	X	X	X	X	X	X	X	S
Asphalt or ready mix plant	X	X	X	X	X	X	X	S	P
Rubber products including tires and footware	X	X	X	X	X	X	X	S	P
Stone, clay and glass products (including cement and concrete)	X	X	X	X	X	X	X	S	P
Ordnance products (including arms and ammunition)	X	X	X	X	X	X	X	X	S
Blast furnaces, steel works and rolling and finishing of ferrous metals	X	X	X	X	X	X	X	S	P
Iron and steel foundries	X	X	X	X	X	X	X	S	P
Primary and secondary smelting and refining of nonferrous materials	X	X	X	X	X	X	X	S	P
Machinery products (including engines, farm and heavy equipment and industrial machinery)	X	X	X	X	X	X	S	P	P
Electrical machinery, equipment and supplies (including appliances,	X	X	X	X	X	X	S	P	P

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
electrical components and electrical distribution equipment)									
Transportation equipment (including automotive parts and final assembly)	X	X	X	X	X	X	S	P	P
Other fabricated metal products (including hardware, structural metal products, wire and metal stamping)	X	X	X	X	X	X	S	P	P
Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks	X	X	X	X	X	X	S	P	P
Jewelry, musical instruments, sporting goods	X	X	X	X	X	X	S	P	P
Tobacco products	X	X	X	X	X	X	S	P	P
General offices associated with an industrial use (including service facilities for employees or guests)	X	X	X	X	X	P	P	P	P
Accessory use retail or wholesale trade associated with an industrial use	X	X	X	X	X	P	P	P	P
Incineration for reduction of refuse	X	X	X	X	X	X	X	X	S

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<i>Use</i>	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
Tool or die	X	X	X	X	X	X	S	P	P
Accessory use, storage of supplies or finished products associated with any permitted industrial use	X	X	X	X	X	X	P	P	P
<i>Home Order Sales (H.O.)</i>									
Sales (for example, cosmetics, shoes and household supplies) to include retail, wholesale, distributors, franchises and storage	X	X	X	X	X	P	P	S	S
<i>Miscellaneous</i>									
Temporary use	S	P	P	P	P	P	P	P	P
Fences	P	P	P	P	P	P	P	P	P
Parking - in conjunction with any allowable use	P	P	P	P	P	P	P	P	P
Loading area - in conjunction with any allowable use	P	P	X	X	X	P	P	P	P
Signs	P	P	P	P	P	P	P	P	P

('86 Code, § 36-7-4-600, 209) (Am. Ord. 97-08, passed 5-19-97; Am. Ord. 97-10, passed 5-19-97; Am. Ord. 2000-01, passed 1-3-00; Am. Ord. 2010-04, passed 4-5-10)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS / § 153.033 DISTRICT LOT SIZE, COVERAGE AND YARDS.

§ 153.033 DISTRICT LOT SIZE, COVERAGE AND YARDS.

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District minimum lot area, width, minimum lot frontage, minimum ground floor area, maximum lot coverage, minimum lot area per family and minimum front, side and rear yard are listed in the following table.

<i>Use</i>	<i>District</i>								
	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
Minimum lot area, in thousands of square feet:									
Without central sewage	80	80	40	60	80	10	20	20	80
With central sewage	80	20	10	15	20	7½	10	20	80
***With central sewage and water lines	80	10	10	10	4½	5	5	NA	NA
Minimum lot width, in feet:									
Without central sewage	225	225	100	100	225	70	80	100	200
With central sewage	225	100	60	70	100	60	70	100	200
***With central sewage and water lines	225	75	75	75	45	50	50	NA	NA
Minimum lot frontage, in feet	NA	50	NA	NA	NA	NA	NA	NA	NA
Minimum ground floor area, in square feet:									
Single family (one story)	NA	950	950	950	950	950	950	NA	NA
Single family (multi story)	NA	800	800	800	800	672	672	NA	NA
Multi family (one story)	NA	672	672	672	672	672	672	NA	NA
Multi family (multi story)	NA	672	672	672	672	672	672	NA	NA
Manufactured housing	NA	950	950	950	950	320	320	320	320
Maximum lot coverage, in percentage:									
Without central sewage	NA	10	30	20	10	20	25	25	30
With central sewage	NA	20	35	25	20	40	50	50	60
Minimum lot area per family - residential, in thousands of sq. ft.:									
First dwelling unit:	NA	80	40	60	80	10	20	NA	NA
Without central sewage	NA	20	10	15	20	7½	15	NA	NA
With central sewage	NA	10	10	10	4.5	5	5	NA	NA
***With central sewage	NA	10	10	10	4.5	5	5	NA	NA

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<i>Use</i>	<i>District</i>								
	<i>C-1</i>	<i>A-1</i>	<i>L-1</i>	<i>S-1</i>	<i>MHS</i>	<i>B-1</i>	<i>B-2</i>	<i>I-1</i>	<i>I-2</i>
and water lines									
Each additional dwelling: Without central sewage	NA	80	10	15	80	7½	10	NA	NA
With central sewage	NA	10	5	10	10	5	10	NA	NA
***With central sewage and water lines	NA	10	5	10	10	5	10	NA	NA
Minimum front yard, in feet, measured from the rear or alley right-of-way or easement where applicable	40	40	35	35	40	30	40	40	40
***With central sewage and water lines	35	35	35	35	35	35	35	30	35
Minimum side yard, in feet	25	25	10	10	25	10	10	20	20
***With central sewage and water lines	10	10	10	10	10	10	10	10	10
Minimum rear yard, in feet, measured from the rear or alley right-of-way or easement where applicable	30	30	20	20	30	20	20	20	20
***With central sewage and water lines	20	20	20	20	20	20	20	20	20
***Requires that all lots enter on a new developer created street built and bonded to the County Highway Specification Manual or that all lots enter onto a past developer created street which is dedicated and maintained by the county									

('86 Code, § 36-7-4-600, 210) (Ord. 96-09, passed 7-15-96; Am. Ord. 99-09, passed 7-6-99; Am. Ord. 2004-07, passed 9-7-04)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS / § 153.034 SUPPLEMENTAL YARD REGULATIONS.

§ 153.034 SUPPLEMENTAL YARD REGULATIONS.

No portion of a principal or accessory structure, including garages, porches, steps, carports and decks shall project into any minimum front, side or rear yard except as provided below.

(A) An architectural or structural feature such as an eave, chimney, bay window, roof overhang, cornice, sill, awning, canopy or similar feature may extend or project into a required side or rear yard not more than two inches for each minimum foot width of such yard and may extend or project into any required front yard not more than four feet.

(B) An uncovered porch, landing, deck or steps (except for safety railings) which do not extend above the level of the first floor of a building or a fire escape of uncovered stairs may extend or project into any required yard not more than four feet. Structures approved by this subsection may not be later enclosed or extended above first floor level except by Board approval.

(C) In a rear yard, an accessory structure shall not be located closer than three feet to an interior side yard lot line and not closer than five feet to the rear lot line. In a side yard, an accessory structure shall not be located closer to an interior lot line than that permitted for the principal building.

(D) An accessory structure in an I-1 or I-2 District shall be located at least ten feet from the side and rear lot lines.

(E) The following accessory uses are not subject to setback regulations and are permitted in any required front, side or rear yard if they do not violate any other section of this chapter: fences, hedges, walks, driveways, parking spaces, decorative highway entrance features, curbs, retaining walls, utility installations for local service, such as pole lines, hydrants and telephone booths, lattice work screens, trees, shrubs, flowers and plants, gardens, mail boxes, nameplates, lamp posts, recreational equipment, bird baths and houses, dog houses, bushes and landscaping of a similar nature.

(F) Principal and accessory structures in lots which abut more than one street shall provide the required front yards along every street. Lots which abut a driveway or other easement of access which serves as a principal means of access for one or more lots shall also meet front yard setbacks along that easement.

(G) Where 25% or more of the lots for a distance within 350 feet of the proposed building on the same side of the road are occupied by buildings, the average setback of those buildings shall determine the front yard setbacks. However, if there is no other building within 350 feet in either direction, then the standard setback for the district shall apply.

(H) In the L-1 and S-1 Districts where a lot adjoins both a lake or lake channel and

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road right-of-way and where 25% or more of the lot for a distance within 350 feet of the proposed building on the same side of the road are occupied by residences, the lake side shall be considered the front yard and the road side may be considered the rear yard. In this case, the lake side shall comply with the normal front yard setback regulations, but in no case shall the rear yard be less than 15 feet for either the principal or accessory structures. If less than 25% of the lots are occupied by residences, both the lake side and road side shall be considered front yards and shall comply with normal front yard setback requirements.

(I) Front yard or building setback lines established in recorded subdivisions shall establish the dimension of front yards in such subdivisions except when such building setback lines may be less restrictive as provided in the applicable district.

(J) No yard, open space or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.

(K) On a corner lot or at intersections of driveways and alleys with streets in any district, no fence, hedge, wall, sign or other structure shall be erected, placed, planted or allowed to grow within any clear site triangle, except that the location of principal buildings, traffic control devices and public utility fixtures shall not be affected by this requirement.

('86 Code, § 36-7-4-600, 211)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS / § 153.035 GENERAL PROVISIONS AND EXCEPTIONS TO HEIGHT REGULATIONS.

§ 153.035 GENERAL PROVISIONS AND EXCEPTIONS TO HEIGHT REGULATIONS.

No principal structure in any district shall extend 35 feet in height above average ground level, and no accessory building shall extend 16 feet in height above average ground level, except as provided below.

(A) The following structures may exceed normal height requirements if their total height does not exceed their distance from the nearest lot line:

- (1) Agricultural structures such as barns, silos, tanks, bins and windmills;
- (2) Communication structures such as radio and television relay stations and receiving stations and aerial and observation towers;
- (3) Industrial uses such as gas and liquid fertilizer tanks, power generating plants, substations, smokestacks, grain elevators and other agricultural product processing and storage facilities and industries requiring a vertical production procedure, such as flour mills,

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steel mills and refineries;

(4) Architectural projections, such as spires, belfries, parapet walls, cupolas and domes;

(5) Special structures such as monuments, scenery lofts, fire towers and flagpoles.

(B) Public and semi-private buildings, hospitals and institutions, schools and churches, excluding the spire, may be erected to a height of 60 feet if their total height does not exceed their distance from the nearest lot line.

(C) Auxiliary structures attached to a building such as radio and television antennae, chimneys, ventilation fans and similar mechanical appurtenances or other structures necessary to maintain and operate a building may exceed normal height requirements if the building is setback from all other minimum yard distances one additional foot for each foot of height above the maximum height limitations. If the auxiliary structure is erected after the building to which it is attached, the auxiliary structure, rather than the building, shall be located so that the provisions of this subsection shall be met.

(D) Essential services, utilities, water towers, electric power and communication transmission lines and vegetation are exempt from the height limitations of this chapter.

(E) The above height exception shall not apply when the structure constitutes a hazard to an existing airport or landing strip and to electric power transmission lines.

(F) The Board may authorize a variance to this regulation for any principal or accessory structure in any district if division (E) of this section is met.

('86 Code, § 36-7-4-600, 212)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / DISTRICT REGULATIONS / § 153.036 LAKE ACCESS DEVELOPMENT STANDARDS (LAD).

§ 153.036 LAKE ACCESS DEVELOPMENT STANDARDS (LAD).

(A) LAD-01: Lakeshore frontage requirements.

(1) The intent of this provision is to minimize the impact of lake access developments and lake front developments on the shoreline and to:

(a) Limit the funneling of lake access for multiple residences located on non-waterfront lots through waterfront lots;

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(b) Establish a balanced and orderly relationship between lake access developments and the amount of shoreline available for use by the owners of non-waterfront lots; and

(c) To protect the natural lake assets of Whitley County from overburdening lake access developments.

(2) This provision limits the practice of funneling numerous lake users through a waterfront lot intended for residential use. Funneling promotes very high density use of limited lakeshore property. It often results in undesirable overcrowding, access conflicts, sanitation, noise, parking and public safety problems.

(B) Lake access developments in all zoning districts shall provide shoreline in compliance with the following linear footage requirements:

- | | | |
|-----|----------------------------------|-----------------------|
| (1) | First residential unit | 50 Feet of shoreline. |
| (2) | Second residential unit | 25 Feet of shoreline. |
| (3) | Each additional residential unit | 15 Feet of shoreline. |

(C) The developer of any lake access development shall submit, with its exception, preliminary plat or development plan application, a certificate of survey depicting the waterfront lot shoreline and calculating the shoreline length. Such application may be granted only after submission of the required waterfront lot certificate of survey. In addition, the zoning administrator shall independently confirm the accuracy of the shoreline length calculation prior to the public hearing, or other determination required, for approval of the application.

(D) This section shall apply to modification of legal, non-conforming uses unless the change or alteration of the legal, non-conforming use maintains the same number of waterfront users or fewer waterfront users that the use had on the date of this section, as calculated under this section of the zoning code. This number shall be supported through historical documentation and is subject to the requirements of all federal, state, and local regulations and requirements.

(Ord. 2007-03, passed 2-5-07)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / INDUSTRIAL DISTRICTS

INDUSTRIAL DISTRICTS

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / INDUSTRIAL

DISTRICTS / § 153.050 GENERAL.

§ 153.050 GENERAL.

The districts designated for industry, "I-1" and "I-2," provide suitable space for existing industries and their expansion as well as for future industrial development. Performance standards, parking specifications and yard regulations are set forth in this chapter in order to insure safe industrial development that is compatible with adjacent uses. The locations of the Districts are near railroads or highways to meet the transportation needs of industry.

(`86 Code, § 36-7-4-600, 208)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / INDUSTRIAL DISTRICTS / § 153.051 PURPOSE.

§ 153.051 PURPOSE.

The Industrial District is designed to provide suitable space for existing industries as well as land for future industrial expansion. The District is divided into two classifications.

(Am. Ord. 95-11, passed - -)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / INDUSTRIAL DISTRICTS / § 153.052 LIGHT INDUSTRIAL.

§ 153.052 LIGHT INDUSTRIAL.

This zone provides areas for manufacturing, fabricating, processing, distributing and storage of materials or products which are not injurious, noxious or offensive to the health and safety of humans, animals or vegetation due to the emission of smoke, dust, gas, fumes, odors or vibrations beyond the limits of the premises on which that industry is located.

(A) *Permitted uses.* The permitted uses that are listed for the Light Industrial District shall be according to the common meaning of the term or according to the definitions given in this subchapter. Uses not specifically listed, implied or defined to be included in the categories under this subchapter shall not be permitted.

(1) *Residential uses.* None.

(2) *Agricultural uses - (excluding confined feeding lots and mineral extraction).*

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- (a) Chemical feed, fertilizer and grain dealers.
 - (b) Farm products (raw materials).
 - (c) Food products (not including rendering or slaughterhouse).
 - (d) Grain elevators.
 - (e) Greenhouses and nurseries.
 - (f) Oil and gas production (not to include refining).
 - (g) Research plots.
- (3) *Light manufacturing*. Generally including:
- (a) Assemble plants;
 - (b) Canning;
 - (c) Engineering, research and development laboratories (not involving explosives or other hazardous or radioactive materials);
 - (d) Machinery products;
 - (e) Metal fabrication;
 - (f) Millwork, veneer, plywood and prefabricated structural wood products (not including sawmills or paper products);
 - (g) Plastics processor's or injection moldings;
 - (h) Textile mills or other apparel;
 - (i) Tool or die;
 - (j) Welding shops.
- (4) *Miscellaneous uses*. Generally including:
- (a) Accessory uses in conjunction with a permitted Light Industrial use;
 - (b) Office uses associated with an Industrial use;
 - (c) Essential services (including radio, television and communication towers);

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- (d) Fire, police and ambulance stations;
 - (e) Municipal buildings;
 - (f) Parking lots and buildings;
 - (g) Public utility buildings;
 - (h) Shooting ranges (indoor).
- (5) *Warehouses and storage*. Generally including:
- (a) Freight distributors and terminals, truck or railroad;
 - (b) Lumber and building supplies;
 - (c) Mini-warehouses or self-storage;
 - (d) Moving companies.
- (6) *Wholesale businesses*. Generally including:
- (a) Farm products (raw materials);
 - (b) Furniture hardware supplies (plumbing, heating and the like);
 - (c) Lumber and paper supplies;
 - (d) Motor vehicles (not to include impound lot or salvage yard);
 - (e) Pharmaceuticals.

(B) *Special exceptions*. The special exceptions for the I-1 Light Industrial District that may be permitted by the Board of Zoning Appeals are shown below. The Board of Zoning Appeals shall follow the provisions of § 153.118 when considering any application for a special exception.

- (1) Airports and landing fields;
- (2) Asphalt and ready mix plants;
- (3) Bulk fuel storage;
- (4) Contractor's office (including builders, excavators, house movers, plumbers, roofers and well drillers);
- (5) Golf course;

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- (6) Mineral extraction;
- (7) Motor vehicle services;
- (8) Motels and hotels;
- (9) Penal or correctional institutions;
- (10) Recycling center and transfer station;
- (11) Restaurants (including reception halls);
- (12) Shooting ranges (outdoor);
- (13) Supply yards;
- (14) Water and sewage treatment plant.

(Am. Ord. 95-11, passed - -95)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / INDUSTRIAL DISTRICTS / § 153.053 HEAVY INDUSTRIAL.

§ 153.053 HEAVY INDUSTRIAL.

(A) *General.* This zone provides areas for manufacturing, processing, heavy repair, dismantling, storage or disposing of raw materials, manufactured products or wastes which are not injurious to the health or safety of humans or animals or injurious to vegetation and which are not considered a nuisance.

(B) *I-2 Heavy Industrial District permitted uses.* The Heavy Industrial District permitted uses includes all those permitted in the I-1 Light Industrial District listed in § 153.052, and:

- (1) Airports and landing fields;
- (2) Asphalt or ready mix plants;
- (3) Bulk fuel storage;
- (4) Contractor's office and storage facilities;
- (5) Heavy manufacturing, generally including:
 - (a) Chemical and allied products;

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- (b) Paper products and sawmills;
- (c) Metal foundries;
- (d) Rubber products;
- (e) Stone or glass products;
- (6) Mineral extraction;
- (7) Motor vehicle services;
- (8) Recycling center and transfer station;
- (9) Slaughterhouse and rendering plant;
- (10) Supply yards;
- (11) Water and sewage treatment plant.

(C) *Special exceptions.* The special exceptions for the I-2 Heavy Industrial District that may be permitted by the Board of Zoning Appeals are shown below. The Board of Zoning Appeals shall follow the provisions of § 153.118 when considering any application for a special exception.

- (1) Incineration for reduction of refuse;
- (2) Golf course;
- (3) Manufacturing or processing of explosive or ordnance materials;
- (4) Motel and hotel oil and gas refining;
- (5) Penal or correctional institutions;
- (6) Restaurants;
- (7) Salvage yard;
- (8) Sanitary landfill (the residential and agricultural character precludes hazardous waste landfills from locating in Whitley County);
- (9) Scrap metal processing facility shooting ranges (outdoor);
- (10) Stockyards and slaughterhouse;
- (11) Storage of explosives or other radioactive material;

- (12) Vehicle impound lot.

(Am. Ord. 95-11, passed - -95)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / INDUSTRIAL DISTRICTS / § 153.054 INDUSTRIAL PERFORMANCE STANDARDS.

§ 153.054 INDUSTRIAL PERFORMANCE STANDARDS.

All uses within the I-1 Light Industrial District and the I-2 Heavy Industrial District shall comply with the requirements of this section.

(A) *Performance standards.* The following regulations shall apply in the Industrial Districts in addition to the performance standards in § 153.119. Industrial accessory uses are subject to the same provisions as the principal use unless otherwise noted in this subchapter.

(1) *Lot area.* The lot shall contain not less than 40,000 square feet.

(2) *Lot width.* The minimum lot width shall be 100 feet and when the depth is less than the width, the lot depth shall be at least 100 feet.

(3) *Lot frontage.* All lots within the Industrial Districts shall maintain a minimum of 100 feet of frontage on a publicly or privately maintained street. The minimum frontage requirement shall run continually to the building line.

(4) *Yard and setback requirements.*

(a) *Front yard.* Not less than 50 feet from the property line or the end of the right-of-way, whichever is greater.

(b) *Side yards.* Not less than 25 feet. When the side yard abuts a residential or agricultural district, the side yard shall not be less than 50 feet.

(c) *Rear yard.* Not less than 25 feet. When the rear yard abuts a residential or agricultural district, the rear yard shall not be less than 50 feet.

(5) *Height requirement.* Except as otherwise provided in § 153.035, the following height requirements shall apply to all buildings, structures and uses in this District: all primary and accessory structures shall not exceed a height of 50 feet.

(6) *Ground floor area.* The minimum ground floor area is not applicable to Industrial Districts.

(7) *Lot coverage.* The maximum lot coverage in an Industrial District is 50%

of the entire lot.

(B) *Other regulations.*

(1) *Off-street parking and sign requirements.* Off-street parking and loading requirements (§ 153.095) and sign requirements (§ 153.098) are as set forth in this chapter.

(2) *Operations in an enclosed building.* All operations in an I-1 Light Industrial District shall be conducted within a fully enclosed building (as opposed to a structure). This provision does not include the loading and unloading of supplies, vehicles currently licensed and in use or the parking lots for the permitted use. Outdoor storage in conjunction with a permitted use may be provided if such storage does not violate the setback standards for the District and is screened from surrounding residential and/or agricultural properties. Such screening shall be of any solid fence, masonry wall or landscaped earthen berm and be constructed with a minimum height of six feet and not more than eight feet.

(Am. Ord. 95-11, passed - -95)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT

FLOOD HAZARD OVERLAY DISTRICT

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.065 STATUTORY AUTHORIZATION.

§ 153.065 STATUTORY AUTHORIZATION.

The Indiana Legislature granted the power to local units of government (I.C. 36-7-4) to control land use within their jurisdictions in order to accomplish the following.

(86 Code, § 36-7-4-600, 213A)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.066 STATEMENT OF PURPOSE.

§ 153.066 STATEMENT OF PURPOSE.

(A) The purpose of this subchapter is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards and to reduce the potential for extraordinary public expenditures for flood

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protection and relief.

(B) Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Board of Commissioners for Whitley County adopts the following floodplain management regulations in order to accomplish the following:

- (1) To prevent unwise developments from increasing flood or drainage hazards to others;
- (2) To protect new buildings and major improvements to buildings from flood damage;
- (3) To protect human life and health from hazards of flooding;
- (4) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities and flood rescue and relief operations;
- (5) To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- (6) To make federally subsidized flood insurance available for property in Whitley County by fulfilling the requirements of the National Flood Insurance Program.

('86 Code, § 36-7-4-600, 213B)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.067 DEFINITIONS.

§ 153.067 DEFINITIONS.

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

BUILDING. See ***STRUCTURE.***

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to:

- (1) Construction, reconstruction or placement of a building or any addition to a building at more than \$1,000;
- (2) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;

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- (3) Installing utilities, erection of walls and fences, construction of roads or similar projects;
- (4) Construction of flood control structures such as levees, dikes, dams, channel improvements and the like;
- (5) Mining, dredging, filling, grading, excavation or drilling operations;
- (6) Construction and/or reconstruction of bridges or culverts;
- (7) Storage of materials; or
- (8) Any other activity that might change the direction, height or velocity of flood or surface waters.

DEVELOPMENT does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavating or the construction of permanent buildings.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

FBHM. Flood Boundary and Floodway Map.

FEMA. Federal Emergency Management Agency.

FHBM. Flood Hazard Boundary Map.

FIRM. Flood Insurance Rate Map.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation or the runoff of surface waters from any source.

FLOODPLAIN. The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain

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includes both the floodway and the floodway fringe districts.

FLOOD PROTECTION GRADE or **FPG**. The elevation of the regulatory flood, plus two feet at any given location in the Special Flood Hazard Area (SFHA).

FLOODWAY. The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

FLOODWAY FRINGE. Those portions of the flood hazard areas lying outside the floodway.

LETTER OF MAP AMENDMENT (LOMA). An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

LETTER OF MAP REVISION (LOMR). An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations and elevations.

LOWEST FLOOR. The lowest of the following:

- (1) The top of the basement floor;
- (2) The top of the garage floor, if the garage is the lowest level of the building;
- (3) The top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
- (4) The floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - (a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters through providing a minimum of two openings (in addition to doorways and windows) having a total area or one square foot for every two square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade;
 - (b) Such enclosed space shall be usable for the parking of vehicles and building access.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include a recreational vehicle.

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NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATION VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel or seasonal use.

REGULATORY FLOOD. The flood having a 1% probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and FEMA. The regulatory flood elevation at any location is as defined in § 153.070. The **REGULATORY FLOOD** is also known by the term **BASE FLOOD**.

SPECIAL FLOOD HAZARD AREA (SFHA). Those lands within the jurisdictions of the county subject to inundation by the regulatory flood. The SFHAs of the county are generally identified as such on the Flood Insurance Rate Map of Whitley County, Unincorporated Areas dated April 1, 1988, as well as any future updates, amendments, or revisions prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AR, A99 or AO).

STRUCTURE. A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary or safety code requirements or any alteration of a historic structure, provided that the

alteration will not preclude the structures continued designation as a historic structure.

ZONING ADMINISTRATOR. The position of Director of the Columbia City/Whitley County Joint Planning and Building Department.

('86 Code, § 36-7-4-600, 213C) (Am. Ord. 2009-01, passed 4-6-09)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.068 FLOOD HAZARD OVERLAY DISTRICT.

§ 153.068 FLOOD HAZARD OVERLAY DISTRICT.

For the purposes of this subchapter, the Flood Hazard Overlay District Boundaries shall be the same as those areas defined and delineated by this subchapter as Special Flood Hazard Areas (SFHAs). The Flood Hazard Overlay District shall overlay the other zoning districts already in place upon land located in the SFHA's. The Flood Hazard Overlay District regulations shall qualify, supplement or restrict, as the case may be, the regulations of the underlying zoning district for those properties located within the SFHAs.

('86 Code, § 36-7-4-600, 213D)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.069 DUTIES OF THE ADMINISTRATOR.

§ 153.069 DUTIES OF THE ADMINISTRATOR.

The Zoning Administrator for Columbia City and Whitley County is appointed to review all development and subdivision proposals to insure compliance with this subchapter, including but not limited to the following duties:

- (A) Ensure that all development activities within the SFHAs of the county meet the requirements of this subchapter;
- (B) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (C) Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to § 153.072;
- (D) Maintain a record of all as-built elevation of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA;
- (E) Maintain a record of the engineer's certificate and the as-built floodproofed

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elevation of all buildings subject to § 153.073;

(F) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this subchapter. Submit reports as required for the National Flood Insurance Program;

(G) Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents and as-built elevation and floodproofing data for all buildings constructed subject to this subchapter.

('86 Code, § 36-7-4-600, 213E)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.070 BASIS FOR ESTABLISHING REGULATORY FLOOD DATA.

§ 153.070 BASIS FOR ESTABLISHING REGULATORY FLOOD DATA.

(A) This subchapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

(B) The regulatory flood elevation, floodway and fringe limits for each of the SFHAs delineated as an "A Zone" on the FIRM of Whitley County, Unincorporated Areas dated April 1, 1988, shall be according to the best data available as provided by the Indiana Department of Natural Resources.

('86 Code, § 36-7-4-600, 213F) (Am. Ord. 2009-01, passed 4-6-09)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.071 IMPROVEMENT LOCATION PERMIT.

§ 153.071 IMPROVEMENT LOCATION PERMIT.

(A) No person, firm, corporation or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining an improvement location permit from the Zoning Administrator.

(B) The Zoning Administrator shall not issue an improvement location permit if the

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proposed

development does not meet the requirements of this subchapter.

(1) The application for an improvement location permit shall be accompanied by the following:

- (a) A description of the proposed development;
- (b) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
- (c) A legal description of the property site;
- (d) A site development plan showing existing and proposed structure locations and existing and proposed land grades;
- (e) Elevation of lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case, the conversion formula should be included.

(2) Upon receipt of an application for an improvement location permit, the Zoning Administrator shall determine if the site is located within an identified floodway or within the floodplain where the limits of the floodway have not yet been determined.

(a) 1. If the site is an identified floodway, the Zoning Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

2. Under the provisions of I.C. 14-28-1, a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving and the like undertaken before the actual start of construction of the building.

3. No action shall be taken by the Zoning Administrator until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Zoning Administrator may issue the local improvement location permit, provided the provisions contained in §§ 153.072 and 153.073 have been met. The improvement location permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

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(b) If the site is located in an identified floodway fringe, then the Zoning Administrator may issue the local improvement location permit, provided the provisions contained in §§ 153.072 and 153.073 have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).

(c) 1. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on a Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one mile, the Zoning Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

2. No action shall be taken by the Zoning Administrator until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended flood protection grade has been received from the Department of Natural Resources.

3. Once the Zoning Administrator has received the proper permit or letter of recommendation approving the proposed development, an improvement location permit may be issued provided the conditions of the ILP are not less restrictive than the conditions received from Natural Resources and the provisions contained in §§ 153.072 and 153.073 have been met.

('86 Code, § 36-7-4-600, 213G)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.072 PREVENTING INCREASED DAMAGES.

§ 153.072 PREVENTING INCREASED DAMAGES.

(A) No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

(B) Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:

(1) No development shall be allowed which acting alone or in combination with existing or future development works will cause any increase in the elevation of the regulatory flood; and

(2) For all projects involving channel modifications or fill (including levees), the county shall submit a request to the Federal Emergency Management Agency to revise the

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regulatory flood data.

(C) Within all SFHAs identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided), the following standard shall apply: the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth of one foot and will not increase flood damages or potential flood damages.

(D) Public health standards in all SFHAs:

(1) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants or other hazardous or toxic materials below the flood protection grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of § 153.073;

(2) New and replacement sanitary sewer lines and on site waste disposal systems may be permitted, providing all manholes or other above ground openings located below the FPG are watertight.

('86 Code, § 36-7-4-600, 213H)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.073 PROTECTING BUILDINGS.

§ 153.073 PROTECTING BUILDINGS.

(A) In addition to the damage prevention requirements of § 153.072, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

(B) This building protection requirement applies to the following situations:

(1) Construction or placement of any new building valued at more than \$1,000;

(2) Structural alterations made to an existing building that increase the market value of the building by more than 500 (excluding the value of the land) or any structural alteration made previously (one time only alteration);

(3) Reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of land) before damage occurred;

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site. This subchapter does not apply to returning the existing manufactured

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home to the same site it lawfully occupied before it was removed to avoid flood damage; and

(5) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

(C) This building protection requirement may be met by one of the following methods. The Zoning Administrator shall maintain a record of compliance with these building protection standards as required in § 153.069.

(1) A residential or nonresidential building may be constructed on a permanent landfill in accordance with the following:

(a) The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with the standard protector test method;

(b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG;

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical;

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties;

(e) The lowest floor (see definition of lowest floor in § 153.067) shall be at or above the FPG.

(2) A residential or nonresidential building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on posts, piers, columns, extended walls or other types of similar foundation, provided:

1. Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed flood area subject to flooding. The bottom of all such openings shall be no higher than one foot above the enclosed area's floor;

2. Any enclosure below the elevated floor is used for storage of vehicles and building access.

(b) The foundation and supporting members shall be anchored and

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aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice and floating debris.

(c) All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps and other waterproofed service facilities may be located below the FPG.

(3) Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

(a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement applies to all manufactured homes to be placed on a site:

1. Outside a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood.

(b) 1. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

2. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(4) Recreation vehicles placed on a site shall either:

- (a) Be on the site for less than 180 consecutive days;
- (b) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or

(c) Meet the requirements for manufactured homes in subsection (3) of

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this section.

(5) A nonresidential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

(a) A registered professional engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures and impacts from debris or ice;

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

('86 Code, § 36-7-4-600, 2131)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.074 ADDITIONAL DEVELOPMENT REQUIREMENTS.

§ 153.074 ADDITIONAL DEVELOPMENT REQUIREMENTS.

(A) The Zoning Administrator shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined in this subchapter. If the Zoning Administrator finds the subdivision to be so located, the Zoning Administrator shall require the applicant to forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Zoning Administrator shall require appropriate changes and modifications in order to assure that:

- (1) It is consistent with the need to minimize flood damages;
- (2) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
- (3) Adequate drainage is provided so as to reduce exposure to flood hazards;
- (4) On-site water disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(B) Developers shall record the 100 year flood elevation on all subdivision plats containing lands identified elsewhere by this subchapter as within a flood hazard area prior to submitting the plats for approval by the Plan Commission.

(C) All owners of manufactured home parks or subdivisions located within the SFHA

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identified as Zone A on the community's FHMB or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the local Plan Commission and have it filed with, and approved by, the appropriate community emergency management authorities.

('86 Code, § 36-7-4-600, 213J)

**TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD
OVERLAY DISTRICT / § 153.075 VARIANCES.**

§ 153.075 VARIANCES.

(A) The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this subchapter, provided the applicant demonstrates that:

- (1) There exists a good and sufficient cause for the requested variance;
- (2) The strict application of the terms of this subchapter will constitute an exceptional hardship to the applicant; and
- (3) The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances.

(B) The Board of Zoning Appeals may issue a variance to the terms and provisions of this subchapter subject to the following standards and conditions:

- (1) No variance or exception for a residential use within a floodway subject to § 153.072 may be granted;
- (2) Any variance or exception granted in a floodway subject to § 153.072 will require a permit from the Department of Natural Resources;
- (3) Variances or exceptions to the building protection standards of § 153.073 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade;
- (4) Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts and objects;
- (5) All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and

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(6) The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

('86 Code, § 36-7-4-600, 213K)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.076 DISCLAIMER OF LIABILITY.

§ 153.076 DISCLAIMER OF LIABILITY.

The degree of flood protection required by this subchapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this subchapter does not create any liability on the part of the community, Department of Natural Resources or the State of Indiana for any flood damage that results from reliance on this subchapter or any other administrative decision made lawfully thereunder.

('86 Code, § 36-7-4-600, 213L)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.077 VIOLATIONS.

§ 153.077 VIOLATIONS.

(A) Failure to obtain an improvement location permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this subchapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Whitley County.

(B) A separate violation shall be deemed to occur for each day the violation continues to exist.

(C) The Columbia City/Whitley County Joint Planning and Building Department shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage provided by a Standard Flood Insurance Policy to be suspended.

(D) Nothing herein shall prevent the county from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

('86 Code, § 36-7-4-600, 213M)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / FLOOD HAZARD OVERLAY DISTRICT / § 153.078 ABROGATION AND GREATER RESTRICTIONS.

§ 153.078 ABROGATION AND GREATER RESTRICTIONS.

This subchapter repeals and replaces other ordinances adopted by the County Commissioners to fulfill the requirements of the National Flood Insurance Program. However, this subchapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this subchapter repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this subchapter and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more restrictive regulations shall take precedence. In addition, the County Commissioners shall assure that all National Flood Insurance regulations and laws (310 I.A.C. 6-1-1, I.C. 14-28-1 and I.C. 14-28-3) are met.

('86 Code, § 36-7-4-600, 213N)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS

ADDITIONAL REGULATIONS

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.090 NONCONFORMING USES.

§ 153.090 NONCONFORMING USES.

The following provisions shall apply to all nonconforming uses:

(A) A nonconforming use may be continued but may not be extended, expanded or changed unless to a conforming use, except as permitted by the Board in accordance with the provisions of this chapter;

(B) Any nonconforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is performed within 12 months of that casualty and if the restored structure has no greater coverage and contains no greater cubic content than before that casualty;

(C) If any nonconforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one year, or is abandoned for any period, that nonconforming

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use shall not be resumed;

(D) Any nonconforming open use of land lawfully existing on May 20, 1969 shall be discontinued or made conforming on or before May 20, 1974.

('86 Code, § 36-7-4-600, 301)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.091 ACCESSORY USES.

§ 153.091 ACCESSORY USES.

(A) Accessory uses and structures such as private garages, tool sheds, fences, retaining walls and landscaping are permitted in all districts in conjunction with a primary use or structure if the accessory use does not change the character of the district in which it is located. A dwelling unit (as defined in this chapter) is not a permitted accessory use in conjunction with another dwelling unit.

(B) A private swimming pool may be permitted as an accessory use if it is surrounded by a wall or fence at least five feet high so as to prevent uncontrolled access by children.

('86 Code, § 36-7-4-600, 302) (Am. Ord. 99-09, passed 7-6-99)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.092 TEMPORARY USES.

§ 153.092 TEMPORARY USES.

(A) Circumstances for permit issuance are subject to conditions, fees and standards otherwise required by this chapter. A temporary use permit shall be issued as outlined in the table following this section.

(B) A temporary use permit may be issued at the discretion of the Plan Commission's designated Administrator for periods shown in the table following this section. The temporary permit may be renewed for additional periods upon showing of good cause and with permission to do so. The renewal permits shall not exceed the original duration.

(C) The utility requirements for manufactured or mobile homes or other temporary buildings used for temporary uses shall have approved water supply, sewage disposal system and utility connections, where appropriate.

(D) A temporary use permit shall be issued by the Plan Commission's designated

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Administrator. The fee shall be \$25 and is in addition to all other required permits for utilities and sewage disposal systems.

<i>Zone and Duration</i>		
<i>Use</i>	<i>Permitted</i>	<i>Condition</i>
Basement home	Any zone/not to exceed 2 years from permit issuance	Does not include permanently completed earthen or underground homes
Carnival, circus or fair	Any nonresidential zone/15 days per year	Adequate off-street parking required
Christmas tree sales	Any zone/30 days per year	Unsold trees shall be removed by January 1
Contractor office and equipment storage	Incidental to any construction project/ 1 year	
Manufactured housing	Any zone/not to exceed 1 year from permit issuance	An applicant in the process of building a conventional dwelling to locate a manufactured or mobile home on a building lot during the course of construction of the dwelling. That permit shall not be issued until after a building permit for the dwelling has been issued.
Real estate sales office	Any on premises development/ 1 year	No sleeping or cooking facilities
Sawmills on property where the timber is cut	Any nonresidential zone/ 6 months	Shall meet § 153.119 if within 1000 feet of residence other than applicant
Seasonal sale of farm produce	Any nonresidential zone/ 4 months per year	Stands and signs shall be removed when not in use

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<i>Zone and Duration</i>		
<i>Use</i>	<i>Permitted</i>	<i>Condition</i>
Temporary group camp	Any nonresidential zone/ 1 week per 6 months	Board of Health approval obtained
Temporary shelter	Any zone/ not to exceed 90 days from permit issuance	An occupant whose residence has been destroyed or damaged beyond habitability by fire, wind or flood may be granted a permit to locate any type of shelter on the property until it can be determined whether to rebuild or to apply for a special exception for the use of a manufactured home as the dwelling.
Tent meeting	Any nonresidential zone/ 30 days per 6 months	Off-street parking required per church standards
Yard/garage sales	Any zone/ 3 days per 6 months	3 off- or on-premises signs, each not to exceed 2 square feet and all signs removed immediately

('86 Code, § 36-7-4-600, 303)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.093 MANUFACTURED HOUSING.

§ 153.093 MANUFACTURED HOUSING.

(A) *General.* The establishment, location and use of manufactured homes as permanent residences approved individually, by specific materials or by design shall be permitted in any zone permitting installation of a dwelling unit, subject to requirements and limitations applying generally to such residential use in the district, and if those homes shall meet the following requirements and limitations:

- (1) The dwelling shall meet the appropriate exterior appearance standards, as

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set forth in division (F) of this section;

(2) The dwelling shall be sited in a district where such use is permitted in the schedule of uses, as set forth in § 153.032;

(3) The dwelling shall receive all required permits and conform with the Zoning Code and other county ordinances;

(4) The dwelling shall have been constructed after January 1, 1981.

(B) *Location out of parks.* These regulations shall only apply to manufactured or mobile homes located outside of manufactured or mobile home communities (parks).

(C) *Nonconforming homes.* A manufactured or mobile home placed and maintained on a tract of land and deemed to be a legal nonconforming use prior September 7, 1982 shall continue to be a legal nonconforming use. If the nonconforming use is discontinued for a period of one year the land thereafter shall be used in conformity with all provisions of the ordinance.

(D) *Replacement of nonconforming homes.* Thereafter, upon application to the designated administrator and subsequent approval thereof, a manufactured or mobile home deemed a legal nonconforming use may be replaced by a manufactured home, provided the replacement is of an equal or a higher type, as specified in division (F) of this section. Equal or higher type means that a mobile home may be replaced with a Type I, II or III manufactured home or another mobile home; a Type III manufactured home could be replaced with a Type I, II or III manufactured home; a Type II manufactured home could be replaced with a Type I or II manufactured home; a Type I manufactured home could be replaced with another Type I manufactured home. Setback requirements shall be in accordance with § 153.033.

(E) *Structural alteration.* Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site shall be approved by the authorized County Building Administrator.

(F) *Exterior appearance standards.*

(1) *Manufactured home classification.* Manufactured homes shall be classified as to acceptable compatibility or similarity in appearance with site-constructed residences as follows:

(a) A Type I manufactured home shall:

1. Have more than 950 square feet of occupied space in a double section or larger multi section unit;

2. Be placed onto a permanent foundation, in accordance with approved installation standards as specified in division (G) of this section;

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3. Utilize a permanent perimeter enclosure, in accordance with approved installation standards as specified in division (G) of this section;

4. Be anchored to the ground, in accordance with the One and Two Family Dwelling Code and to the manufacturer's specifications;

5. Have wheels, axles and hitch mechanisms removed;

6. Have utilities connected, in accordance with the One and Two Family Dwelling Code and manufacturer's specifications;

7. Have siding material of a type customarily used on site-constructed residences. See approved materials list; and

8. Have roofing material of a type customarily used on site-constructed residences. See approved materials list.

(b) A Type II manufactured home shall:

1. Have more than 320 square feet of occupied space in a single, double, expando or multi section unit (including those with add-a-room units);

2. Be placed onto a permanent foundation, in accordance with approved installation standards as specified in division (G) of this section;

3. Be enclosed with foundation siding/skirting, in accordance with approved installation standards as specified in division (G) of this section;

4. Be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A installation standards;

5. Have wheels, axle and hitch mechanisms removed;

6. Have utilities connected in accordance with manufacturer's specifications or the ANSI/NFPA 501 A installation standards;

7. Have siding material of a type customarily used on site-constructed residences. See approved materials list; and

8. Have roofing material of a type customarily used on site-constructed residences. See approved materials list.

(c) A Type III manufactured home shall:

1. Have more than 320 square feet of occupied space in a single, double, expando or multi section unit (including those with add-a-room units);

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2. Be placed onto a permanent foundation, in accordance with approved installation standards as specified in division (G) of this section;

3. Be enclosed with foundation siding/skirting, in accordance with approved installation standards as specified in division (G) of this section;

4. Be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A installation standards; and

5. Have utilities connected, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A installation standards.

(2) *Mobile homes.* Mobile homes shall be classified for purposes of determining appropriateness for placement and shall:

(a) Have more than 320 square feet of occupied space;

(b) Be placed onto a support system, in accordance with approved installation standards specified in division (G) of this section;

(c) Be enclosed with foundation siding/skirting, in accordance with approved installation standards as specified in division (G) of this section;

(d) Be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A installation standards; and

(e) Have utilities connected, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A installation standards.

(G) *Installation standards.*

(1) *Permanent perimeter enclosure.* Those manufactured homes designated in the zoning ordinance as requiring a permanent perimeter enclosure shall be set onto an excavated area, with permanent perimeter enclosure, foundations, footings and crawl space or basement walls constructed in accordance with the terms of the One and Two Family Dwelling Code. The space between the floor joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings).

(2) *Foundation siding/skirting (for temporary structures).*

(a) All manufactured or mobile homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be weather-resistant, non-combustible or self-extinguishing materials which blend with the exterior siding of the home. Below grade level and for a minimum distance of six inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance

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with manufacturer's recommendations or approved equal standards.

(b) The siding shall be ventilated by openings, which shall have a net area of not less than one and one-half square feet for each 25 linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one-half inch in any dimension. The underfloor area shall be provided with an 18 inch by 24 inch minimum size access crawl hole which shall not be blocked by pipes, ducts or other construction interfering with the accessibility of the underfloor space or other approved access mechanism.

(3) *Support system.*

(a) *All manufactured homes.* All manufactured housing shall be placed on load-bearing foundations installed in conformance with the regulations in the One and Two Family Dwelling Code and with the manufacturer's installation specifications.

(b) *Mobile homes.* All mobile homes not placed on a permanent foundation shall be installed on a support system in conformance with the manufacturer's installation specifications or with the support system regulations in the ANSI/NFPA 501A 1977 installation standards.

('86 Code, § 36-7-4-600, 304)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.094 PLANNED UNIT RESIDENTIAL, BUSINESS AND INDUSTRIAL PROJECTS.

§ 153.094 PLANNED UNIT RESIDENTIAL, BUSINESS AND INDUSTRIAL PROJECTS.

(A) The District regulations of this chapter may be modified by the Board in the case of a plan utilizing an unusual concept of development which meets the requirements of this section. The planned unit projects provision is intended to encourage original and imaginative amenities of the site and provides for the general welfare of the county. After the unit plan is approved, all development, construction and use shall be in accordance with that plan unless a new planned unit project plan is submitted to and approved by the Board as required by this chapter. Any development contrary to the approved unit plan shall constitute a violation of this chapter.

(B) The area of the land to be developed shall not be less than five acres.

(C) Properties adjacent to the unit plan shall not be adversely affected.

(D) In planned unit residential projects, the minimum lot and yard requirements may

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be reduced. However, average density of dwelling units in the total unit plan shall not be higher than that permitted in the district in which the plan is located.

(E) In a planned unit business and industrial project, the minimum lot and yard requirements may be reduced. However, the total land area of the unit plan shall equal the accumulative lot area requirements of each use or structure within the unit plan.

(F) The unit plan shall permanently reserve land suitable for the common use of the public or the owners in a particular development in the amount of 10% of the total acreage of the plan. This may be accomplished by dedication, covenant or easement. This land may be for future public facilities, for recreational or scenic open space or for a landscaped buffer zone as approved by the Plan Commission. Provisions for permanent control and maintenance of this land shall be outlined in a form acceptable to the Plan Commission Board and the Plan Commission Attorney.

(G) The use of land shall not differ substantially from the uses permitted in the district in which the plan is located, except that limited business facilities intended to serve only the planning unit residential project area and fully integrated into the design of the project may be considered and multiple family dwellings may be considered in single family residential districts if they are so designed and sited that they do not detract from the character of the neighborhood in which they occur.

(H) The unit plan shall be consistent with the purpose of this chapter.

(I) The unit plan shall be reviewed and recommendations made by the Plan Commission to determine if the proposed project is consistent with the County Comprehensive Plan and in the best interest of the county.

(86 Code, § 36-7-4-600, 305)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.095 OFF-STREET PARKING.

§ 153.095 OFF-STREET PARKING.

(A) Off-street parking spaces shall be provided in accordance with the specifications in this section in all districts, except the B-1 Business District, whenever any new use is established or existing use is enlarged.

(B) Parking spaces may be located on a lot other than that containing the principal use with the approval of the Board.

(C) Any off-street parking lot for more than five vehicles shall be graded for proper

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drainage and surfaced so as to provide a durable and dustless surface.

(D) Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

<i>Use</i>	<i>Parking Spaces Required</i>
Residential	2 per dwelling unit
Church and school	1 per 6 seats in principal assembly room
Private club or lodge	1 per 4 members
Theater	1 per 4 seats
Hospitals and rest homes	1 per 3 beds and 1 for each 2 employees on the maximum working shift
Professional offices, wholesale houses and medical clinics	1 for every 250 sq. ft. of floor space
Retail businesses, eating and drinking places and personal service establishments	1 for every 100 sq. ft. of floor space
Bowling alleys	5 for each alley
Recreational or assembly places; for example, dance halls, night clubs, funeral homes	1 for every 100 sq. ft. of floor space
Industrial	1 for each two employees on the maximum working shift
Hotels and motels	1 for each living or sleeping unit

('86 Code, § 36-7-4-600, 306)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.096 OFF-STREET LOADING.

§ 153.096 OFF-STREET LOADING.

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Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths of a size and arrangement appropriate for the types of vehicles utilizing this space. In no case shall loading or unloading be permitted within the public right-of-way.

('86 Code, § 36-7-4-600, 307)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.097 MOBILE HOME PARKS.

§ 153.097 MOBILE HOME PARKS.

(A) Mobile home parks, where permitted, shall be in accordance with I.C. 16-41-27, inclusive and the requirements of this section.

(B) The minimum area of a mobile home park shall be five acres.

(C) Each mobile home site within the mobile home park shall have a minimum area of 3,600 square feet.

(D) Each mobile home site shall have a minimum width of 40 feet.

(E) Not less than 10% of the gross area of the mobile home park shall be improved for recreational activities for the residents of the park.

(F) The mobile home park shall be appropriately landscaped and screened from the adjacent properties.

(G) The mobile home park shall meet all applicable requirements of the county subdivision regulations.

(H) Coin-operated laundries, laundry and dry-cleaning pick-up stations and other commercial convenience establishments may be permitted in mobile home parks if:

(1) They are subordinate to the residential character of the park;

(2) They are located, designed and intended to serve only the needs of persons living in the park;

(3) The establishments and the parking areas related to their use shall not occupy more than 10% of the total area of the park; and

(4) The establishments shall present no visible evidence of their commercial nature to areas outside the park.

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(I) Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

('86 Code, § 36-7-4-600, 308)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.098 SIGNS.

§ 153.098 SIGNS.

(A) No sign, billboard or exterior graphic display shall be permitted in any district except as herein provided.

(B) In any district a sign not exceeding two square feet in surface size is permitted which announces the name, address or professional activity of the occupant of the premises on which said sign is located.

(C) A bulletin board not exceeding 24 square feet is permitted in connection with any church, school or similar public building.

(D) A temporary real estate or construction sign of reasonable size is permitted on the property being sold, leased or developed. That sign shall be removed promptly when it has fulfilled its function.

(E) Business signs shall be permitted in connection with any legal business or industry when located on the same premises and if they meet the following requirements:

(1) Signs shall not contain information or advertising for any product not sold or produced on the premises;

(2) Signs shall not have an aggregate surface size greater than five square feet for each foot of width of the principal structure on the premises;

(3) Signs shall not project over public rights-of-way;

(4) Signs shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.

(F) Signs may be permitted in any Commercial or Industrial District if they meet the following requirements:

(1) The maximum surface area for any one sign shall be 1,000 square feet, the

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maximum height not to exceed 25 feet or the maximum length not to exceed 60 feet. The figures do not include any border, base or any portion of the supporting structure. However, the exclusions shall not exceed 20% of the surface area. Structures containing an advertising surface on both sides (double faced) shall be permitted with maximum area being allowed for each facing.

(2) The signs shall not be located closer than 500 feet to a road intersection or an interchange.

(3) The signs shall not be located in a location which shall interfere with highway horizontal sight distances.

(4) The sign shall not be located closer than 500 feet to any residential use, school, church, park, playground or similar use and shall not be located closer than 300 feet to another sign structure on the same side of the highway.

(G) In the A-1 District signs are permitted if they meet the regulations and conditions agreed to by the state with the Secretary of Transportation of the United States of America on August 4, 1971, as authorized by I.C. 8-23-20, as amended. The agreement and its amendments are incorporated by reference into this chapter, with two copies being on file in the office of the County Auditor and available for public inspection.

('86 Code, § 36-7-4-600, 309)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.099 HOME OCCUPATION.

§ 153.099 HOME OCCUPATION.

(A) A home occupation may be permitted as a special exception if it complies with the requirements of this section.

(B) The home occupation shall be listed in § 153.032, with (H.O.) designation after the specific use.

(C) The home occupation shall be carried on only by a member of the family residing in the dwelling unit.

(D) The home occupation shall be carried on wholly within the principal or accessory structures.

(E) Exterior signs shall not be permitted in the L-1, S-1 or MHS Districts. In the remaining districts, signs may be permitted in accordance with § 153.098.

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(F) Exterior displays, exterior storage of materials and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

(G) Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced.

(H) The home occupation shall not create any traffic or parking problems.

('86 Code, § 36-7-4-600, 310)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.100 JUNK AND TRASH.

§ 153.100 JUNK AND TRASH.

(A) It shall be unlawful for any person, firm, organization, association, partnership, trust, company, corporation or association to deposit and/or accumulate junk, trash, refuse, garbage or other waste material upon the open areas of any premises within Whitley County, Indiana, with the exception of those properties greater than five acres in size within the "A-1" Agricultural District, whereby the health or life of any person may be endangered, injured or impaired; whereby any disease may, either directly or indirectly, be caused by the act; whereby the peaceful enjoyment of adjacent properties by owners or occupants is impaired; and whereby because of the act the value of adjacent properties in the neighborhood of such premises tends to be diminished.

(B) For the purposes of this section, the accumulation of junk and trash shall include, but is not expressly limited to, the keeping or depositing on or the scattering over the premises of any of the following:

(1) Lumber, wood and/or brush, junk, trash, garbage or other debris;

(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. Any portion or parts of any motor-driven vehicle as detached from the vehicle as a whole, including tires.

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(5) Scrap metal. Pieces or parts of steel, iron, tin, zinc, copper, aluminum or any alloy thereof, whether covered with porcelain, plastic, rubber or any other material, whether intact or in parts.

(C) Maintenance of property:

(1) *Private property.* It shall be the duty of any person owning or controlling a house or other building or premises, including vacant lots, to maintain such 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 junk and trash thereon.

(2) *Business premises.* The owner or person in control of any public place, 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 shall at all times keep the premises clean of all junk, trash and litter and shall take measures, including daily cleanup of the premises to prevent the accumulation of the 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.

(3) *Construction sites.* The property owners and prime contractors in charge of any construction site shall maintain the construction site in such a manner that junk, trash and litter shall not accumulate thereon, nor 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.

(D) For the purposes of this chapter, it shall not be essential that the violation be created or contributed to by the owners or tenants or their agents or representatives, but merely that the violation is enacted or contributed to by licensees, invitees, guests or other persons for whose conduct the owner may or may not be liable.

('86 Code, § 36-7-4-600, 311) Penalty, see § 153.999

Cross-reference:

Junk and Trash, see Ch. 53

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.101 DWELLING UNITS ON SEPARATE LOTS.

§ 153.101 DWELLING UNITS ON SEPARATE LOTS.

No dwelling unit (as defined in this chapter) shall be placed, constructed or structurally

altered on any lot or tract of which another dwelling unit already exists. Every dwelling unit shall be located on a separate lot or tract. In no case shall there be more than one dwelling unit on one lot or tract. This section does not apply to a special exception for certain manufactured housing and mobile homes occupied by a relative or employee to the extent such a special exception is otherwise expressly permitted by this chapter.

(Am. Ord. 99-09, passed 7-6-99)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.102 SEXUALLY ORIENTED BUSINESS.

§ 153.102 SEXUALLY ORIENTED BUSINESS.

(A) A sexually oriented business may be permitted only in accordance with this section.

(B) A sexually oriented business may be permitted as a special exception in a Business District only (for example, B-1 or B-2) if it complies with the requirements of this section in addition to all other requirements for special exceptions.

(1) The sexually oriented business must be at least 1,000 feet from any church, school, public park or day care center. However, if the sexually oriented business is located within an incorporated city or town, the sexually oriented business must be at least 500 feet from any church, school, public park or day care center. For purposes of this subsection, measurements shall be made from the nearest portion of any building or structure used as part of the premises of the sexually oriented business to the nearest point on the property line boundary of the premises upon which is located a church, school, public park or day care center.

(2) The sexually oriented business must be at least 1,000 feet from the boundary of any residential district (for example, L-1 or S-1). However, if the sexually oriented business is located within an incorporated city or town, the sexually oriented business must be at least 50 feet from the boundary of any residential district. For purposes of this subsection, measurements shall be made from the nearest portion of any building or structure used as part of the premises of the sexually oriented business to the nearest point on the boundary line of the residential district.

(3) The sexually oriented business must be at least 1,000 feet from any residence that is not located within a residential district. However, if the sexually oriented business is located within an incorporated city or town, the sexually oriented business must be at least 50 feet from any residence that is not located within a residential district. For purposes of this subsection, measurements shall be made from the nearest portion of any building or structure used as part of the premises of the sexually oriented business to the nearest portion of any

building or structure used as a residence.

(4) The sexually oriented business must be at least 1,000 feet from any other sexually oriented business. However, if the sexually oriented business is located within an incorporated city or town, the sexually oriented business must be at least 500 feet from any other sexually oriented business. For purposes of this subsection, measurements shall be made from the nearest portion of any building or structure used as part of the premises of any sexually oriented business to the nearest portion of any building or structure used as part of the premises of the other sexually oriented business.

(5) For purposes of this section, all measurements shall be made in a straight line, without regard to intervening structures or objects.

(Am. Ord. 2000-01, passed 1-3-00)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADDITIONAL REGULATIONS / § 153.103 TELECOMMUNICATION FACILITIES STANDARDS.

§ 153.103 TELECOMMUNICATION FACILITIES STANDARDS.

(A) The intent of the following standards is to provide sensible and reasonable use of land for wireless telecommunications facilities and services. It is also intended to encourage sharing of telecommunication towers to make the best use of every tower location. Lastly, these standards are intended to minimize adverse, undesirable visual effects of towers through careful design, siting and vegetative screening.

(B) Wireless telecommunication facilities shall be located only in the A-1, B-1, B-2, I-1 and I-2 Districts and only with a special exception approval from the Board of Zoning Appeals.

(C) All wireless telecommunication facilities shall meet the following provisions.

(1) It shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance and emergencies.

(2) A proposal for a new telecommunications tower shall only be approved if the applicant provides evidence that co-locating cannot be done to provide the needed coverage. The applicant must submit coverage maps as if they are using the existing facilities or towers in the area. The applicant must demonstrate that adequate coverage cannot be found by using other facilities, towers or other tall structures in the area. The applicant shall show the need for the tower and that all alternatives have been exhausted, including cost details. The applicant shall

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locate on other tall structures such as grain legs, water towers and utility poles, if available in the service area. The Board must approve the overall coverage plan before the tower is placed.

(3) A propagation study will accompany an application for a new telecommunications tower if co-location cannot be achieved.

(4) Any proposed telecommunication tower shall be designed and engineered structurally, electrically and in all other respects to accommodate both the applicant's height and at least three additional users. Towers must be designed to allow for future rearrangement of antennae upon the tower and accept antennae mounted at varying heights. The lot where the tower is located (or lease area) shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users.

(5) No part of any wireless telecommunications facility nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, trails or property line.

(6) All antennae, towers and accessory structures constructed within the Whitley County Plan Commission jurisdiction shall comply with the following requirements:

(a) All applicable provisions of the Building Code of the State of Indiana and the Federal Communications Commission;

(b) Towers shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code;

(c) Towers and antennae shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code;

(d) Towers shall be constructed to conform with the requirements of Occupational Safety and Health Administration;

(e) An engineer's certification shall be submitted to document and verify the design specifications, including but not limited to the foundation for the tower, anchors for the guy wires if used, co-location, strength requirements for natural forces: ice, wind, earth movements and the like;

(f) Towers and antennae shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 mph with one-half inch of ice and to

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accommodate any co-location requirements;

(g) Except as required by the Federal Aviation Administration or Federal Communications Commission, the antenna support structure shall not be illuminated by any artificial means and shall not display strobe lights; and

(h) The applicant must submit evidence of a contract with at least one carrier or provider before an improvement location permit will be issued.

(7) The following requirements shall apply:

(a) Minimum front, side and rear property setbacks equal to the height of the tower plus 50 feet;

(b) Maximum height of tower: 300 feet;

(c) Maximum height of accessory structure: 15 feet;

(d) Tower shall be placed no closer than 500 feet from any residential zoning district or commercial zoning district; and

(e) An eight foot-high security fence shall completely surround the tower and equipment building.

(8) The following buffer plantings shall be located around the perimeter of the security fence of a wireless communications facility:

(a) An evergreen screen shall be planted around the entire facility.

1. If hedges are used, they shall be a minimum of five feet tall and planted a maximum of ten feet on center; and

2. If evergreens are used they shall be a minimum of five feet tall and planted a maximum of ten feet on center.

(b) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

(9) The following shall apply to existing antennae and towers:

(a) Existing towers and antennae may continue in use for their current

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purpose but may not be replaced or structurally altered without complying in all respects to the requirements in this section.

(b) Any request submitted to the Whitley County Plan Commission to install an antenna to be located on an existing approved or "grandfathered" tower will only require a building permit and a copy of the contract between the applicant company and the owner of the tower.

(c) If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former location and physical dimensions upon obtaining a building permit. However, if the cost of repairing the tower to the former use, physical dimensions and location would be 10% more than the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with all requirements in this section.

(10) Any tower, whether existing or approved under these regulations, unused or left abandoned for 180 consecutive days shall be removed by the tower owner or land owner at their expense.

(Ord. 2004-04, passed 4-5-04)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / BOARD OF ZONING APPEALS / § 153.115 GENERAL.

§ 153.115 GENERAL.

In accordance with state law, the Board of County Commissioners shall appoint and organize a Board of Zoning Appeals, which Board may adopt rules to govern its procedure. The Board shall hold meetings, keep minutes and, pursuant to notice, shall conduct public hearings, compel the attendance of witnesses, take testimony and render decisions in writing, all as required by law. Any person filing an appeal or proceeding with the Board shall assume any cost of public notice that is required.

(`86 Code, § 36-7-4-600, 500)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / BOARD OF ZONING

APPEALS / § 153.116 APPEALS.

§ 153.116 APPEALS.

The Board shall have the power to hear and decide appeals from any order, requirement, decision, grant or refusal made by the Zoning Administrator in the administration of this chapter.

('86 Code, § 36-7-4-600, 502)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / BOARD OF ZONING APPEALS / § 153.117 VARIANCES.

§ 153.117 VARIANCES.

(A) The Board, upon appeal, shall have the power to authorize variances from the requirements of this chapter. In exercising this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises and to that end shall have all the powers of the officer or board from whom the appeal is taken. It may impose such conditions regarding the location, character and other features of the proposed building, structure or use with which the appeal before it is concerned, as it may deem advisable in the furtherance of the purposes of this chapter and the protection of the public convenience and welfare.

(B) A variance may be permitted only if all of the following requirements are met:

(1) Literal enforcement of the ordinance would result in an unnecessary hardship with respect to the property; and

(2) Such unnecessary hardship results because of the unique characteristics of the property; and

(3) The variance observes the spirit of this chapter, produces substantial justice and is not contrary to the public interest.

('86 Code, § 36-7-4-600, 503)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / BOARD OF ZONING APPEALS / § 153.118 SPECIAL EXCEPTIONS.

§ 153.118 SPECIAL EXCEPTIONS.

The Board shall have the power to authorize special exceptions if all of the following

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requirements are met:

(A) The special exception shall be listed as such in the table set forth in § 153.032 for the district requested;

(B) The special exception shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons and shall comply with the performance standards of § 153.119;

(C) The special exception shall be sited or oriented and landscaped to produce a harmonious relationship of building and grounds to adjacent buildings and properties;

(D) The special exception shall produce a total visual impression and environment that is consistent with the environment of the neighborhood;

(E) The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and

(F) The special exception shall preserve the purpose of this chapter.

('86 Code, § 36-7-4-600, 504)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / BOARD OF ZONING APPEALS / § 153.119 PERFORMANCE STANDARDS.

§ 153.119 PERFORMANCE STANDARDS.

(A) *General.* All special exceptions shall comply with the requirements of this section. In order to determine whether a proposed use shall conform to the requirements of this chapter, the Board may also obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

(B) *Fire protection.* Fire prevention and fighting equipment acceptable to the National Insurance Association shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

(C) *Electrical disturbance.* No activity shall cause an electrical disturbance adversely affecting radio or other equipment in the vicinity.

(D) *Noise.* Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

(E) *Vibrations.* Vibrations detectable without instruments on neighboring property in

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any district shall be prohibited.

(F) *Odors.* No malodorous gas or matter shall be permitted which is discernable on any adjoining lot or property.

(G) *Air pollution.* No pollution of air by flash, dust, smoke, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or property.

(H) *Glare.* Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

(I) *Erosion.* No erosion by wind or water shall be permitted which shall carry objectionable substances onto neighboring properties.

(J) *Water pollution.* Water pollution shall be subject to the standards established by the State Stream Pollution Control Board.

('86 Code, § 36-7-4-600, 505)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / BOARD OF ZONING APPEALS / § 153.120 NONCONFORMING USES.

§ 153.120 NONCONFORMING USES.

The Board shall have the power to authorize changes of lawful nonconforming uses as follows:

(A) A nonconforming use which occupies a portion of a structure or premises may be extended within that structure or premises as they existed when the prohibitory provision took effect, but not in violation of the area and yard requirements of the district in which those structures or premises are located. No change of a nonconforming use shall entail structural alterations or any other additions other than those required by law for the purpose of safety and health;

(B) The Board may impose such conditions as it deems necessary for the protection of adjacent property and the public interest.

('86 Code, § 36-7-4-600, 506)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS

PONDS

**TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS / § 153.130
DEFINITIONS.**

§ 153.130 DEFINITIONS.

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

APPLICATION. All documents, forms and other information that the Department may require an owner to complete or provide in order to assist the Department in determining whether a proposed pond complies with the terms of this subchapter or otherwise to assist the Department in the enforcement of this subchapter.

DEPARTMENT. The Whitley County/Columbia City Joint Planning and Building Department. In performing its duties under this subchapter, the Department may consult with, and may rely on any opinions or conclusions of the County Engineer.

OWNER. The owner(s) of the tract or parcel of land on which the pond is located or is to be located.

SITE PLAN. All drawings, descriptions, plans and/or specifications for the proposed pond and the tract or property on which it is located that are requested by the Department in order to assist the Department in determining whether a proposed pond complies with the terms of this subchapter.

(Ord. 2003-06, passed 3-3-03)

**TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS / § 153.131
PERMIT REQUIRED.**

§ 153.131 PERMIT REQUIRED.

In any zoning district, no new pond shall be constructed and no existing pond shall be substantially altered or expanded without a permit issued by the Department. The Department shall issue a permit in accordance with the provisions of this subchapter only if:

(A) The owner (or its authorized agent) signs and files with the Department an application, including a site plan, and pays a fee of \$30 to the Department.

(B) The Department determines that the pond will comply with the terms of this subchapter based on the completed application and site plan, any inspections, and any other

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information available to the Department.

(Ord. 2003-06, passed 3-3-03) Penalty, see § 153.999

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS / § 153.132 EXPIRATION; REVOCATION OF PERMIT.

§ 153.132 EXPIRATION; REVOCATION OF PERMIT.

A permit shall be valid for one year after the date of issuance. If no substantial work has occurred in connection with the permit after one year, the permit shall be null and void and the owner shall be required to apply for and obtain a new permit. A permit shall be subject to revocation by the Department as follows:

(A) In the event of a violation of this subchapter, as hereinafter provided.

(B) If the applicant makes any material misrepresentation in connection with the application and the issuance of the permit.

(C) If the permit was issued as the result of an error or oversight by the Department or the Department determines for any reason that, under the terms of this subchapter, the permit should not have been issued, and if no substantial work has occurred in connection with the permit.

(Ord. 2003-06, passed 3-3-03)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS / § 153.133 MINIMUM STANDARDS.

§ 153.133 MINIMUM STANDARDS.

All ponds, and all activity in connection with the construction, expansion and maintenance of any pond, shall comply with the following minimum standards and requirements:

(A) All ponds shall be constructed and maintained in compliance with the following setback requirements:

(1) No portion of the water constituting the pond shall encroach upon any area within 50 feet from the right-of-way of any public road.

(2) No portion of the water constituting the pond shall encroach upon any area within 20 feet from any boundary line of the owner's property; provided, however, that this setback requirement shall not prevent a pond from being constructed on two or more tracts of

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property, if (a) the permit application is signed by the owner(s) of all of the tracts of property on which the pond will be constructed; or (b) the location of the pond, as shown on a subdivision plat, is approved by the County Plan Commission as part of the approval of a subdivision under the County Subdivision Ordinance.

(3) No fill shall be placed within the right-of-way of any public road. Within ten feet of the right-of-way of any public road, no fill shall be placed above an elevation six inches below the elevation at the edge of the road surface.

(B) No excavation shall occur and no fill shall be placed within 75 feet of any regulated drain unless authorized by the County Drainage Board in accordance with the state drainage statute.

(C) If the pond has an outlet, the outlet shall be subject to the following requirements:

(1) If the outlet opens onto the owner's property, the outlet opening must be located at least 15 feet from the owner's property boundary line and at least 20 feet away from the right-of-way of any public road. Compliance with this provision shall not relieve the owner from any additional duties under state law with respect to the discharge of such water onto an adjoining property.

(2) If the outlet opens into or connects to a county drain, the owner must obtain the prior approval of the County Surveyor or County Engineer in accordance with the state drainage statute.

(3) If the outlet opens into or connects to an outlet on another tract or parcel, the owner must prove to the satisfaction of the Department that the owner has all easement rights necessary to access such outlet.

(D) The pond shall be constructed so as not to increase the volume of water that exits the tract under normal conditions. Fill areas shall not obstruct the flow of surface water onto the owner's property from adjacent properties. The owner shall be responsible for the repair, replacement or relocation of any tiles, open ditches or other drainage facilities to the extent necessary to maintain the amount of drainage through the parcel or tract that existed prior to the construction of the pond.

(E) All ponds shall be constructed and maintained so as to prevent any soil erosion or other condition that obstructs or damages or threatens to obstruct or damage any public drain or drainage related improvements. The owner shall remove spoil and resurface and re-seed degraded open ditch banks.

(Ord. 2003-06, passed 3-3-03)

**TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS / § 153.134
VARIANCES.**

§ 153.134 VARIANCES.

The Board of Zoning Appeals may (but shall never be required to) grant a variance from the setback requirements set forth in § 153.133(A) in accordance with and subject to the following limitations:

(A) A variance may only be granted with respect to the setback requirements set forth in § 153.133(A). No other standards set forth in this subchapter may be the subject of a variance.

(B) The Board of Zoning Appeals shall approve a variance only if it finds: (1) the approval will not be injurious to the public health, safety or general welfare of the community; (2) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; (3) the proposed pond cannot comply with the setback requirements due to unique feature(s) existing on the property, and either natural or man-made features exist or could be provided which would allow the pond to achieve the purposes of the setback requirements; and (4) the variance has been approved by the County Drainage Board.

(Ord. 2003-06, passed 3-3-03)

**TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS / § 153.135
RIGHT OF ENTRY.**

§ 153.135 RIGHT OF ENTRY.

The owner shall notify the Department when work commences on the construction of the pond. The Department (including any person acting on its behalf) may enter onto the property at any reasonable time for the purposes of inspecting the property and determining or enforcing compliance with the provisions of this subchapter. By applying for a permit as provided in this subchapter, an owner consents to such entry.

(Ord. 2003-06, passed 3-3-03)

**TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS / § 153.136
ENFORCEMENT OFFICIAL.**

§ 153.136 ENFORCEMENT OFFICIAL.

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The Executive Director (or the equivalent officer or employee) of the Department is hereby designated as the official authorized to make decisions and take action on behalf of the Department in connection with the enforcement of this subchapter.

(Ord. 2003-06, passed 3-3-03)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS / § 153.137 COMPLAINTS.

§ 153.137 COMPLAINTS.

Any person who believes a violation of this subchapter has occurred may file a written complaint with the Department. The complaint shall describe the alleged violation sufficiently so that the Department can investigate the matter. The Department shall investigate and may take action upon such complaint as provided in this subchapter.

(Ord. 2003-06, passed 3-3-03)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS / § 153.138 COMMON NUISANCE.

§ 153.138 COMMON NUISANCE.

A violation of this subchapter is declared to be a common nuisance.

(Ord. 2003-06, passed 3-3-03)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS / § 153.139 NOTICE OF VIOLATION.

§ 153.139 NOTICE OF VIOLATION.

In the event of a violation of this subchapter, the Department shall send written notice to the owner describing the nature of the violation and the action required to correct the violation ("Violation Notice"). The notice requirement shall be satisfied if the Department mails the violation notice by U.S. certified mail, return receipt requested, to the address of the owner as shown in the records of the office of the County Auditor. The violation notice shall state a date on or before which the violation must be corrected, which date shall be not earlier than ten days from the date the notice is mailed.

(Ord. 2003-06, passed 3-3-03)

**TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS / § 153.140
STOP WORK ORDERS.**

§ 153.140 STOP WORK ORDERS.

At the time of giving the violation notice, or at any time thereafter, the Department may issue a stop work order requiring the immediate cessation of all work in connection with the pond. The stop work order shall be mailed to the owner in the same manner as the violation notice and may be included with the violation notice. Upon the issuance of a stop work order, all work in connection with the pond shall cease immediately (except any corrective work required in the violation notice) until the department gives notice that the violation has been corrected and the stop work order is released. If the owner fails to comply with the stop work order, the Department may proceed immediately with any enforcement remedy and the owner shall be deemed to have waived any right to cure or correct the defect within the time stated in the violation notice.

(Ord. 2003-06, passed 3-3-03)

**TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / PONDS / § 153.141
REMEDIES.**

§ 153.141 REMEDIES.

If the owner fails to correct the violation within the time stated in the violation notice, or if the owner fails to comply with a stop work order, the Department shall have the following remedies and may take any one or more of the following actions:

(A) *Revocation of permits.* The Department may revoke any permit issued for work on the property, including the permit for the pond. If a pond permit is revoked under this section, the owner shall forfeit the right to obtain a pond permit for a period of five years from the date of the revocation of the permit.

(B) *Civil lawsuit.* The Department may refer the matter to its attorney to file a lawsuit and to invoke any legal, equitable or special remedy for the enforcement of this subchapter, including the right to enjoin a person or entity from violating, or continuing to violate any provision of this subchapter and/or maintaining a common nuisance and the right to have the violation removed or abated.

(C) *Other remedies.* The Department may pursue any other applicable remedy or

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penalty provided by the ordinances of the county, or by state law, for the enforcement of this subchapter or the prosecution of the violation.

(Ord. 2003-06, passed 3-3-03) Penalty, see § 153.999

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADMINISTRATION AND ENFORCEMENT

ADMINISTRATION AND ENFORCEMENT

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADMINISTRATION AND ENFORCEMENT / § 153.150 ZONING ADMINISTRATOR.

§ 153.150 ZONING ADMINISTRATOR.

The Zoning Administrator, who shall be appointed by the Plan Commission, shall:

- (A) Administer and enforce the provisions of this chapter;
- (B) Issue improvement location permits; and
- (C) Maintain a permanent file of all improvement location permits and applications as public records.

('86 Code, § 36-7-4-600, 401)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADMINISTRATION AND ENFORCEMENT / § 153.151 IMPROVEMENT LOCATION PERMITS.

§ 153.151 IMPROVEMENT LOCATION PERMITS.

(A) Those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or permanent perimeter enclosure treatment, foundation siding or retaining wall treatment, foundation construction and materials, exterior finishes and the like.

- (B) Health Department approval for any sewage disposal or water supply, where applicable.
- (C) Planned unit development or subdivision permit approval, where applicable.
- (D) A copy of the approved instructions, which shall be used for installation purposes,

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where applicable.

(E) Such other information as may be required by the Plan Commission's designated Administrator for proper enforcement of this chapter.

(F) An agreement signed by the home owner or authorized representative pledging compliance with the terms set by the Plan Commission in the improvement location permit.

(G) Construction shall start within 360 days of the issuance of the permit or that permit shall be considered null and void. If the proposed construction is started subsequent to that time, a new application shall be filed.

(H) No permit shall be issued for a lot, parcel, tract or piece of ground for any use unless that lot, parcel, tract or piece of ground has direct access to a platted and legally dedicated public highway.

(I) No permit shall be required for:

(1) Routine maintenance, repair or remodeling of existing structures not involving any change of use or additional lot coverage;

(2) Essential services as defined in § 153.006;

(3) Lot and yard improvements such as fences, drives, sidewalks, patios, retaining walls, play equipment and landscaping;

(4) Signs with a surface area of less than four square feet; and

(5) Structures used exclusively for agriculture as in § 153.006. However, those persons erecting agricultural structures shall notify, in writing, the Zoning Administrator in order that the information may be recorded in the Plan Commission office so that compliance with the lot and yard requirements of § 153.034.

(J) After receipt of the information required for an improvement location permit, the Plan Commission's designated Administrator shall review the standards set forth in this chapter. If the applicant has met all required standards, then within three working days, the improvement location permit shall be issued by the designated Administrator.

(K) If after receipt of the information required for an improvement location permit the Plan Commission's designated Administrator finds that the applicant has not fully met the standards set forth in the ordinance, and the changes and additional actions needed are deemed by the designated Administrator to be relatively minor or simple within three working days, a conditional approval can be issued with the stated conditions which must be met prior to occupancy spelled out and the reasons for change clearly stated in writing. If the applicant agrees in writing to the further conditions, the effect being an amendment to the application to conform

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to the requirements, approval shall be given and the applicant may proceed. If the applicant does not agree to these changes, the application shall be denied, with reasons stated in writing.

(L) If any of the major elements are clearly out of line with the standards within three working days, issuance of the permit shall be denied with a written statement specifying the reasons for the denial.

('86 Code, § 36-7-4-600, 402)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADMINISTRATION AND ENFORCEMENT / § 153.152 METHOD OF APPEAL.

§ 153.152 METHOD OF APPEAL.

Any person aggrieved or affected by any provision of this chapter or by any decision of the Zoning Administrator may appeal to the Board of Zoning Appeals within a reasonable time, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof. Every decision of the Board shall be subject to review by the County Circuit or Superior Court.

('86 Code, § 36-7-4-600, 404)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADMINISTRATION AND ENFORCEMENT / § 153.153 AMENDMENTS.

§ 153.153 AMENDMENTS.

(A) *General.* The Board of County Commissioners may introduce and consider amendments to this chapter and to the Zone Maps, as proposed by the County Commissioners, by the Plan Commission or by a petition by the owners of 50% or more of the area involved in the petition.

(B) *Petitions.* Petitions for amendments shall be filed with the County Auditor, and the petitioner, upon that filing, shall, whether or not the proposed amendment is enacted, pay all costs and expenses connected with the petition, including the drafting, advertising and recording of the ordinance.

(C) *Referral.* Any proposed amendment not originating from the Plan Commission shall be referred to the Plan Commission for consideration and report before any final action is taken by the County Commissioners. The Plan Commission shall hold a public hearing, as prescribed by law, and report its findings and recommendations in writing to the County Commissioners within such reasonable time after the public hearing as the County

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Commissioners may specify in any referring action.

(`86 Code, § 36-7-4-600, Art. 6)

TITLE XV: LAND USAGE / CHAPTER 153: ZONING CODE / ADMINISTRATION AND ENFORCEMENT / § 153.999 PENALTY.

§ 153.999 PENALTY.

(A) Each day of noncompliance with the provisions of this chapter constitutes a separate and distinct ordinance violation. Judgment of up to \$500 per day may be entered for a violation of this chapter.

(B) A home, sited on property in violation of this chapter, shall be subject to removal from that property. However, the home owner shall be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action is finally taken by the appropriate authority to bring compliance, the expenses involved may be made a lien against the property.

(C) The Plan Commission's designated Administrator may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

(`86 Code, § 36-7-4-600, 403)

(D) The county shall have the right to recover from the owner, in a civil action, a penalty in the amount of \$2,500 for each violation in §§ 153.130 through 153.141.

(Ord. 2003-06, passed 3-3-03)

TABLE OF SPECIAL ORDINANCES

TABLE OF SPECIAL ORDINANCES

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- I. FRANCHISES**
- II. COUNTY HIGHWAY SYSTEM**
- III. VACATIONS**

IV. ZONING CHANGES

V. BONDS

TABLE OF SPECIAL ORDINANCES / TABLE I: FRANCHISES

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 Triax Midwest Associates, Inc., a Missouri limited partnership, to construct, operate and maintain a cable television system in the county for a period of 15 years.

TABLE OF SPECIAL ORDINANCES / TABLE II: COUNTY HIGHWAY SYSTEM

TABLE II: COUNTY HIGHWAY SYSTEM

<i>Road</i>	<i>Date Passed</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

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<i>Road</i>	<i>Date Passed</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 La
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

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<i>Road</i>	<i>Date Passed</i>	<i>Location</i>
Poplar Road of Chub's Subdivision	4-3-61	SW ¼ of Section 2, Township 32 North, Range 9 E;
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.

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<i>Road</i>	<i>Date Passed</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	

TABLE OF SPECIAL ORDINANCES / TABLE III: VACATIONS

TABLE III: VACATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	3-3-42	Vacating a road in Washington Township, Sections 7.

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	2-23-44	Vacating a highway in Section 35, Township 33 No Range 8 East and Section 2, Township 32 North, Range 8 East.
—	3-6-45	Vacating a highway in Section 14, Township 31 No Range 10 East, Union Township.
—	6-5-45	Vacating a highway in Section 22, Township 32 No 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.
—	5-4-60	Vacating an unnamed street.
—	6-6-60	Vacating a road in SW ¼ of Section 15, Township 32 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
		Vacating the west four feet of Lake Street, Tri-Lake

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	9-6-61	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 of 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 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 Shriners Lake and south of Wilden Road.
—	5-5-75	Vacating Radio Road from Blue River to State Road.
—	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.

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
V-78-3	--	Vacating a walkway on Lot 15 in Magley's Second Addition to Tri-Lake Resort, Section 12, Township 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 WI Subdivision.
O-81-2	7-7-81	Vacating CR 1000 South in Sections 25 and 36, Township 30 North, Range 10 East, Jefferson Town
O-82-1	7-19-82	Vacating a road in SE ¼ of Section 12, Township 30 North, Range 9 East.
O-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 road 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.
1985-5	8-5-85	Vacating the public highway between Lot 24, High Park Addition to Tri-Lakes Resort and Lot 23, Neufuss 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 side 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

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
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 H& R. Thomas Addition.
92-01	1-14-92	Vacating part of public way and public park, John F Rapp's Second Addition to Blue Lake Resort.
92-04	5-4-92	Vacating part of right-of-way, Martz Addition to M& Beach Resort.
92-05	6-1-92	Vacating part of public way, Lots 18 and 19, John F Rapp's Second Addition to Blue Lake Resort.
93-06	3-1-93	Vacating part of public way, vacated right- of-way c 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.
93-10	5-10-93	Vacating part of platted drive, Stulf Road, Cedar Po Addition to Tri-Lakes.
93-12	6-7-93	Vacating platted alleys, Original Plat of Town of Cc (Rush's Plat of Collins Station), Smith Township.
93-19	10-4-93	Vacating part of vacated right-of-way Bair Road, N' Section 11, Township 32 North, Range 9 East.
93-21	11-15-93	Vacating part of roadway in Highland Park Addition 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 Plat of Collins Station, SW ¼, Section 28, Townshi

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		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 Forest 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-Lake Resort.
94-15	12-5-94	Vacating roadway in Cedar Beach Addition to Tri-Lake Resort.
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 Park.
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.

Vacating the south line of the tract being the north line

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
97-09	5-19-97	Lots 1 and 2 in South Shore Addition to Round Lake 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 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 Station 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.
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

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		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.

TABLE OF SPECIAL ORDINANCES / TABLE IV: ZONING CHANGES

TABLE IV: ZONING CHANGES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-1	--	Changing Section 11, Etna-Troy Township from La Residential to A-1.
R-2	(withdrawn)	Changing Section 23, Union Township from A-1 to
R-3	10-6-69	Changing Section 12, Etna-Troy Township from A-L-1.
R-4	10-6-69	Changing Section 13, Columbia Township from A-I-2.
R-5	1-5-70 (withdrawn)	Changing Section 22, Union Township from S-1 to
R-6	(denied)	Changing Section 3, Smith Township from A-1 to E and I-1.
R-8	7-6-70	Changing Western Tack Shop on SR 109, Section 2 Thorncreek Township from A-1 to B-1.
R-9	--	No description provided.
		Changing 6.19 acres on the north side of Old Lake,

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-10	11-2-70	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 I-1 to A-1.
R-12	11-2-70	Changing Section 2, Thorncreek Township from L-1 to A-1.
R-13	12-7-70	Changing Section 25, Smith Township from A-1 to I-1.
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 L-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 I-1.
R-23	--	Changing Section 3, Smith Township from A-1 to E-1.
R-24	--	Changing Section 3, Smith Township from A-1 to I-1. Changing Section 1, Richland Township from A-1 to I-1.

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-25	--	B-1.
R-26	--	Changing Section 6, Smith Township from A-1 to E
R-27	--	Changing Section 12, Thorncreek Township from L A-1.
R-28	4-2-73	Changing Section 32, Richland Township from A-1 B-1.
R-29	5-7-73	Changing Section 21, Thorncreek Township from A B-1.
R-30	--	Changing Section 24, Columbia Township from A-I-1.
R-31	--	Changing Section 13, Columbia Township from I-1 A-1.
R-32	--	Changing Section 19, Jefferson Township from L-1 A-1.
R-33	--	Changing Section 21, Etna-Troy Township from A-B-2.
R-34	12-21-73	Changing Section 2, Washington Township from A-I-2.
R-35	--	Changing Section 21, Etna-Troy Township from A-B-1.
R-36	--	Changing Section 12, Thorncreek Township from S A-1.
R-37	--	Changing Section 11, Washington Township from B-2.
R-38	--	Changing Section 1, Washington Township from A-B-2.

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-39	--	Changing Section 25, Columbia Township from A-B-2.
R-40	--	Changing Section 36, Cleveland Township from B-A-1.
R-41	--	Changing Section 31, Cleveland Township from A-I-1.
R-42	--	Changing Section 31, Cleveland Township from A-B-2.
R-43	--	Changing Section 13, Etna-Troy Township from A-B-1.
R-44	--	Changing Section 6, Columbia Township from A-I-1.
R-45	12-2-74	Changing Section 6, Columbia Township from A-B-2.
R-46	12-2-74	Changing Section 10, Cleveland Township from A-B-2.
R-47	1-7-74	Changing Section 29, Smith Township from S-1 to .
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.
		Changing Section 12, Thorncreek Township from L

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-53	--	R-2.
R-54	(denied)	Changing Section 16, Thorncreek Township from A-1 to B-2.
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 E ½ of the NW ¼ lying south of the Chicago and St. L. 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-2 to A-1.
R-59	(withdrawn)	Changing Section 20, Union Township from I-1 to I-2.
R-60	--	Changing Section 14, Union Township from I-1 to I-2.
R-61	--	Changing Section 14, Union Township from I-1 to I-2.
R-62	(withdrawn)	Changing Section 6, Columbia Township from A-1 to B-2.
O-77-1, R-63	12-6-76	Changing Section 2, Washington Township, 2.02 acres from A-1 to I-2.
O-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 I-2.
O-78-1, R-66	1-3-78	Changing Section 24, Union Township from A-1 to I-2. Changing Section 13, Union Township, 1.17 acres, from A-1 to I-2.

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-67	5-1-78	A-1 to B-2.
R-68	--	Changing Section 4, Smith Township from A-1 to E
R-69	--	Changing Section 17, Union Township from A-1 to
R-70	--	Changing Section 17, Union Township from A-1 to
O-78-5, R-71	11-1-78	Changing the NW ¼ of Section 18, Township 31 N, Range 10 East, Union Township, 13 acres, from B-1 to I-1.
O-79-1, R-72	1-15-79	Changing Section 1, Washington Township, 78.5 ac from A-1 and B-2 to I-2.
O-79-2, R-73	3-5-79	Changing Lot 1, Snider's First Addition in Section 1, Thorncreek Township from S-1 to B-2.
O-79-3A, R-74	5-21-79	Changing Lots 10 through 12, Goose Lake, Section 1, Etna-Troy Township from L-1 to B-1.
O-79-4, R-75	5-21-79	Changing Section 24, Union Township from A-1 to
R-76	--	Changing Section 14, Cleveland Township from A-1 to B-12.
O-80-1	--	Denied.
O-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-1.
R-79	9-8-81	Changing Section 3, Smith Township from L-1 to B-1.
R-80	--	Changing Section 15, Smith Township from L-1 to
R-81	11-19-81	Changing Section 23, Union Township, two acres, f

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		A-1 to I-2.
R-82	11-1-82	Changing Section , Richland Township, 1.8 ac from A-1 to B-1.
R-83	--	Changing Section 35, Richland Township from L-1 A-1.
R-84	--	Changing Section 25, Richland Township from B-1 B-2.
R-85	8-15-83	Changing Section 17, Union Township from A-1 to
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 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 I-1.
R-90	--	Changing Section 27, Jefferson Township from A-1 I-1.
R-91	10-1-84	Changing Section 28, Cleveland Township, two ac from A-1 to I-1.
R-92	10-1-84	Changing Section 12, Richland Township, 150 feet 348.48 feet, from A-1 to B-1.
R-93	(denied)	Changing Section 10, Thorncreek Township from A B-2.
R-94	10-1-84	Changing Section 24, Washington Township, 0.11 a from A-1 to B-1.

Changing Lot 1, Pleasant Hill, Section 1, Richland

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-95	11-19-84	Township, 6.63 acres, from A-1 to B-1.
R-96	11-19-84	Changing Section 10, Smith Township from L-1 to
R-97	5-6-85	Changing Section 28, Richland Township from A-1 I-1.
R-98	5-6-85	Changing Section 28, Smith Township from R-1 to
R-99	5-20-85	Changing Section 18, Jefferson Township from A-1 B-2.
R-100	7-1-85	Changing Section 32, Columbia Township from A- I-2.
R-101	7-1-85	Changing Section 30, Union Township from A-1 to
R-102	7-15-85 (denied)	Changing Section 19, Cleveland Township from A- B-2.
R-103	9-3-85 (denied)	Changing Section 14, Cleveland Township from A- B-2.
R-104	9-3-85	Changing Section 22, Smith Township, .49 acres (b shop), from A-1 to B-2.
R-105	10-7-85	Changing Section 1, Thorncreek Township, 150 fee 140 feet, from A-1 to B-2.
R-106	12-20-85	Changing Section 16, Union Township, 10 acres, fr A-1 to I-1.
—	3-3-86 (denied)	Changing Section 16, Union Township, 10 acres, fr A-1 to I-1.
91-01	1-7-91	Changing CR 650 North and US 33, two acres, fron to B-2.
91-02	1-7-91	Changing part of Section 31, Township 32 North, R

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		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, R 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 N Range 9 East from A-1 to L-1.
93-13	6-21-93	Changing Lot 29 in Magic Hills Subdivision from E B-2.
93-14	6-21-93	Changing part of NW ¼, Section 10, Township 30 N 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
93-17	9-7-93	Changing part of SW ¼, Section 1, Township 30 N 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 N 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 N Range 8 East, 6.964 acres, from A-1 to B-1.
94-12	10-3-94	Changing part of SE ¼, Section 3, Township 30 N 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 N 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 N 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 N Range 8 East, 150 feet by 200 feet, from A-1 to I-1.

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
96-05	4-1-96	Changing part of the S ½ of Section 32, Township 3 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 1 Township 31 North, Range 10 East, from A-1 to B-
O-96-12	10-7-96	Changing part of the SE ¼ of Section 13, Township 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 North, Range 9 East, from S-1 to B-2.
97-02	3-3-97	Changing part of the SE ¼ of Section 17, Township North, Range 10 East, from A-1 to B-2.
97-06	5-5-97	Changing the incorporated town limits of the Town 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 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 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 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 3 North, Range 9 East, Columbia Civil Township, from A-1 to I-1.

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
98-09	7-20-98	Changing a parcel of land approximately 750 feet w CR 650 East and 1050 feet south of US Highway 33 containing 17 acres in the NE corner of part of the E the SE ¼ of Section 4, Township 32 North, Range 1 East, from A-1 to I-1.
98-12	8-17-98	Changing an 80 foot by 81 foot area, including the S of the pole barn and 20 feet surrounding it to the eas south and west of part of the E ½ of the SW ¼ of Se 31, Township 32 North, Range 19 East from A-1 to
98-13	9-8-98	Changing part of the S ½ of Section 24, Township 3 North, Range 10 East and part of the N ¼ of Sectio Township 31 North, Range 10 East of the Second Principal Meridian from I-1 and A-1 to I-2.
98-14	9-21-98	Changing the south 16 acres of 28 acres off of the n end of the W ½ of the SE ¼, being North of State Highway 33, in Section 3, Township 32 North, Ran East, from A-1 to I-1.
98-18	11-2-98	Changing the south 600 feet of the north 941.5 feet east 315.5 feet of the NW ¼ of Section 31, Townshi 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 25 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 Secti 13, Township 31 North, Range 10 East, from A-1 to
99-17	11-1-99	Changing an area 50 feet by 70 feet in size located i 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 Sect 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, Town 31 North, Range 10 East and that part of the SW ¼

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		Section 7, Township 31 North, Range 10 East from to I-1.
2001-13	12-3-01	Changing that part of the SW ¼ of Section 1, Town 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 Section 1, Township 30 North, Range 10 East of the Second Principal Meridian from A-1 to S-1, B-1 and
2002-03	5-6-02	Changing that part of the NE ¼ of Section 16, Town 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 ¼ Section 32, Township 32 North, Range 8 East from to B-2.
2002-14	12-2-02	Changing part of the south half of the NW ¼ 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 ¼ of the NW ¼ of Section 21 along with part of said section lying west of State Road 5, being Township 31 North, Range 8 East, approximately 5.0 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. Zorg from AG to GC.
2010-11	9-7-10	Changing four tracts of land, 50% or more of which owned by Ag Plus, L.P., from AG to IN.

Whitley County, IN, Code of Ordinances

Ord. No. *Date Passed* *Description*

TABLE OF SPECIAL ORDINANCES / TABLE V: BONDS

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 execution of a financing agreement with respect to such bonds; and authorizing other actions in connection with the issuance of such bonds.

PARALLEL REFERENCES

PARALLEL REFERENCES

References to Indiana Code
References to 1986 Code of Ordinances
References to Resolutions
References to Ordinances

PARALLEL REFERENCES / REFERENCES TO INDIANA CODE

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
4-21.5-3-1 et seq.	111.10
4-21.5-3-7	150.37
5-1-4-4	31.32
5-3-1-2	152.022
5-10-1.1-1	33.01
5-10-8-1	33.03

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<i>I.C. Code Section</i>	<i>Code Section</i>
5-10.1-3	33.04
5-10.1-3-4	33.04
5-10.3-1-1	33.05
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
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
6-3.5-1.1-2	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

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<i>I.C. Code Section</i>	<i>Code Section</i>
6-3.5-5-15	35.11
6-3.5-7-5(p)	35.08
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
8-23-20	153.098
9-4-1-125	70.02
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	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
10-14-3-17	36.02, 36.04, 36.10, 36.12, 36.13, 36.27
10-14-3-22	36.04, 36.27

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<i>I.C. Code Section</i>	<i>Code Section</i>
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10-14-3-27	36.12
10-14-3-29	36.02
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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	35.02
11-12-6-11.1	35.02
11-12-6-13	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

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<i>I.C. Code Section</i>	<i>Code Section</i>
14-16-1	70.03
14-26-2-3	153.006
14-26-2-4	153.006
14-28-1	153.071, 153.078
14-28-3	153.078
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
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16-20-2-3	31.46
16-20-2-16	31.46, 111.02
16-22	31.02
16-22-2	31.02

Whitley County, IN, Code of Ordinances

<i>I.C. Code Section</i>	<i>Code Section</i>
16-31-5-1	32.01
16-41-27	153.097
20-4-8-4 (Repealed)	32.02
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

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<i>I.C. Code Section</i>	<i>Code Section</i>
22-11-1	153.006
22-12-1	153.006
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	51.10
25-39-3	51.05
25-39-3 et seq.	51.02
31-6-4-18	35.02
32-11	36.31
33-36-2-1	31.85
34-4-30.1	35.06
34-4-30.5	35.06
35-38-2-1	35.02
35-43-5-5	32.04
35-43-5-5(e)	32.04
35-45-3-2	53.99
Title 36	110.01
36-1-3-1	30.08

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<i>I.C. Code Section</i>	<i>Code Section</i>
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36-1-3-2	30.09
36-1-3-8	32.04, 70.01, 70.02
36-1-3-8(a)(10)	10.99, 70.04, 70.99
36-1-4-11	70.01, 70.02
36-1-5-4	90.02, 112.03
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
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36-2-5-2	35.06
36-2-5-3(a)	36.12
36-2-6-3	35.07

Whitley County, IN, Code of Ordinances

<i>I.C. Code Section</i>	<i>Code Section</i>
36-2-6-4.5	35.07
36-2-7-10(c)	32.04
36-2-7.5	35.12
36-2-7.5-11	35.12
36-2-8-2	30.06
36-2-11-14	32.04
36-7-3-12	153.007
36-7-3-12(b)	153.007
36-7-3-12(c)	153.007
36-7-4	153.002, 153.008, 153.065
36-7-4-200	153.008
36-7-4-405	153.009
36-7-4-410	153.010
36-7-4-500	153.011
36-7-4-600	153.001
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

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<i>I.C. Code Section</i>	<i>Code Section</i>
36-7-9-1 et seq.	150.02
36-7-9-2	150.02
36-7-9-4	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
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36-7-14-1 et seq.	31.15
36-7-14.5	31.31
36-7-14.5-1	31.31
36-8-2-3	91.01, 91.99
36-8-16-1 et seq.	91.02
36-8-16-3	32.04
36-8-16-6	91.02
36-9-13-5	31.30
36-9-14.5	35.03
36-9-27	152.060, 152.078
36-9-30	50.01
36-9-30-12	50.01
36-9-30-35	53.99

PARALLEL REFERENCES / REFERENCES TO 1986 CODE OF ORDINANCES

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
4-1-4-2	30.11
5-1-4-4	31.32
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
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8-17-5-13	31.75 - 31.77
8-17-9-1	70.04, Ch. 71, Sch. II">Ch. 71, Sch. III">Ch. 71, Sch. III

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<i>1986 Code Section</i>	<i>2002 Code Section</i>
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8-22-2-1	31.60 - 31.63
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9-4-1-125	70.02
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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
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13-9.5-4-6(b)	50.11
13-9.5-4-6(c)	50.13
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<i>1986 Code Section</i>	<i>2002 Code Section</i>
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16-12.1-4-4	35.04
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16-19-3-5	52.15 - 52.26, 52.28 - 52.33
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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
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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

Whitley County, IN, Code of Ordinances

<i>1986 Code Section</i>	<i>2002 Code Section</i>
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36-2-2-6	30.02
36-2-2-10	30.03
36-2-2-24	30.12
36-2-3-4	30.04
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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
36-7-4-600, 101	153.001

Whitley County, IN, Code of Ordinances

<i>1986 Code Section</i>	<i>2002 Code Section</i>
36-7-4-600, 103	153.002
36-7-4-600, 104	153.003
36-7-4-600, 105	153.004
36-7-4-600, 106	153.005
36-7-4-600, 201	153.025
36-7-4-600, 202	153.026
36-7-4-600, 203	153.027
36-7-4-600, 204	153.028
36-7-4-600, 205	153.029
36-7-4-600, 206	153.030
36-7-4-600, 207	153.031
36-7-4-600, 208	153.050
36-7-4-600, 209	153.032
36-7-4-600, 210	153.033
36-7-4-600, 211	153.034
36-7-4-600, 212	153.035
36-7-4-600, 213A	153.065
36-7-4-600, 213B	153.066
36-7-4-600, 213C	153.067
36-7-4-600, 213D	153.068
36-7-4-600, 213E	153.069

Whitley County, IN, Code of Ordinances

<i>1986 Code Section</i>	<i>2002 Code Section</i>
36-7-4-600, 213F	153.070
36-7-4-600, 213G	153.071
36-7-4-600, 213H	153.072
36-7-4-600, 213I	153.073
36-7-4-600, 213J	153.074
36-7-4-600, 213K	153.075
36-7-4-600, 213L	153.076
36-7-4-600, 213M	153.077
36-7-4-600, 213N	153.078
36-7-4-600, 301	153.090
36-7-4-600, 302	153.091
36-7-4-600, 303	153.092
36-7-4-600, 304	153.093
36-7-4-600, 305	153.094
36-7-4-600, 306	153.095
36-7-4-600, 307	153.096
36-7-4-600, 308	153.097
36-7-4-600, 309	153.098
36-7-4-600, 310	153.099
36-7-4-600, 311	153.100
36-7-4-600, 401	153.150

Whitley County, IN, Code of Ordinances

<i>1986 Code Section</i>	<i>2002 Code Section</i>
36-7-4-600, 402	153.151
36-7-4-600, 403	153.999
36-7-4-600, 404	153.152
36-7-4-600, 500	153.115
36-7-4-600, 502	153.116
36-7-4-600, 503	153.117
36-7-4-600, 504	153.118
36-7-4-600, 505	153.119
36-7-4-600, 506	153.120
36-7-8-2	150.20 - 150.37, 150.98
36-7-8-7	150.01
36-7-9-1	150.02
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

Whitley County, IN, Code of Ordinances

PARALLEL REFERENCES / REFERENCES TO RESOLUTIONS

REFERENCES TO RESOLUTIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</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 - 152.098, 153.011
–	10-8-68	31.02
–	9-30-74	31.32
–	12-1-75	153.010
–	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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
90-02	2-13-90	31.01
R-91-04	8-19-91	35.03
R-92-11	11-2-92	35.05
R-93-06	9-7-93	153.011
R-94-02	1-17-94	150.01

PARALLEL REFERENCES / REFERENCES TO ORDINANCES

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R-70	--	T.S.O. IV
R-76	--	T.S.O. IV
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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
–	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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
–	2-11-50	Ch. 71, Sch. I
–	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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
–	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, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
–	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
1-1965	7-6-65	153.008
–	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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
–	12-23-68	T.S.O. II
–	5-5-69	32.06
1-1969	9-3-69	52.15 - 52.26, 52.28 - 52.33
R-3	10-6-69	T.S.O. IV
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
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

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		- 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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
–	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
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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
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 - 150.37, 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 - 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 - 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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
–	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
1984-6	11-19-84	150.20 - 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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
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 - 152.098, 153.011
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, 153.010
—	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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
–	1-4-88	T.S.O. II
88-1	3-21-88	150.20 - 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
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

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
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-93-2	1-21-93	35.02
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, 31.46, 32.01, 32.04, 32.06, 33.02 - 35.05, 50.10 - 50.15, 52.01, 52.02, 90.01, 90.04, 91.01, 91.02, 91.99, 153
O-95-5	2-1-93	35.06

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5-1993	2-1-93	153.008
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 - 150.37, 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
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
O-93-24	12-6-93	153.007
93-23	12-6-93	T.S.O. III
991-93	12-6-93	153.010
–	12-20-93	T.S.O. II

Whitley County, IN, Code of Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
93-25	12-20-93	T.S.O. III
88-1-94	1-17-94	150.20 - 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 - 150.37, 150.98

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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
95-11	--	153.051 - 153.054
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
96-09	7-15-96	153.033
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 - 150.37, 150.98, 153.01, 153.010
97-01	1-20-97	Ch. 71, Schs. I, III
97-02	3-3-97	T.S.O. IV

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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
97-08	5-19-97	153.032
97-09	5-19-97	T.S.O. III
97-10	5-19-97	153.032
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 - 51.12
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

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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
99-09	7-6-99	153.033, 153.091, 153.101
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
1999-15	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
2000-01	1-3-00	153.006, 153.032, 153.102

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2000-02	4-17-00	111.01 - 111.10, 111.25 - 111.34
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

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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
2003-06	3-03-03	153.130 - 153.141, 153.999
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
2004-01	1-20-04	31.46
2004-03	3-17-04	35.08
2004-04	4-5-04	153.103
2004-05	8-16-04	35.07
2004-07	9-7-04	153.033
2004-09	11-1-04	35.10
2004-11	11-15-04	153.007
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, 36.3
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

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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
2006-11	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	153.006, 153.036
2007-08	5-8-07	32.04
2007-20	11-5-07	32.05
2008-01	1-7-08	70.04
2008-05	4-7-08	51.01 - 51.12
2008-07	8-4-08	31.04
2009-01	4-6-09	153.067, 153.070
2010-01	2-1-10	T.S.O. IV

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2010-04	4-5-10	153.032
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
2011-04	4-1-11	52.15 - 52.33, 52.99