

STEUBEN COUNTY, INDIANA

CODE OF ORDINANCES

2021 S-15 Supplement contains:

Local legislation current through Ord. 949, passed 9-7-2021; and
State legislation current through 2021 Indiana Legislative Service, Pamphlet No. 3

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ORDINANCE 716

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR STEUBEN COUNTY, INDIANA, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECT EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, the present general and permanent ordinances of the political subdivision are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Indiana empower and authorize the political subdivision to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Legislative Authority of the Political Subdivision has authorized a general compilation, revision and codification of the ordinances of the Political Subdivision of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF STEUBEN COUNTY, INDIANA:

- Section 1. The general ordinances of the Political Subdivision as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of Steuben County, Indiana."
- Section 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles: See Attached.
- Section 3. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not 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 or ordinances levying taxes, appropriating money, annexing or detaching territory,

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establishing franchises, or granting special rights to certain persons, 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 subject not contained in or covered by the Code.

- Section 4. Such Code shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.
- Section 5. Such Code shall be in full force and effect as provided in Section 6, and such Code shall be presumptive evidence in all counts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.
- Section 6. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 6th day of May, 2002.

ATTEST:

Mayo Smith

Kim Koomler /s/
Steuben County Auditor

Rodney Wells /s/
Rodney Wells

Richard Dodge /s/
Richard Dodge

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CODE OF ORDINANCES
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Steuben County - Adopting Ordinance***TITLE IX: GENERAL REGULATIONS***

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ORDINANCE 756

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR STEUBEN COUNTY, INDIANA, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECT EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, the present general and permanent ordinances of the political subdivision are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Indiana empower and authorize the political subdivision to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Legislative Authority of the Political Subdivision has authorized a general compilation, revision and codification of the ordinances of the Political Subdivision of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE
POLITICAL SUBDIVISION OF STEUBEN COUNTY, INDIANA:**

- Section 1. The general ordinances of the Political Subdivision as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the “Code of Ordinances of Steuben County, Indiana.”
- Section 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles: See Attached.
- Section 3. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not 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 or ordinances levying taxes, appropriating money, annexing or detaching territory,

Steuben County - Adopting Ordinance

establishing franchises, or granting special rights to certain persons, 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 subject not contained in or covered by the Code.

- Section 4. Such Code shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.
- Section 5. Such Code shall be in full force and effect as provided in Section 6, and such Code shall be presumptive evidence in all counts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.
- Section 6. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 18th day of December, 2006.

ATTEST:

F. Mayo Sanders /s/
F. Mayo Sanders

Kim Koomler /s/
Steuben County Auditor

James A. Crowl /s/
James A. Crowl

Ronald L. Smith /s/
Ronald L. Smith

**STEUBEN COUNTY, INDIANA
CODE OF ORDINANCES
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- 150. Building Regulations; Construction*
- 151. Planning*
- 152. Zoning*
- 153. Floodplain Management*
- 154. Thoroughfare Standards*
- 155. Address Numbers and Sizes*

ORDINANCE 782

AN ORDINANCE ENACTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR STEUBEN COUNTY, INDIANA, AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2008 S-2 Supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana Code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE
POLITICAL SUBDIVISION OF STEUBEN COUNTY, INDIANA:**

- Section 1. That the 2008 S-2 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

COMMISSIONERS

Ronald L. Smith /s/
Ronald L. Smith

2009 S-3

ORDINANCE 788

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR STEUBEN COUNTY, INDIANA AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2009 S-3 Supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE
POLITICAL SUBDIVISION OF STEUBEN COUNTY, INDIANA:**

- Section 1. That the 2009 S-3 supplement to the Code of Ordinances of the Political Subdivision as Submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 16th day of November, 2009.

Steuben County - Adopting Ordinance

STEUBEN COUNTY BOARD OF COMMISSIONERS

F. Mayo Sanders /s/

F. Mayo Sanders

James A. Crawl /s/

James A. Crawl

Ronald L. Smith /s/

Ronald L. Smith

ATTEST: Pamela Coleman /s/
Pamela Coleman, Auditor

ORDINANCE 802

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR STEUBEN COUNTY, INDIANA AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2010 S-4 Supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE
POLITICAL SUBDIVISION OF STEUBEN COUNTY, INDIANA:**

- Section 1. That the 2010 S-4 supplement to the Code of Ordinances of the Political Subdivision as Submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 1st day of November, 2010.

Steuben County - Adopting Ordinance

STEUBEN COUNTY BOARD OF COMMISSIONERS

F. Mayo Sanders /s/

F. Mayo Sanders

James A. Crawl /s/

James A. Crawl

Ronald L. Smith /s/

Ronald L. Smith

ATTEST: Pamela Coleman /s/
Pamela Coleman, Auditor

ORDINANCE 817

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR STEUBEN COUNTY, INDIANA AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2011 S-5 Supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE
POLITICAL SUBDIVISION OF STEUBEN COUNTY, INDIANA:**

- Section 1. That the 2011 S-5 supplement to the Code of Ordinances of the Political Subdivision as Submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 7th day of November, 2011.

Steuben County - Adopting OrdinanceFirst Reading: 11/07/2011Second Reading: 11/07/2011Third Reading: 11/07/2011

STEUBEN COUNTY BOARD OF COMMISSIONERS

Ronald L. Smith /s/

Ronald L. Smith, President

James A. Crowl /s/

James A. Crowl, Vice President

Loretta S. Smart /s/

Loretta S. Smart

ATTEST: Pamela Coleman /s/

Pamela Coleman, Steuben County Auditor

ORDINANCE 835

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR STEUBEN COUNTY, INDIANA AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2012 S-6 Supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE
POLITICAL SUBDIVISION OF STEUBEN COUNTY, INDIANA:**

- Section 1. That the 2012 S-6 supplement to the Code of Ordinances of the Political Subdivision as Submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 19th day of November, 2012.

Steuben County - Adopting OrdinanceFirst Reading: 11/19/2012Second Reading: 11/19/2012Third Reading: 11/19/2012**STEUBEN COUNTY BOARD OF COMMISSIONERS**Ronald L. Smith /s/

Ronald L. Smith, President, South District

James A. Cowl /s/

James A. Cowl, Vice President, Middle District

Loretta S. Smart /s/

Loretta S. Smart, North District

ATTEST: Pamela Coleman /s/

Pamela Coleman, Steuben County Auditor

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES FOR STEUBEN COUNTY,
INDIANA AND DECLARING AN EMERGENCY**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2013 S-7 Supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE
POLITICAL SUBDIVISION OF STEUBEN COUNTY, INDIANA:**

- Section 1. That the 2013 S-7 supplement to the Code of Ordinances of the Political Subdivision as Submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 30th day of December, 2013.

Steuben County - Adopting Ordinance

First Reading:

Second Reading:

Third Reading:

STEUBEN COUNTY BOARD OF COMMISSIONERS

Ronald L. Smith /s/

Ronald L. Smith, President, South District

James A. Cowl /s/

James A. Cowl, Vice President, Middle District

Loretta S. Smart /s/

Loretta S. Smart, North District

ATTEST: Pamela Coleman /s/

Pamela Coleman, Steuben County Auditor

ORDINANCE 878

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR STEUBEN COUNTY, INDIANA AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2015 S-9 Supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE
POLITICAL SUBDIVISION OF STEUBEN COUNTY, INDIANA:**

- Section 1. That the 2015 S-9 supplement to the Code of Ordinances of the Political Subdivision as Submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 19th day of January, 2016.

Steuben County - Adopting OrdinanceFirst Reading: 1-19-16Second Reading: 1-19-16Third Reading: 1-19-16

STEUBEN COUNTY BOARD OF COMMISSIONERS

Ronald L. Smith /s/

Ronald L. Smith, President, South District

James A. Cowl /s/

James A. Cowl, Vice President, Middle District

Lynne Liechty /s/

Lynne Liechty, North District

ATTEST: Kim Koomler /s/

Kim Koomler, Steuben County Auditor

ORDINANCE NUMBER 893

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR STEUBEN COUNTY, INDIANA AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2015 S-9 Supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF STEUBEN COUNTY, INDIANA:

- Section 1. That the 2016 S-10 Supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 17th day of January, 2017.

First Reading: 1-17-17

Second Reading: 1-17-17

Third Reading: 1-17-17

Steuben County - Adopting Ordinance**STEUBEN COUNTY BOARD OF
COMMISSIONERS**

Ronald L. Smith /s/
Ronald L. Smith, President, South District

James A. Cowl /s/
James A. Cowl, Vice President, Middle District

Lynne Liechty /s/
Lynne Liechty, North District

ATTEST: Kim Koomler /s/
Kim Koomler, Steuben County Auditor

ORDINANCE NUMBER 907

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR STEUBEN COUNTY, INDIANA AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2017 S-11 Supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF STEUBEN COUNTY, INDIANA:

- Section 1. That the 2017 S-11 Supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 5th day of February, 2018.

First Reading: 2-5-18
Second Reading: 2-5-18
Third Reading: 2-5-18

Steuben County - Adopting Ordinance

STEUBEN COUNTY BOARD OF COMMISSIONERS

Ronald L. Smith /s/

Ronald L. Smith, President, South District

James A. Cowl /s/

James A. Cowl, Vice President, Middle District

Lynne Liechty /s/

Lynne Liechty, North District

ATTEST: Kim Meyers /s/
Kim Meyers, Steuben County Auditor

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TABLE I: VACATIONS AND CLOSINGS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	11-5-34	Vacation of Barton Gold Road, Jackson Township
—	7-1-35	Vacation of Don Cole Road, Scott Township
—	1-6-36	Vacation of E.X. Croxton Highway
—	10-5-36	Vacation of Elmer Frederick Road, T36N, R14E, Otsego Township
—	4-5-37	Vacation of Guy Anderson Highway, S34, T36N, R13E, Jamestown Township
—	12-6-37	Vacation of Homer H. Locke Road, S30, T38N, R12E, Millgrove Township
—	6-6-38	Vacation of H. E. Wilbur Road, Otsego Township
—	10-3-38	Vacation of Snow Lake Road
—	8-7-39	Vacation of Frank A. Fast Road, S5, T37N, R13E
—	7-1-40	Vacation of Orland Mill Road
—	7-7-41	Vacation of Elmer Fredericks Road
—	12-1-47	Vacation of S11, T36N, R12E, Salem Township
—	2-6-50	Vacation of Wymond J. Hoyer Road, S2, T36N, R12E

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	2-7-55	Vacation of road in S14 and 15, T38N, R12E
—	2-7-55	Vacation of road in S17, Millgrove Township
—	2-7-55	Vacation of road in S15, Jamestown Township
—	2-7-55	Vacation of road in Scott Township
—	2-7-55	Vacation of road in S15, T38N, R12E, Millgrove Township
—	2-7-55	Vacation of road in S4, Scott Township
—	2-19-55	Vacation of road in S27, T38N, R13E, Jamestown Township
—	9-6-55	Vacation of Lloyd Haynes Road, Clear Lake Township
—	9-6-55	Vacation of Carl Kessler Road, Millgrove Township
—	11-7-55	Vacation of Russell L. Kuhlman Road, Millgrove Township
—	7-7-55	Vacation of part of Nathe Avenue, amended plat of Panama, Lake Gage, Millgrove Township
—	12-2-69	Vacation of Highway in Millgrove Township
—	9-2-75	Vacation of a 20-foot easement running along and between Lots 17 and 22 in Homeland Subdivision at Crooked Lake and Lot 1 in the plat of Crown Point at Crooked Lake
VE-76-1	6-7-76	Vacation of a four-foot walkway between Lots 46 and 47 in the John W. Orndorf's plat of Lone Point in Pleasant Township

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
VE-76-6	8-2-76	Vacation of a 15-foot easement located between Lots 1 through 11, also the 15-foot easement located between Lots 3, 4, 10, 11, 12 and 13; both easements in the Goodales Addition to Metz, T37N, R15E, S32
VE-76-5	8-2-76	Vacation of a four-foot walkway between Lots 52 and 53 in the John W. Orndorf's plat of Lone Tree Point in Pleasant Township
VE-76-11	12-20-76	Vacation of a ten-foot easement between Lots 3 through 6 in the original plat of Wildwood-By-The-Lake, Block 5, Second Addition, Big Turkey Lake, Salem Township
VE-76-12	12-20-76	Vacation of a four-foot walkway between Lots 17 and 18 in the John W. Orndorf's plat of Lone Tree Point, Pleasant Township
VE-76-14	12-20-76	Vacation of a four-foot walkway between Lots 62 and 63 in the John W. Orndorf's plat of Lone Tree Point, S4, T37N, R13E
VE-76-4	1-3-77	Vacation of an easement between Lots 21 and 22 in the Third Addition to Wildwood-By-The-Lake
VE-77-5	2-7-77	Vacation of property beginning at the southeast corner of Lot 772, thence west 135.44 foot along the south line of Lot 772, to the southwest corner of Lot 772, thence southeast 25 foot to the northwest corner of Lot 771, thence east 101.43 foot along the north line of Lot 771, thence north 30 foot to the point of beginning; all are located in Hamilton Lake Highlands, S28, T36N, R14

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
VE-77-6	2-7-77	Vacation of an area 16-foot by 130-foot between Lots 62 and 63, also between streets Maple and Broadway, and an area 60 foot by 130 foot being part of Summit Street between Lots 60 and 61 and also between Maple and Broadway Streets in the original plat of the Village of Steubenville, Steuben Township, S34
VE-77-7	2-7-77	Vacation of an alley 16-foot by 260-foot between Lots 100, 102, 101, 71, 70 and 69 and, also between Beaver and Maple Streets, in the original plat of the Village of Steubenville, Steuben Township, S34
VE-77-12	- -	Vacation of Lake Street between Lots 3 and 4 in the Weyburn Addition of the Village of Jamestown, beginning at the southeast corner of Lot 3 in Jamestown Village, south 49½-foot to the northeast corner of Lot 4, west along the north side of Lot 4 to the northwest corner of Lot 4, north 49½-foot to the southwest corner of Lot 3, east along the south side of Lot 3 to the point of beginning
VE-77-13	8-8-77	Vacation of that portion of William Street laying between Lots 16 and 21 in the amended plat of Panama at Lake Gage
VE-77-14	10-20-77	Vacation of a four-foot walkway between Lots 23 and 24 in the original plat of John Orndorf's Lone Tree Point
VE-78-8	11-6-78	Vacation of a four-foot walkway between Lots 50 and 51 in the original plat of John Orndorf's Lone Tree Point

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
VE-79-1	3-15-79	Vacation of one block of Wayne Street in Steubenville between Broadway and Railroad Streets; beginning at the northeast corner of Lot 30, thence east on the south line of Broadway to the northwest corner of Lot 31, thence south on the west line of Lots 31 and 34 to the north line of Railroad Street, thence west on the north line of Railroad Street to the southeast corner of Lot 5, thence north on the east lines of Lots 5 and 30 to the point of beginning
VE-79-2	4-2-79	Vacation of a 20-foot by 30-foot roadway in Youngs Grove Addition at Crooked Lake
VE-81-2	9-8-81	Vacation of the 20-foot roadway between Lots 22 through 34 inclusive in the plat of Forest Park, Lake George
566	12-7-81	Vacation of a roadway between Lots 22 through 34, inclusive, plat of Forest Park, Lake George
VE-83-1	4-2-84	Vacation of a strip of ground 20-foot by 40-foot between Lot 21 and Tract A at Forest Park, Second Addition to Lake George
VE-84-1	8-6-84	Vacation of a tract between Lot 1, First Addition to Wildwood and Lot 11, Block 20, Wildwood-by-the-Lake, Salem Township, Big Turkey Lake
VE 84-2	8-6-84	Vacation of an easement between Lots 1 and 4, Block 6 and Lots 1 through 4, Block 7; part of Ash Street between Lots 2, 3 and 6 in Block 6 and Lots 1, 4 and 5 in Block 7, Side Lake Park, Big Turkey Lake, subject to utility easements

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
VE-85-1	4-1-85	Vacation of Lots 22 through 26 and 30, Fourth Addition to Shady Nook Resort
VE-85-2	6-17-85	Vacation of Lots 22 through 26 and 30, Fourth Addition to Shady Nook Resort on Line Lake
VE-85-3	8-19-85	Vacation of property
VE-85-4	8-19-85	Vacation of property
VE-86-1	1-6-86	Vacation of property
VE-86-1	1-6-86	Vacation of an easement between Lot 5, Block 4 and Lot 24, Block 3, original plat of Wildwood-by-the-Lake, S18, Salem Township
VE-86-3	4-7-86	Vacation of an easement between Lots 12 and 13, Lots 12 and 18, original plat of Homeland Subdivision, Crooked Lake, S8, Pleasant Township
VE-86-	5-5-86	Vacation of an easement, I-69 and U.S. 20, S28, Pleasant Township
VE-86-6	1-5-87	Vacation of an easement between Lots 5 and 22; Block 3, Lot 5, Block 3 and Lot 5, Block 4; Wildwood Second Addition, S7, Salem Township
599	5-18-87	Vacation of an alley between Lot 10, Shady Nook Plat and Lot 10, Shady Nook Plat #3, S34, Millgrove Township
VE-86-5	7-6-87	Vacation of an easement between Lots 50 and 51, Lone Tree Point Addition
VE-86-8	7-6-87	Vacation of part of Lake Shore Drive, Sunny Slope Plat

Vacations and Closings

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
VE-86-9	7-6-87	Vacation of part of Perch Drive, Lots 41, 42 and 61, Sunny Slope Plat
600	9-21-87	Vacation of an alley between Lots 9 and 10, Lone Tree Point
601	10-19-87	Vacation of an alley between Lot 9, Plat 1, Shady Nook Resort and Lot 9, Plat 3, Shady Nook Resort
VE-88-1	1-17-89	Vacation of a part of Lakeview Drive, Leo's Point Addition to Jimmerson Lake, S32, Jamestown Township
611	7-3-89	Vacation of a part of Lakeview Drive, Leo's Point Addition
612	7-3-89	Vacation of parts of Elm Street, Summit Street and adjacent alleys, Town of Steubenville
615	10-16-89	Vacation of an easement, Lot 27, Green Lake Resort, Jackson Township
622	12-17-90	Vacation of a part of Summit Street and Wayne Street, Steubenville
VE-91-2	9-17-91	Vacation of miscellaneous streets and lots, Steubenville
VE-92-4A	5-18-92	Vacation of an easement between Lots 12, 13, 16 and 17, Block 2, Third Addition to Wildwood-by-the-Lake, Big Turkey Lake, Salem Township
VE-93-1	3-15-93	Vacation of an easement between Lots 60 and 61, Lone Tree Point, S4, Pleasant Township
VE-92-1	4-5-93	Vacation of an easement between Lots 22 and 23, original plat, Pleasant Lake, Steuben Township

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
VE-92-2	4-5-93	Vacation of an easement between Lots 11 through 14, Block 5, Second Addition to Wildwood-by-the-Lake, Big Turkey Lake, Salem Township
VE-92-4	4-5-93	Vacation of an easement between Lots 10, 11, Lots 18 and 19, Block 2, Third Addition to Wildwood-by-the-Lake, Big Turkey Lake, Salem Township
VE-92-5	4-5-93	Vacation of an easement between Lots 4 and 5, Boyer's First Addition, Walkway on West Otter Lake, S29, Jackson Township
VE-92-6	4-5-93	Vacation of an easement between Lots 8, 9, 20 and 21, Block 5, Second Addition to Wildwood-by-the-Lake, Big Turkey Lake, Salem Township
VE-92-8	4-5-93	Vacation of an easement between Lots 5 and 8, Block 3, Third Addition to Wildwood-by-the-Lake, Big Turkey Lake, Salem Township
VE-92-11	4-5-93	Vacation of an easement in Lot 2, Block 10, and Lot 1, Block 11, Wildwood-by-the-Lake, Big Turkey Lake, Salem Township
VE-92-12	4-5-93	Vacation of an easement between Lots 8 and 9, Pebble Beach, Crooked Lake, S16, Pleasant Township
VE-92-14	4-5-93	Vacation of an easement between Lots 10 and 11, Block 4, Second Addition to Wildwood-by-the-Lake, S7, Salem Township
VE-93-2	4-5-93	Vacation of property east 30 feet of Lots 18 through 62, and designated Park Area, secondary plat of Phillips Bay Village, S33, Jamestown Township

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
649	4-5-93	Final action by Board of Commissioners on Certification by Plan Commission on requested vacations: VE-92-1; VE-92-2; VE-92-4; VE-92-5; VE-92-6; VE-92-8; VE-92-11; VE-92-12; VE-92-14 and VE-93-2
VE-93-4	4-19-93	Vacation of a ten-foot easement between Lots 10 and 11, Block 9, Wildwood-by-the-Lake, S7, Salem Township
VE-93-5	5-17-93	Vacation of a 15-foot public alley on east property line of Lots 4 through 6, Clementine Stroman's Addition to Town of Helmer, S32, Salem Township
VE-93-6	5-17-93	Vacation of a 35-foot public alley located between Lots 51 and 52 and 25-foot public alley located between Outlot 25 and Lots 52 through 54 and Lot 12, original plat of Pleasant Lake, S15, Steuben Township
VE-93-7	6-7-93	Vacation of an easement between Lots 39 and 39, Lone Tree Point, Lake James, S4, Pleasant Township
VE-93-8	7-6-93	Vacation of a private lake easement between Lots 38 and 39, Second Addition to Lake Charles Estates, S34, Jamestown Township
VE-93-9	7-19-93	Vacation of a 16-foot platted roadway located between north half of Lot 16, part of Lot 17, Second Addition to Uncle Tom's Plat and the .15 acre parcel north of Lot 1 in the Second Addition to Uncle Tom's Plat, S33, Jamestown Township

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
657	8-16-93	Vacation of a 25-foot platted roadway between Lots 33 through 35, Lone Tree Point and Lots 125, 154 and 155, First Addition to Lone Tree Point, S4, Pleasant Township, subject to landowners deeding land for roadway back to Landowners Association after vacation adopted
3008	11-1-93	Vacation of a 20-foot platted roadway on north side of Lots 30 32, First Addition of Glen Eyre Beach, Lake James, S3, Pleasant Township
VE-93-14	12-6-93	Vacation of a 30-foot platted roadway between Lots 129 and 141 and adjacent to southeast line of Lot 140, Brown-Wall Grove Subdivision, S19, Millgrove Township
3010	5-23-94	Vacation of a ten-foot platted drive between Lots 8 through 10, Block 11, First Addition, Wildwood-By-The Lake, S7, Salem Township
VE-94-4	6-20-94	Vacation of a public way in the northwest quarter of the southeast quarter, S29, T37N, R12E, Jackson Township
3012	7-18-94	Vacation of a ten-foot easement between East Magnolia Street and Tulip Street, Block 5, Second Addition to Wildwood-by-the-Lake, S7, Salem Township
3013	7-18-94	Vacation of a ten-foot easement between East Magnolia Street and Peach Street, Block 4, Second Addition to Wildwood-by-the-Lake, S7, Salem Township
VE-94-8	8-15-94	Vacation of a ten-foot easement between CR 300 South and Lane 110 Turkey Lake, Block 1, and 15 foot easement between Park Drive and Hillside Park, First Addition to Wildwood-by-the-Lake, S7, Salem Township

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
VE-94-10	10-11-94	Vacation of a part of Private Beach Drive, First Addition to Lake Charles Estates; 10 foot platted roadway between Pine Street and Spruce Street, Block 20, Wildwood-by-the-Lake, S7, Salem Township
3016	1-17-95	Vacation of a 45-foot platted roadway in Village of Ray, S13, Fremont Township
3017	4-3-95	Vacation of a 20-foot platted roadway in Morley's Snow Lake Plat, extended and amended, S21, Jamestown Township
3018	4-17-95	Vacation of 20 feet of a 35-foot platted roadway in Buena Vista Park, S32, Jamestown Township
3019	5-15-95	Vacation of a platted roadway in First Addition to Boyer's Second Subdivision at Otter Lake, S29, Jackson Township
3020	5-15-95	Vacation of a platted alley in Second Addition and replat to Red Sand Beach, Lake James, S3, Pleasant Township
3022	6-19-95	Vacation of a platted alley in Block 6 of Wildwood-by-the-Lake, S7, Salem Township
3021	6-26-95	Vacation of a platted roadway between the plat of Snow Lake Park and Sleepy Hollow Subdivision, S21, Jamestown Township
3023	7-17-95	Vacation of platted alleys and dead-end platted roadway in Block 7 and Block 10, Wildwood-By-The-Lake, S7, Salem Township
3024	8-7-95	Vacation of platted alleys in Third Addition, Wildwood-By-The-Lake, S7, Salem Township

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3025	10-2-95	Vacation of platted alleys in Blocks 12 and 19, Wildwood-By-The-Lake, S7, Salem Township and platted alley in First Addition to Folck's Subdivision, S7, Pleasant Township
3026	10-2-95	Vacation of platted alleys in Blocks 12 and 19, Wildwood-By-The-Lake, S7, Salem Township and platted alley in First Addition to Folck's Subdivision, S7, Pleasant Township
3027	10-2-95	Vacation of platted alleys in Blocks 12 and 19, Wildwood-By-The-Lake, S7, Salem Township and platted alley in First Addition to Folck's Subdivision, S7, Pleasant Township
672	11-6-95	Vacation of part of CR 100 South east of CR 800 West, northwest quarter, S27 and S34, Jackson Township
3028	11-20-95	Vacation of a platted alley in Wildwood-By-The-Lake, Third Addition, S7, Salem Township; a platted alley in Block 4, Second Addition to Wildwood-By-The-Lake, S7, Salem Township; a platted roadway in Schaftners Subdivision, S8, Steuben Township; and part of Delpha's Subdivision on Jimmerson Lake, S32, Jamestown Township
—	11-27-95	Vacation of CR 203 (Lane 650BB Snow Lake, Deer Island Road), .25 miles
3030	3-4-96	Vacation of a 40-foot platted roadway abutting the southern boundary line of Lots 5 and 6, First Addition to Folck's Subdivision, S7, Pleasant Township
3031	3-4-96	Vacation of a tract of land adjacent to Lots 18 and 19 in the First Addition to Uncle Tom's plat

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3032	3-4-96	Vacation of a four-foot platted easement, located between Lots 36 and 37, Lone Tree Point, S4, Pleasant Township
3033	7-29-96	Vacation of a platted public way bounded by Lot 107 on the north and Lots 110 and 111 on the south, SD, Indian Hills Subdivision at Lake Arrowhead, S33, Jackson Township
678	8-19-96	Vacation and closing of a portion of CR 250 East
VE-96-07	9-16-96	Vacation of the platted public way bounded on the west and the north by Lots 8 and 9, on the south by Lots 15 and 16 and on the east by Lots 7 and 17, Block 2, unrecorded plat of North Wildwood, in part of the northwest quarter pf S7, Salem Township
VE-97-01	5-15-97	Vacation of a 20-foot platted public way abutting Lots 6, 7 and 8, Crown Point Addition to Crooked Lake, S8, Pleasant Township
VE-97-02	5-15-97	Vacation of a ten-foot platted public way bounded on the west by Lot 17 and on the east by Lot 16, Block 1, Third Addition, Wildwood-by-the-Lake, S7, Salem Township
VE-97-04	5-15-97	Vacation of a 50-foot platted public way bounded on the west by Lot 2 and on the east by Lot 3, West Park Meadows, S16, Pleasant Township
3036	10-17-97	Vacation of a 20-foot platted public way; a ten-foot public way; a 30-foot public way; a ten-foot public way; a ten-foot public way; a ten-foot public way; and a four-foot public way

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3037	12-1-97	Vacation of a 20-foot platted public way located between Lot 8 of Shady Nook Resort plat 3 and Lot 8 of Shady Nook Resort plat 1; and a 12-foot platted public way located between Lots 48 and 49 of the original plat of Pleasant Lake
3038	12-18-97	Vacation of a ten-foot platted public way located between Lots 18 and 19 of Block 4, Second Addition to Wildwood-by-the-Lake, S7, Salem Township
3039	1-15-98	Vacation of a ten-foot platted public way located between Lots through 8, Block 15, Wildwood-by-the-Lake, S7, Salem Township
3040	5-21-98	Vacation of a four-foot platted public way located between Lots 40 and 41, Lone Tree Point; a 12-foot platted public way located adjacent to Lots 29 through 38, First Addition to Lake James Park; and a 15-foot platted public way located between Lots 12 and 13, Green Lake Resort
3041	6-17-98	Vacation of a 30-foot platted public way, commonly known as Van Buren Street; and a 70-foot platted public way, bounded on the northwest by Lots 20 and 21 of the Village of Ray and on the southeast by the right-of-way of the Indiana Northeastern Railroad Company
3042	7-6-98	Vacation of a ten-foot platted public way located between Lots 4 and 5 of Block 2, Third Addition to Wildwood-by-the-Lake, S7, Salem Township; and a ten-foot platted public way located between Lots 19 through 22, Second Addition to Wildwood-by-the-Lake, S7, Salem Township

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3044	10-22-98	Vacation of a 40-foot platted public way in the plat of Meadow Shores Park bounded by Lots 78, 83 and 84 on the north, Lots 75 and 77 on the south, by the western line of Lot 77 extended to the north on the west and by the eastern line of Lot 78 extended to the south on the east
3045	10-22-98	Vacation of a ten-foot platted public way bounded by Lots 3 and 4 of Block 10 on the west and by Lots 5 and 6 of Block 10 on the east, Second Addition to Wildwood-by-the-Lake, S7, Salem Township
3046	12-7-98	Vacation of a 40-foot platted public way bounded by Lots 66 and 67 of Meadow Shores Park on the north and by Lots 64 and 65 of Meadow Shores Park on the south, S7, Salem Township
3047	2-18-99	Vacation of a 12-foot platted public way located at 1280 W. State Street, between Lots 42 and 43 in the original plat of the Village of Pleasant Lake, S15, Steuben Township
3049	3-18-99	Vacation of a 16-foot platted public way located at 1610 W. Knight Street, Pleasant Lake, bounded on the west by Lot 54 and on the east by Lot 55 of Gilbert's Addition, S15, Steuben Township
3050	4-15-99	Vacation of a ten-foot platted public way located at 10412 W. 350 S, between Lots 5 through 9 of the Third Addition to Wildwood-by-the-Lake, S7, Salem Township
3051	5-24-99	Vacation of the platted ways bounded on the west by Lots 7 and 10 of Block 9 and on the east by Lots 4 and 5 of Block 8, Village of Jamestown, S15, Jamestown Township

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3052	4-15-99	Vacation of a 30-foot platted public way bounded on the north by Lots 398 through 405 and on the south by Lots 406 through 413 of the Third Addition to Kidney's Landing, S6, Pleasant Township
3053	5-24-99	Vacation of the 40-foot platted public way bounded on the north by Lot 29 and on the south by Lots 15 through 17 of the Second Addition to Lake Charles Estates, S34, Jamestown Township, except for the eastern 40 feet abutting LN 200 Lk Charles West
3054	10-21-99	Vacation of a 20-foot platted public way located between Lots 25 and 26, Old Ford Plat, S4, Pleasant Township
3055	10-21-99	Vacation of three ten-foot platted public ways located between Lots 10, 11, 18, 19, 8, 9, 20, 21, 6, 7, 22 and 23 in Block 1 of the Third Addition of Wildwood-by-the-Lake, S7, Salem Township; two 16-foot platted public ways located between Lots 41, 56, 40 and 57 and between Lots 39, 58, 38 and 59 of Gilbert's Addition, S15, Steuben Township; a ten-foot platted public way bounded by Lots 37 and 25 on the west and Lot 38 and O.L. 14 on the east in the original plat of Pleasant Lake; the ten-foot platted public way located between Lots 10 and 11 of Block 20, First Addition to Wildwood-by-the-Lake, S7, Salem Township; and the 30-foot platted public way bounded on the west by Lots 100 and 101 and on the east by Lots 98 and 99, original plat of Kidney's Landing, S7, Pleasant Township
3056	12-16-99	Vacation of the platted public way adjacent and bounded on the east by Lot 17 of the Fourth Addition to Shady nook Resort on Lime Lake, S35, T38N, R12E, Millgrove Township

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3057	12-16-99	Vacation of the 20-foot platted public way located between Lots 86A and 88A of the unrecorded plat of Lake George beach, in the northwest quarter of the southwest quarter of S14, Jamestown Civil Township
3058	3-6-00	Vacation of the public way known as John Croxton Road, a 40-foot right-of-way and a parcel of land .09 acres
3059	4-20-00	Vacation of the ten-foot public way located in part of the northwest quarter of the southeast quarter of S29, T37N, R12E, Jackson Civil Township
3060	5-23-00	Vacation of the ten-foot platted public way located at 95 LN 120 Turkey Lake and bounded on the west by Lot 9, Block 12, and on the east by Lot 6, Block 12, and a ten-foot platted public way located near 40 LN 117 Turkey Lake, bounded on the west by Lots 7 and 8 and on the east by Lots 5 and 6 of Block 10; both in Wildwood-by-the-Lake, S7, Salem Township
3061	9-21-00	Vacation of several platted public ways located in S7 and S23, Salem Township
3062	12-21-00	Vacation of a public way described as the easement bounded on the west by Lot 6, on the east by Lot 10 and on the north by Lot 11 of Gerig's Subdivision, S28, Jamestown Township
3063	2-15-01	Vacation of a platted public way bounded on the northwest by Lot 9 of the original plat of Red Sand Beach and on the southeast by Lot 8 of the original plat, S3, Pleasant Township

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3064	7-19-01	Vacation of public way located between LN 274 and LN 275 Crooked Lake and bounded on the North by Lots 286, 287, 289, 291 and 297 and on the South by Lots 292, 293 and 296
3065	7-19-01	Vacation of public way bounded on the North by Lot 26 and on the South by Lot 25 in Third Addition to Plat of Helmer, Salem Township
3066	7-19-01	Vacation of 12-foot public way extended to Bay View Road bounded on the West by Lot 51 of Old Ford Plat and on the East by Lot 50 of Old Ford Plat, Pleasant Township
3067	7-19-01	Vacation of 16-foot public way bounded on East by Lots 9 through 18 of the Original Plat of Roby Place, Jamestown Township
3068	10-18-01	Vacation of 25-foot public way bounded on the South by Lots 68 through 77 of the First Addition to Gleneyre Beach. The northern 12 ½ feet are located in Jamestown Township and the southern 12 ½ feet are located in Pleasant Township
3069	10-18-01	Vacation of ten-foot public way bounded on the West by Lots 11 through 14 and on the East by Lots nine and ten in Block 16, Salem Township
3070	10-18-01	Vacation of public way bounded on West by Lot 10 and on the East by Lot 9 of the Original Plat of Collins Addition, Jamestown Township
3071	11-19-01	vacation of 20-foot public way abutting the Northern property lines of Lots 51 and 52 and the Western 38 feet of Lot 50 in the Second Addition to Forest Park on page 159 of Plat Book 1

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3071	11-19-01	Corrective document adding the word Beach to Second Addition of Forest Park
3072	12-6-01	Vacation of 15-foot by 100-foot public alley located between the southern property line of Lot 432 and the northern property line of Lots 430 and 431 of the Third Addition to Kidney's Landing, Pleasant Township
3073	2-4-02	Vacation of ten-foot public way located between Lots 12, 17 and 13, 16 of Block 2, Third Addition to Wildwood-by-the-Lake, Salem Township (Confirmation of Certification of VE-92-4A)
3074	3-7-02	Vacation of 20-foot public way located between Lot 1 of Hillside Park in the First Addition of Wildwood-by-the-Lake and Lot 11, Block 20 of Wildwood-by-the-Lake, Salem Township
3075	3-14-02	Vacation of cul-de-sac adjacent to the southeast corner of Tract 14 in the unrecorded Plat of Tanglewood Estates, Jamestown Township
3076	5-6-02	Vacation of 70-foot section of the 20-foot platted public way located between Lots 21 and 22 of the Second Addition to Forest Park, Section 12, Jamestown Township
3077	7-1-02	Vacation of a portion of the platted public way, known as Third Street, bounded on the west by Lots 1, 4 and 5 of Block 6 and bounded on the east by Lots 2, 3 and 7 of Block 7 of the Original Plat of Jamestown, Section 15 of Jamestown Civil Township
3078	7-18-02	Vacation of the unused portion of the 50 foot platted public way, located on Lots 7 and 8 of Delpha's Subdivision and on Lots 2, 3, 4, 5, 6 and 7 of the First Addition of Delpha's Subdivision, in part of the E/2 of the NW/4 of Section 5, Pleasant Township

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3079	8-15-02	Vacation of the 10-foot platted public way located near 55 LN 135 Big Turkey Lk, which is described as between Lots 7 and 8 and Lots 9 and 10, Block 5, Second Addition to Wildwood By the Lake, Section 7, Salem Township
3080	8-15-02	Vacation of the southern 20 feet of the 60-foot platted public way bounded and adjacent to Lot 19 on the south and the 14-foot platted public alley located between Lots 15 and 16 and that portion bounded and adjacent to Lots 19, 18, 17 and 16 of the Original Plat of Helmer, Section 32, Salem Township
3081	10-7-02	Vacation of the 10-foot platted public way located between Lots 1 and 4 of Block 14, Wildwood By the Lake, Section 7, Salem Township and the 50-foot platted public way bounded on the south and adjacent to Lot 20 of Chippewa Beach, Section 21, Clear Lake Township
214	10-14-02	Vacating a portion of an unimproved alley within the Town of Orland
3082	1-17-03	Vacation of the 4-foot platted public way located between Lots 11 and 12 of Lone Tree Point, Section 4, Pleasant Township
3083	2-21-03	Vacation of the 40-foot platted public way bounded on the south by Lot 56, and on the north by Lot 57 and the east 35 feet of Lot 58 of the Second Addition to Sellers Shady Shores
3084	3-20-03	Vacation of the 11-foot platted public way bounded on the southeast by Lot 9 and on the northwest by Lot 13 of Shady Nook Resort Plat No. 3 and subdivision of Lot 25 Plat No. 1

Vacations and Closings

22A

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3085	3-20-03	Not vacating the 30-foot platted public way bounded on the west by Lot 319 and on the east by Lots 317, 318 and 526 of the Second Addition to Kidney's Landing, Section 7, Pleasant Township
3086	9-18-03	Vacating a platted parking area within the First Addition to Gleneyre Beach, Lake James
3087	12-1-03	Vacating a portion of Ottawa Drive in the Original Plat of Chippewa Beach on Lake Anne
3088	11-24-03	Vacating a gravel roadway in the Second Addition of Seller's Shady Shores
3089	10-15-04	Vacating a 30-foot wide easement lying between Lot 4 and Lot 5 in the Original Plat of Pleasant Shores Subdivision on Lake Pleasant
3090	10-15-04	Vacating a 4-foot platted walkway easement lying between Lots 7 and 8 in the Plat of Lone Tree Point at Lake James
3091	11-1-04	Vacating the 14-foot perimeter utility easement bordering the side and rear of Lot 62, Country Club Estates Extended, Section 1
3092	11-18-04	Not vacating the platted alley ways located between Lot 25 and Lot 26 between Lot 23 and Lot 24 and between Lot 21 and 22, within Rose Lawn First Addition, Section 8, Pleasant Township
3093	2-24-05	Vacating a part of a public right-of-way as shown on the recorded plat of Shady Nook Resort
3094	5-2-05	Vacating a part of the south one-half of the fractional northeast quarter of Section 3, Township 37 North, Range 13 East (Pleasant Civil Township)

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3095	6-6-05	Vacating the platted roadway bordering the real estate located at 6930 West South Lake Gage Drive
3096	8-18-05	Vacating a part of the plat of Eagle Island, including a part of the private roadway known as Lane 650 BG
3097	3-20-06	Vacating a platted 10-foot lane located between Lots 71 and 72, 104 and 105, 136 and 137 in the Original Plat of Fox Lake Plat
3098	12-18-06	Vacating a platted five foot alley located between Lots 102 and 103 together with a strip of land lying between Lot 122 in Glenway Addition to Glen Eden Springs formerly used as an alley/walkway
3099	1-16-07	Vacating a 25 foot platted roadway in the plat of Southside Plat at Lake Gage
3100	3-19-07	Vacating an eight foot platted alley adjacent to Lots 11 and 12 of the original plat of Red Sand Beach
3101	4-2-07	Vacating a portion of Steuben County Road 350 North
3102	6-18-07	Vacating a platted way beginning at the northeast corner of Lot 3, Harbour Island
3103	8-6-07	Vacating a part of the northeast quarter of the southeast quarter of Section 8, Township 37 North, Range 13 East
3104	3-17-08	Vacating a portion of Lane 200 East, Lake James
3105	5-5-08	Vacating the street, lane or public way known as Edgewater Lane, Lake Gage

Vacations and Closings

22C

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3106	5-5-08	Vacating a part of the Southeast Quarter of Section 4, Township 37 North, Range 13 East
3107	6-20-08	Vacating a portion of Lot 1 in the original plat of Landis Hills
3108	12-18-08	Vacating what is commonly known as the turn around on Lake Pleasant in the original plat of Pleasant Shores Addition
3109	4-6-09	Vacating a part of the Southeast Quarter of Section 8, Township 37 North, Range 13 East
3110	12-11-09	Vacating Tract 2 of the original plat of Fast's Subdivision on Jimmerson Lake, part of the northeast quarter of Section 5, Township 37 North, Range 13 East, Pleasant Township
3111	12-21-09	Vacating an alley, 20 feet wide, between Lots 1, 2 and 3 in Block 8, and Lots 4 and 5 in Block 8, Wildwood by the Lake Second Addition
3112	12-21-09	Vacating an alley, 10 feet wide, between Lots 13 and 14 in Block 7, Wildwood by the Lake Second Addition
3113	12-21-09	Vacating part of the southeast fractional quarter of Section 8, Township 37 North, Range 13 East, and being a portion of the 20-foot wide platted roadway as shown on the Plat of Crown Point Addition at Crooked Lake
3114	4-19-10	Vacating a platted walkway easement, being four feet in width, lying between Lots 5 and 6 as shown on John W. Orndorf's Plat of Lone Tree Point at Lake James
3115	6-7-10	Vacating a public way, a parcel of land being part of the north half of Section 14, Township 38 North, Range 13 East, Jamestown Township

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
VE-10-01	8-16-10	Vacation of several lots in Snow Lake Park Subdivision
3116	11-15-10	Vacation of a public way, Lake Gage
3117	- -	Vacation of a platted way, Glen Eden Springs
3118	- -	Vacation of a platted way, Lone Tree Point
3119	12-6-10	Vacation of a platted way, Lone Tree Point
3121	4-16-12	Vacation of portions of platted land, two platted alleys, and Elm Street in Wildwood-by-the-Lake, located in Section 7, Township 36 North, Range 12 East, Salem Civil Township
3122	5-21-12	Vacation of a public way in Forest Park, located in Section 15, Township 38 North, Range 13 East, Jamestown Civil Township
3123	4-16-12	Vacation of a public way in the Second Addition to Wildwood-by-the-Lake, located in Section 7, Township 36 North, Range 12 East
3124	6-18-12	Vacation of a public alley in the Fox Lake Plat, located in Section 33, Township 37 North, Range 13 East
3125	11-5-12	Vacation of a public way, Red Sand Beach
3126	4-15-13	Vacation of a platted way, South Side Plat
3127	8-19-13	Vacation of a platted alley, Weyburn's Addition
3128	8-5-13	Vacation of a platted way, South Side Plat
3129	11-4-13	Vacation of a public alley, Gilbert's Addition
3130	4-7-14	Vacation of a platted alley/walkway, Lone Tree Point

Vacations and Closings

22E

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3131	4-7-14	Vacation of a platted way, Lone Tree Point
3132	6-15-15	Vacation of a platted way, Jones addition to Spring Bank
3133	11-2-15	Vacation of a platted alley, original plat of Pleasant Lake
3134	2-1-16	Vacation of a platted right-of-way, second addition to Sellers Shady Shores on Lake Pleasant
3135	5-2-16	Vacation of a platted right-of-way, in the plat of Moonlight Bay
3136	11-21-16	Vacation of a portion of a platted way, south side plat
3137	5-15-17	Vacation of a public way, Venice Estates
3138	9-15-17	Vacation of a platted alley way, CW Goodale's addition to the Village of Metz
3139	11-6-17	Vacation of platted utility easement, Lake Farm Estates Section 3
3140	1-2-18	Vacation of platted roadway, Second Addition to Forest Park
3141	1-2-18	Vacation of platted way, Homeland Subdivision
3142	4-2-18	Vacation of platted easement, First Addition to Forest Park
3144	5-7-18	Vacation of platted roadway, Third Addition to Sellers Shady Shores on Lake Pleasant
3145	9-20-18	Vacation of platted roadway, Green Lake Resort

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
915	12-20-18	Abandoning road right-of-way, part of the Southeast Quarter of Section a27, Township 36 North, Range 14 East located in Otsego Township
3146	5-20-19	Vacation of platted easement, First Addition to Forest Park
3148	2-4-19	Vacation of platted roadway, South Side Plat
3149	3-4-19	Vacation of platted roadway, Second Addition to Forest Park
3150	12-19-19	Vacation of Lots 1, 2 and 3 in Jewell's Grove (Map #79-06-17-110-102.000-011)
3151	4-5-21	Vacation of platted roadway, Collins Subdivision

TABLE II: ZONING CHANGES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	8-7-72	Reclassification of 26.5 acres from EC to LR
—	8-7-72	Reclassification of 15.5 acres from A to R2
—	8-7-72	Reclassification of 4.86 acres from EC to R2
—	8-7-72	Reclassification of .2 acre from LR to LB
—	8-7-72	Reclassification of CR 200 West from CR 200 North from EC to LB
—	8-7-72	Reclassification of Lots 1 through 5 and 40 through 44 from MH to LB
Z-2	9-5-72	Reclassification of Lots 13 through 16 from LR to LB
Z-5	9-5-72	Reclassification of S34, 35, T37N, R13E
Z-9	9-5-72	Reclassification of 20 acres from A to R2
Z-13	9-5-72	Reclassification of Lake James Estates from LR to R2
Z-31	9-5-72	Reclassification of Steuben Township
Z-8-3	10-2-72	Reclassification of S6, T37N, R14E from A to AB
Z-8-4	10-2-72	Reclassification of S11, T36N, R13E, Steuben Township from A to I

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-8-5	11-6-72	Reclassification of S15, T38N, R13E from A to R2
Z-8-6	11-6-72	Reclassification of 36 acres from EC to MH
Z-32	12-18-72	Reclassification of S1 of Walden Woods Subdivision from EC to R2
Z-40	12-18-72	Reclassification of Lots 1 through 17 and additional lot, Mounts View Acres from LR to R1
Z-31	12-18-72	Reclassification of Walden Woods, S/A; Tranquility Bay; St. George; Old Mill Place; and Pt. Christopher from EC to LR
Z-41	2-5-73	Reclassification of five acres from EC to AB
Z-39	2-5-73	Reclassification of S10, T37N, R13E
Z-73-2	4-2-73	Reclassification of S22, T36N, R14E, 6.5 acres
Z-30	5-7-73	Reclassification of Point Christopher Subdivision from EC to LR
		Reclassification of St. George By the Lake from EC to LR
		Reclassification of Walden Woods Subdivision from EC to LR
		Reclassification of Old Mill Place Subdivision from EC to LR
		Tranquility Bay Subdivision from EC to LR
Z-73-4	5-7-73	Reclassification of S10, Pleasant Township, 5.37 acres, from EC to GB

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-73-5	5-7-73	Reclassification of S28, 29, T37N, R14E, 48 acres, from A to LB
Z-73-8	7-2-73	Reclassification of S30, T38N, R14E, Fremont Township, 30 acres
Z-73-9	7-2-73	Reclassification of parts of Lots 26, 27, 29 and 30 from R1 to LB
Z-73-10	7-2-73	Reclassification of S24, T38N, R13E, Jamestown Township, 40 acres
Z-73-12	8-6-73	Reclassification of a pet grooming operation lot in Orland, 75 rods
Z-73-14	10-1-73	Reclassification of Clear Lake Township
Z-73-15	2-4-74	Reclassification of S28, T38N, R14E, Fremont Township, five acres
Z-74-2	5-6-74	Reclassification of S15, T38N, R13E, Jamestown Township
Z-74-3	5-6-74	Reclassification of Pleasant Township
Z-74-4	7-1-74	Reclassification of S32, T36N, R14E, Otsego Township, 100 acres
Z-74-6	11-2-74	Reclassification of S29, T38N, R13E, Millgrove Township, from A to R2
Z-74-10	12-16-74	Reclassification of S26, T38N, R13E, from EC to LB
Z-74-9	2-3-75	Reclassification of S19, T37N, R12E, Jackson Township, ten acres
Z-75-1	2-3-75	Reclassification of Otsego Township

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-75-2	4-7-75	Reclassification of Pleasant Township
Z-75-3	4-7-75	Reclassification of Steuben Township
Z-75-4	4-7-75	Reclassification of Pleasant Township
Z-75-7	6-2-75	Reclassification of certain property
Z-75-8	6-2-75	Reclassification of property north of Angola on Old U.S. 27 to GB
Z-75-5	7-7-75	Reclassification of S36, T38N, R18E, Jamestown Township, 14.56 acres, from EC to R2
Z-75-9	7-7-75	Reclassification of S29 and S32, T36N, R14E, 70.5 acres, from H to LB
Z-75-10	7-7-75	Reclassification of S4, T36N, R13E, Steuben Township, from A to LB
Z-75-12	7-7-75	Reclassification of S14, T36N, R13E, Jamestown Township, from LR to LB
Z-75-13	10-6-75	Reclassification of S28, T37N, R14E, Scott Township, from A to LB
Z-75-6	11-3-75	Reclassification of S33, T36N, R18E, Otsego Township, 1.86 acres, from LR to LB
Z-75-16	11-20-75	Reclassification of Jackson Township
Z-76-1	1-15-76	Reclassification of certain property
Z-76-2	5-3-76	Reclassification of S19, T37N, R12E, 67.464 acres, from EC to GB
Z-76-4	5-3-76	Reclassification of S20, T37N, R12E, 11.2 acres, from EC to AB

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-76-5	6-7-76	Reclassification of S29, T38N, R13E from A to I
Z-76-6	6-7-76	Reclassification of T38N, R13E from A to LB
Z-76-7	9-7-76	Reclassification of S10, T37N, R13E, 19.52 acres, from EC to LR
Z-76-8	9-7-76	Reclassification of S36, T37N, R14E from A to GB
Z-76-12	12-6-76	Reclassification of S14, T38N, R13E from LR to GB
Z-76-13	12-6-76	Reclassification of T37N, R13E from EC to GB
Z-76-14	12-6-76	Reclassification of S6, T37N, R13E, 14 acres, from A to GB
Z-76-10	12-20-76	Reclassification of S4, T35N, R14E, 5.94 acres, from R2 to LB
Z-76-11	12-20-76	Reclassification of S33, T36N, R14E, 6.15 acres, from R2 to LB
Z-76-9	1-3-77	Reclassification of Lots 3 and 4, Block 1, Jamestown Township, 6.15 acres, from LR to LB
Z-77-1	2-7-77	Reclassification of the Town of Orland, a tract between original plat and Kimball and Wilders Additions, from R to GB
Z-77-2	3-7-77	Reclassification of certain property
Z-77-4	5-2-77	Jamestown Township from EC to GB

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-77-5	5-9-77	Reclassification of S29, T37N, R13E, 2.2 acres, from EC to LB
Z-77-6	5-9-77	Reclassification of S28, T37N, R14E, one acre, from A to LB
Z-77-7	5-9-77	Reclassification of S30 from A to I
Z-77-5	6-6-77	Reclassification of S10, T36N, R13E, 1.14 acres, from A to LB
Z-77-8	6-6-77	Reclassification of S30, T38N, R12E, 12 acres, from EC to LR
Z-77-9	8-8-77	Reclassification of S24, Jamestown Township, 2.5 acres, from A to LB
Z-77-10	10-20-77	Reclassification of S35, T38N, R12E, Millgrove Township
Z-77-11	11-7-77	Reclassification of Lot 2, Lake Charles East, S2, Pleasant Township, from MH to R2
Z-77-12	12-19-77	Reclassification of S19, T38N, R12E, seven acres, from EC to GB
Z-77-13	12-19-77	Reclassification of S16, T37N, R13E, 52.9 acres, from A to GB
Z-78-1	3-6-78	Reclassification of S20, T37N, R12E, 2.5 acres, from A to LB
Z-78-2	3-6-78	Reclassification of S20, T38N, R12E, 2.75 acres, from R1 to LB
Z-78-5	6-5-78	Reclassification of S14, T38N, R13E from LR to LB

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-78-7	7-3-78	Reclassification of Pleasant Township
Z-78-8	7-3-78	Reclassification of S23, T36N, R14E from A to LB
Z-78-6	8-7-78	Reclassification of S2, T37N, R13E, Pleasant Township, 391 acres, from AB and EC to GB
Z-78-9	8-7-78	Reclassification of S26, Jackson Township, from EC to LB
Z-78-10	8-7-78	Reclassification of S34, T36N, R14E, 49 acres, from LR to LB
Z-78-11	9-21-78	Reclassification of Jamestown Township
Z-78-12	10-19-78	Reclassification of S29, T37N, R13E, 40 acres, from EC to GB
Z-78-15	11-6-78	Reclassification of S10, T37N, R13E, 13 acres, from MH to R2
Z-78-18	12-18-78	Reclassification of S29, Jackson Township, 17.5 acres, from A to LB
Z-78-20	2-5-79	Reclassification of S1, T36N, R12E, three acres, from A to LB
Z-78-19	2-5-79	Reclassification of S19, T36N, R14E, York Township, four acres, from A to LB
Z-79-1	4-2-79	Reclassification of S11, T37N, R13E from EC to LB
Z-79-2	4-2-79	Reclassification of S23, T38N, R13E, 56.58 acres, from EC to I
Z-79-4	7-2-79	Reclassification of S31, Bell Lake, Jamestown Township, 18 acres, from MN to R2

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-79-6	8-6-79	Reclassification of S31, T38N, R13E, 36 acres, from MH to R1
Z-79-3	8-6-79	Reclassification of S11, T37N, R13E, 2.4 acres, from A to GB
Z-79-5	8-6-79	Reclassification of S13, Jamestown Township, from A to GB
Z-79-7	11-15-79	Reclassification of S28, T38N, R14E, .47 acres, from A to LB
Z-80-1	1-7-80	Reclassification of S10, T37N, R13E, 4.7 acres, from EC to LR
Z-80-2	1-7-80	Reclassification of S5, T37N, R14E, .56 acres, from A to LB
Z-80-3	1-7-80	Reclassification of S28, T37N, R14E, 20 acres, from LB and A to I
Z-80-4	3-4-80	Reclassification of the City of Hamilton from R1 to LB
Z-80-5	3-4-80	Reclassification of Lot 16, North Shore Addition, Steuben Township, from LR to LB
Z-80-7	5-5-80	Reclassification of S24, T37N, R12E, 2.76 acres, from EC to LB
Z-80-9	7-7-80	Reclassification of S5, T37N, R13E, Pleasant Township, 11.25 acres, from MH to LR
Z-80-11	7-7-80	Reclassification of S5, Jackson Township, 22.96 acres, from A to LB
Z-80-12	9-2-80	Reclassification of S4, T37N, R13E, .8 acres, from MH to LB

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-80-8	10-6-80	Reclassification of S3, Jamestown Township, from MH to LB
Z-80-10	10-6-80	Reclassification of Lots 1 through 69, 26.70 acres, from MH to GB
Z-80-13	10-6-80	Reclassification of Lots 13, 14 and 86 through 90, Fasts Subdivision, Pleasant Township, from LR to LB
Z-80-15	10-6-80	Reclassification of S17, T36N, R13E, .42 acres, from A to LB
Z-80-16	11-20-80	Reclassification of S4, R13E, Pleasant Township, 3.81 acres, from LR to GB
Z-81-2	2-4-81	Reclassification of S10, T37N, R13E, 4.13 acres, from EC to GB
Z-81-3	4-6-81	Reclassification of S17, T38N, R18E, Clear Lake Township, from A to LB
Z-81-1	4-6-81	Reclassification of S11, T37N, R13E, 7.867 acres, from EC to LR
Z-81-4	4-6-81	Reclassification of S10, T37N, R13E, Pleasant Township, 3.5 acres, from EC to LB
Z-81-5	4-6-81	Reclassification of S31, T38N, R13E, ten acres, from EC to A
Z-81-6	4-6-81	Reclassification of S10, T37N, R13E, 6.43 acres, from EC to LB
Z-81-9	6-1-81	Reclassification of S6, Scott Township, 14 acres, from MH to I
Z-81-8	6-1-81	Reclassification of S1, Jackson Township, .87 acres, from A to LB

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-81-7	6-1-81	Reclassification of S26, Jamestown Township, 1.4 acres, from EC to LB
Z-81-11	7-6-81	Reclassification of Lot 25 in Oak Grove, Pleasant Township, from LR to LB
Z-81-12	8-20-81	Reclassification of S23, T38N, R13E, Jamestown Township, 6.58 acres, from LR to LB
Z-81-14	9-8-81	Reclassification of S22, Jackson Township, from R1 to LB
Z-81-15	9-8-81	Reclassification of S27, Jackson Township, from A to LB
Z-81-13	9-17-81	Reclassification of Pleasant Lake, .17 acres, from GB to I
Z-81-17	12-7-81	Reclassification of S33, Steuben Township, from A to LB
Z-81-18	12-7-81	Reclassification of S27, R14E, Otsego Township, 1.5 acres, from EC to MH
Z-81-19	12-7-81	Reclassification of S16, T37N, R13E, .5 acres, from EC to LR
Z-81-21	12-7-81	Reclassification of S33, T36N, R14E, Otsego Township, 43 acres, from A to I
Z-82-1	4-5-82	Reclassification of S26, Jackson Township, from EC to LB
Z-82-2	4-5-82	Reclassification of certain property
Z-82-3	5-17-82	Reclassification of S8, Steuben Township, from EC to LB

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	6-2-82	Reclassification of S16, T37N, R13E, .5 acres, from EC to LR
Z-82-5	7-7-82	Reclassification of S2, Salem Township, .2 acres, from A to LB
Z-82-6	9-7-82	Reclassification of S21, T38N, R13E, 7.68 acres, from LR to A
Z-83-1	1-17-83	Reclassification of S4, Steuben Township, 1.5 acres, from A to I
Z-83-2	3-7-83	Reclassification of S17, T38N, R15E, Clear Lake Township, 32.34 acres, from A to LR
Z-83-3	3-7-83	Reclassification of S28, T36N, R12E, from A to LB
Z-83-4	5-16-83	Reclassification of S34, T36N, R13E, Salem Township, .2 acres, from A to I
Z-83-5	8-15-83	Reclassification of S28, Jamestown Township, from A to LB
Z-83-6	9-19-83	Reclassification of S17, T38N, R15E, Clear Lake Township, from A to LB
Z-83-7	12-19-83	Reclassification of S23, Jamestown Township, from EC to GB
Z-84-1	4-16-84	Reclassification of S22, Jamestown Township, from EC to LB
Z-84-3	4-16-84	Reclassification of S22, Millgrove Township, from EC to LB
Z-84-2	5-7-84	Reclassification of I-69 and Toll Road from A to LI

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-84-5	10-15-84	Reclassification of S17, Millgrove, from A to LR
Z-84-6	10-15-84	Reclassification of S32, Steuben Township, from A to I
Z-84-4	11-19-84	Reclassification of certain property
Z-84-7	12-3-84	Reclassification of S16 Pleasant Township, from EC to I
Z-85-1	5-20-85	Reclassification of S33, Steuben Township, from A to I
Z-85-2	8-12-85	Reclassification of certain property
Z-85-3	8-12-85	Reclassification of certain property
Z-85-4	8-12-85	Reclassification of certain property
Z-85-7	10-7-85	Reclassification of S25, Otsego Township, from A to Light Industrial
Z-85-8	12-12-85	Reclassification of S14, Jamestown Township
Z-85-9	12-12-85	Reclassification of S22, Jamestown Township, from EC to I
Z-86-1	4-7-86	Reclassification of S14, Jamestown Township, from E to B
Z-86-2	6-16-86	Reclassification of S23, Jamestown Township, from EC to GB
Z-86-3	7-7-86	Reclassification of S23, Jamestown Township, from EC to GB
Z-86-4	10-8-86	Reclassification of S4, Pleasant Township, from LR to LB

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-87-3	7-6-87	Reclassification of S9, Pleasant Township, from LR to GB
Z-87-4	11-2-87	Reclassification of S10, Pleasant Township, from EC to GB
Z-87-5	11-2-87	Reclassification of S16, Pleasant Township, from GB to I
Z-88-1	1-18-88	Reclassification of S10, Pleasant Township, from EC to GB
Z-88-2	2-15-88	Reclassification of S21, Pleasant Township, from EC to GB
Z-88-3	3-7-88	Reclassification of S28, Jackson Township, from A to LB
Z-88-4	4-18-88	Reclassification of S15, Jamestown Township
Z-88-7	7-18-88	Reclassification of certain property from A to MH
Z-88-8	8-15-88	Reclassification of certain property
Z-88-9	9-19-88	Reclassification of certain property
Z-89-3	6-5-89	Reclassification of S14, Steuben Township, from I to LR
Z-89-4	6-5-89	Reclassification of S35, Scott Township, from A to I
Z-89-5	6-5-89	Reclassification of S5, Pleasant Township, from MH to EC
Z-89-6	8-7-89	Reclassification of S12, Pleasant Township, from MH to LB

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-90-1	3-5-90	Reclassification of S4, Pleasant Township, from MH and LB to LB
Z-91-1	1-7-91	Reclassification of certain property
Z-91-3	5-20-91	Reclassification of S14, Jamestown Township, from EC to GB
Z-91-4	8-19-91	Reclassification of certain property
Z-92-1	4-20-92	Reclassification of certain property from A to GB
Z-92-1	5-4-92	Reclassification of S30 and S31, Salem Township, from EC to LR
Z-92-5	7-6-92	Reclassification of S5, Pleasant Township, from LR to GB
Z-92-7	11-16-92	Reclassification of S7, Scott Township
Z-92-9	2-1-93	Reclassification of S28, Scott Township, from A to GB
Z-92-10	2-1-93	Reclassification of S28, Scott Township, from LB to GB
Z-92-11	2-1-93	Reclassification of S28, Scott Township, from A to GB
Z-92-13	2-1-93	Reclassification of S27, Scott Township, from A to GB
Z-93-1	12-6-93	Reclassification of 14.3 acres from MH to LR
Z-93-4	12-6-93	Reclassification of S23, Jamestown Township
Z-95-1	3-20-95	Reclassification of the northwest corner of CR 200 W and Orland Road, 16.67 acres, from LR to GB

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-95-02	4-3-95	Reclassification of certain property from AG to GB and Single-Family Business
Z-95-03	4-17-95	Reclassification of S2, Pleasant Township, from MH to GB, 20.23 acres, and EC to GB, 30 acres
Z-95-04	8-7-95	Reclassification of S23, Jamestown Township, 20.72 acres, from EC to GB
Z-96-01	8-8-96	Reclassification of 1.0189 acres from LB to A
Z-97-02	2-20-97	Reclassification of ten acres from LR to LB
Z-97-03	4-7-97	Reclassification of ten acres from MH to EC
Z-97-04	6-13-97	Reclassification of 8.75 acres from EC to LB
Z-97-05	7-17-97	Reclassification of 1.73 acres from EC to LB
Z-97-07	10-17-97	Reclassification of 47.35 acres from A to I-2
Z-97-08	12-18-97	Reclassification of 5.24 acres for LR to LB
Z-98-03	10-22-98	Reclassification of 2.424 acres from A to LB
Z-99-03	2-7-00	Reclassification of 1.63 acres from A to GB
Z-00-01	2-17-00	Reclassification of .11 acres for LB to LR
Z-01-01	4-19-01	Reclassification of 54.805 acres from A and EC to I-2
Z-02-01	3-7-02	Reclassification of .314 acres from MH to LR
Z-02-03	7-1-02	Reclassification of all of the original plat of Cranston's Reef from MH and GB to LR
Z-03-01	7-17-03	Reclassification of 30.76 acres from A and LB to GB

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-03-02	8-21-03	Reclassification of 40.99 acres from A and LB to I-2
Z-04-01	6-24-04	Reclassification of part of the northwest quarter of S5, T37N, R13E from MH to EC
Z-06-02	11-6-06	Reclassification of 75.34 acres of land from Agricultural (A) to General Industry (I-2) on the condition the property owner record a covenant that any future use other than an ethanol plant be approved by the County Commissioners
Z-06-03	12-18-06	Reclassification of a 29 acre parcel of land from Agricultural to General Industrial (I-2) on the condition that the land be used for an ethanol plant and any future use other than an ethanol plant must be approved by the Council Commissioners
Z-06-04	12-18-06	Reclassification of 46 acres more or less of land from Agricultural (A) to General Industrial (I-2)
Z-07-01	1-16-07	Retention of 2.59 acres more or less as Lake Residential (LR)
Z-07-02	1-16-07	Retention of 4.21 acres more or less as Lake Residential (LR)
Z-07-03	1-16-07	Reclassification of 96.42 acres of land more or less located in the north half of North Half of Section 26, Township 37 North, Range 12 East, Jackson Township from Environmental Control (EC) to Agricultural (A)
Z-06-01	3-5-07	Reclassification of 0.413 acres of land located in the east half of Section 9, Township 37 North, Range 13 East, Pleasant Civil Township from General Business (GB) to Lake Residential (LR)

2008 S-2

Zoning Changes

38A

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>

Z-97-07	3-19-07	Reclassification of 47.56 acres located as part of the southeast quarter of Section 33, Township 36 North, Range 13 East and part of the Southeast quarter of Section 32, Township 36 North, Range 13 East from Agriculture (A) to General Industrial (I-2)
Z-08-01	10-6-08	Reclassification of the west half of Lot 19 and all of Lots 18, 22, 23 and 24 in the original plat of the Village of Ray from Local Business (LB) to Single Family Residential (R-1)
Z-09-01	10-7-09	Reclassification of .50 acres of land located in the Northwest Quarter of the Northeast Quarter of Section 1, Township 37 North, Range 12 East, from Agricultural (A) to Local Business (LB)
Z-09-02	10-7-09	Reclassification of Lot 3 of the Old Ford Plat from Local Business (LB) to Lake Residential (LR)
Z-09-03	10-7-09	Reclassification of a tract of land located in the Southwest Quarter of Section 22, Township 38 North, Range 13 East, Pleasant Township from Lake Residential (LR) to Local Business (LB)
Z-09-04	10-19-09	Reclassification of .69 acres located in the Southwest Quarter of Section 22, Township 38 North, Range 13 East from Lake Residential (LR) to Local Business (LB)
Z-10-01	1-20-10	Reclassification of two tracts of land located in the northwest quarter of fractional Section 30, Township 38 North, Range 13 East from Local Business (LB) and Residential-1 (R-1) to Residential-1 (R-1)

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-10-02	4-15-10	Reclassification of a four acre parcel located in the northeast fractional quarter of Section 13, Township 38 North, Range 14 East, Freemont Civil Township, from Agriculture (A) to Local Business (LB)
Z-10-03	4-15-10	Reclassification of a half acre parcel, located in northwest quarter of the northeast quarter of Section 1, Township 37 North, Range 12 East, Jackson Township, from Local Business (LB) to Agriculture (A)
Z-10-04	4-15-10	Reclassification of six acres on tracts of land located in part of the fractional Section 7 and northeast quarter of fractional Section 18, Township 38 North, Range 13 East, and part of fractional Section 12 and part of fractional Section 13, Township 28 North, Range 12 East, Jamestown and Millgrove Townships, from Agriculture (A) and Lake Residence (LR) to Lake Residence (LR)
Z-10-05	6-8-10	Reclassification of two parcels located in part of the northwest quarter of Section 13, Township 38 North, Range 13 East, and part of the northeast quarter of Section 14, Township 38 North, Range 13 East, together with part of fractional Section 11, Township 38 North, Range 13 East, and part of fractional Section 12, Township 38 North, Range 13 East, from Local Business (LB) to Environmental Control (EC)
Z-10-06	7-13-10	Reclassification of Lots 1 through 18 and Common Areas B, C, and D of Crooked Lake Beach Club from Agriculture (A) to Residence-1 (R-1)
Z-10-07	7-13-10	Reclassification of Lots 19 through 36 and Common Areas E, F, and G of Crooked Lake Beach Club, Phase 2, from Agriculture (A) to Residence-2 (R-2)

Zoning Changes

38C

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-10-09	12-6-10	Rezoning Lots 10 - 26 and portions of Lots 4, 5, 9, and 27 of Country Meadows from Local Business (LB) to Residence-2 (R-2)
Z-10-10	12-20-10	Rezoning part of Jamestown Civil Township, Lots 7 - 10 of Collins First Addition Subdivision from Lake Residence (LR) and Agriculture (A) to Lake Residence (LR)
Z-10-11	12-20-10	Rezoning part of Jamestown Civil Township, Lots 1 - 15 of Collins Second Addition Subdivision, from Agriculture (A) to Lake Residence (LR)
Z-10-12	12-20-10	Rezoning part of Jamestown Civil Township, Lots 159 - 176 of Lake James Estates West Section I Subdivision, from Agriculture (A) to Residence-2 (R-2)
Z-11-01	1-24-11	Rezoning part of Jamestown Civil Township, Lots 1 - 11 of Paradise Subdivision from Environmental Control (EC) to Lake Residence (LR)
Z-11-02	1-24-11	Rezoning part of Jamestown Township, Lots 1 - 18 of Paradise View Subdivision, from Environmental Control (EC) and Agriculture (A) to Lake Residence (LR)
Z-11-03	1-24-11	Rezoning part of Jamestown Township, Lots 19 - 34 of the First Addition to the plat of Paradise View Subdivision from Environmental Control (EC) and Agriculture (A) to Lake Residence (LR)
Z-11-04	5-16-11	Rezoning part of Jamestown Township, Lots 0A - 46B of Ramblin Acres Subdivision Back Lots Subdivision from Agriculture (A) to Lake Residence (LR)

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-11-05	3-7-11	Rezoning part of the Southeast Quarter of the Northeast Quarter of Section 29, Township 37 North, Range 13 East, from General Business (GB) to Residence-1 (R-1)
Z-11-06	3-7-11	Rezoning part of the Southeast Quarter of Section 34, Township 38 North, Range 12 East, Millgrove Township from Agriculture (A) to Lake Residence (LR)
Z-11-06A	5-16-11	Rezoning part of the West half of the Northeast Quarter of Section 35, Township 38 North, Range 12 East, Millgrove Township, from Agriculture (A) and Lake Residence (LR) to Lake Residence (LR)
Z-11-07	5-16-11	Rezoning part of the Northeast Quarter of Section 29, Township 37 North, Range 13 East, Pleasant Township, from General Business (GB) to Residence-1 (R-1)
Z-11-08	7-5-11	Rezoning one tract of land, 7430 S. State Road 327, from Agriculture to General Business
Z-11-09	9-6-11	Rezoning Lots 1 and 2 of County Road 600 North Addition, Section 1, from Agriculture (A) to Residence (R-1)
Z-11-10	9-6-11	Rezoning Lots 3 and 4 of County Road 600 North Addition, Section 2, from Agriculture (A) to Residence (R-1)
Z-11-11	10-17-11	Rezoning 9.682 acres located in the south half of Fractional Section 30, Township 37 North, Range 13 East, Pleasant Civil Township, from Industrial (I1) to Agricultural (A)
Z-11-12	1-17-12	Rezoning Tract 1 in the plat of Fast's Subdivision from Manufactured Home (MH) and Lake Residence (LR) to Accommodation Business (AB)

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-12-01	2-6-12	Rezoning Lot 3, Spangle Addition, part of the Southeast Quarter of Section 8, Township 37 North, Range 13 East, Pleasant Civil Township, from Local Business (LB) to Lake Residence (LR)
Z-12-02	2-6-12	Rezoning 0.22-acre tract of land in the Southeast Quarter of Section 8, Township 37 North, Range 13 East, Pleasant Civil Township, from Local Business (LB) to Lake Residence (LR)
Z-12-03	2-6-12	Rezoning 2.76 acres, part of the Northeast Quarter of the Southeast Quarter of Section 8, Township 37 North, Range 13, Pleasant Township, from Local Business (LB) to Lake Residence (LR)
Z-12-04 & 05	4-16-12	Rezoning part of the Southeast Quarter of Section 14, Township 38 North, Range 13 East, Jamestown Township, from Environmental Control (EC) to General Business (GB)
Z-12-06	10-15-12	Rezoning part of the Northwest Quarter of Section 30, Township 38 North, Range 13 East, Jamestown Civil Township, from Environmental Control (EC) to Lake Residence (LR)
Z-12-07	12-27-12	Rezoning part of the South Half of Section 6, Township 37 North, Range 14 East, Scott Civil Township, from Industrial 1 (I1) to Residential 1 (R1)
Z-13-02	8-5-13	Rezoning part of the Northeast quarter of the Southeast quarter of Section 34, Township 38 North, Range 12 East, from Agricultural to Lake Residence

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-13-03	9-16-13	Rezoning part of the Southwest Quarter of Section 14, Township 36 North, Range 13 East, Steuben Civil Township, from Accommodation Business (AB) to Lake Residence (LR)
Z-14-03	1-21-14	Rezoning land situated in the Southeast Quarter of Section 15, Township 36 North, Range 13 East, Steuben Civil Township, from Lake Residence (LR) to Agriculture (A)
Z-14-01	2-21-14	Rezoning part of the North half of the Southwest Quarter of Section 26, Township 38 North, Range 13 East, Jamestown Civil Township, from Environmental Control (EC) to Lake Residence (LR)
Z-14-02	2-21-14	Rezoning land situated in the Southwest Quarter of Section 15, Township 36 North, Range 13 East, Steuben civil Township, from Lake Residence (LR) to Agriculture (A)
Z-14-04	4-7-14	Rezoning part of the Northeast Quarter of Section 23, Township 38 North, Range 13 East, Jamestown Civil Township, from Environmental Control to General Business
Z-14-05	5-19-14	Rezoning part of the Northeast Quarter of Section 26, Township 37 North, Range 12 East of the Second Principal Meridian, Jackson Township, from General Business and Manufactured Home to Environmental Control
Z-14-06	6-14-14	Rezoning part of the Southwest Quarter of Section 33, Township 38 North, Range 13 East, Jamestown Civil Township, from General Business to Lake Residence
Z-14-07	9-4-14	Rezoning part of the Northeast Quarter of Section 21, Township 38 North, Range 13 East, Steuben County, Lots 1 through 27 of North Snow Bay First Addition, from Environmental Control to Lake Residence

Zoning Changes

38G

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-14-08	9-4-14	Rezoning part of the Northeast Quarter of Section 21, Township 38 North, Range 13 East, Steuben County, Lots 28 through 72 of North Snow Bay Second Addition, from Environmental Control to Lake Residence
Z-15-01	11-2-15	Rezoning property located at 35 LN 330 Big Otter Lake, Section 27 of Jamestown Township, from Lake Residence to Local Business
Z-15-02	11-16-15	Rezoning the southwest quarter of Section 20, Township 37 North, Range 12 East, from Local Business to General Business
Z-17-01	6-19-17	Rezoning 4480 West US Highway 20, Section 20, Section 30 of Pleasant Township, from Agricultural to General Business and Industrial-1 to General Business
Z-17-03	10-12-17	Rezoning of property located at Lane 101 Crooked Lake, Section 16 of Pleasant Township from Agricultural and Lake Residence to Environmental Control
Z-18-02	8-6-18	Rezoning original plat of Parkside Subdivision Crooked Lake from General Business to Manufactured Home
Z-18-03	9-20-18	Rezoning property at 3747 W Landis Road from Agricultural to Local Business
Z-19-01	3-18-19	Rezoning property at 3905 W US Highway 20 from Local Business to Lake Residence
Z-19-02	5-6-19	Rezoning property at 415 S 325 W from Environmental Control to Agricultural
Z-19-03	5-6-19	Rezoning property at 7962 N Silver Road from Local Business to Environmental Control

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-20-01	7-20-20	Rezoning 2180 N. 200 W, Section 10 of Pleasant Township from General Business/ Environmental Control to General Business
Z-20-02	11-16-20	Rezoning 3315 and 3330 W. Shady Side Road, Section 17 of Pleasant Township from Local Business to Environmental Control
Z-20-03	12-7-20	Rezoning 1370 W. 700 N, Section 15 of Jameston Township from Lake Residence to Environmental Control

TABLE III: AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
681	6-2-97	Cable television franchise agreement with Triax Associates I, L.P.
R. 10-99	10-4-99	Re-ratifying and re-confirming a tentative mediation settlement agreement
R. 708	6-11-01	Authorizing grant funding application for low to moderate income housing assistance
741	12-6-04	Cable television franchise agreement with Mediacom Indiana LLC.
R. 02-2014-02	2-18-14	Accepting the transfer of a motor vehicle from the Count of LaGrange, Indiana
R. 08-2014-01	8-18-14	Authorizing the filing of an application for grant to aid in the financing of transit assistance projects
R. 12-2015-05	12-7-15	Authorizing the execution and delivery of the communications system agreement (lease) and the equipment lease-purchase agreement between the county and Motorola, Inc.
R. 07-2020-01	7-6-20	Adoption of I.C. 5-23 et seq. County shall comply with the process, procedures and requirements set forth therein to enter into any public-private agreement regarding public facilities (BOT Agreement)

TABLE IV: IMPROVEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R. 08-00	8-7-00	Renovation of the former County Home to the County Work Release Center

TABLE V: URBAN DEVELOPMENT AREAS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
–	4-4-83	Designation of an urban development area
Res. 05-2019-02	5-14-19	Designation of economic development area

TABLE VI: STREET ACCEPTANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	7-23-36	Charles B. Hanes Road, Otsego Township
—	11-1-37	Harvey W. Morley Road, Crooked Lake
—	12-6-37	Homer H. Docker Road, S30, T38N, R12E, Millgrove Township
—	10-3-38	Chas. B. Hanes Road, Otsego Township
—	8-7-39	Frank A. Fust Road, S5, T37N, R13E
—	1-2-40	Fred Walsh Road, Jackson Township
—	11-3-41	Mabel Clark Road, Otsego Township
—	6-1-42	M. J. Showalter Road
—	1-4-45	Homer G. Waterhouse Road, Otsego Township
—	9-4-45	Harvey Morley Road, Jamestown Township
—	12-3-45	Earl F. Grosher Road, Jamestown Township
—	1-7-46	E. H. Boyd Road, Pleasant Township
—	5-6-46	George W. Clancy Road, Jefferson Township
—	6-6-46	Viona P. Holden Road
—	8-5-46	L. Glenn Brown Road
—	10-5-46	Ida E. Russel Road, Otsego Township
—	12-2-46	Harold Van Road

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	6-2-47	Co. Line Highway from Ashley
—	11-3-47	Howard Fletter Road
—	9-8-70	S.R. 4 from east limits of I-69 to west right-of-way of Old U.S. 27
—	9-8-70	S.R. 1 from north right-of-way of S.R. 20 to south right-of-way of S.R. 120
—	10-4-70	Road in Northwood Addition
—	10-4-76	Marvin Aldrich Road, S4, T37N, R13E
—	11-7-77	North Snow Bay Road
—	2-5-79	Deerfield Road
—	10-1-79	Road in Oak Hills Addition
—	1-30-80	Deller-Nagle Road
—	7-7-80	Road in Pokegan Bay Estates
—	9-2-80	Rest Park Road on U.S. 20 East of U.S. 1
—	10-6-80	Lilly Dale Road, Otsego Township
—	10-6-80	Timber Ridge Road
—	12-27-82	Tree Harbour Road
—	4-4-83	Paradise Road
—	10-17-83	Roads in Cranston's Reef
—	8-6-84	Bryants on Long Lake
—	8-6-84	Cranston-Reef

Street Acceptances

47

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	8-6-84	Harbor Island
—	8-6-84	Heritage Hills
—	8-6-84	Life of Riley Mobile Home Estates
—	8-6-84	North Snow Bay
—	8-6-84	Oak Shores
—	8-6-84	Old Mill Place
—	8-6-84	Paradise
—	8-6-84	Point Christopher
—	8-6-84	Pokagon Bay Estates
—	8-6-84	Ramblin Acres
—	8-6-84	Rosewood on Golden Lake; Golden Beach Plat; Mount Zion Beach; and unrecorded lots
—	8-6-84	Tanglewood unrecorded
—	8-6-84	Tree Harbour
—	8-6-84	Timber Ridge Estates
—	8-6-84	Jamestown Village
—	2-4-85	All roads in Pine Canyon Lake, Section I; Pine Canyon Trail
—	10-7-85	Country Meadows Road
—	11-7-85	Pokagon Meadows Road
—	8-4-86	Road in Country Meadows

Steuben County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	8-4-86	Road in Pokagon Meadows; unnamed road, 0.82 miles; Deer Run; Lakeview Drive; and Meadows Drive
—	8-4-86	Road in Cranston's Reef
—	7-3-89	Paradise View Road
—	7-3-89	Commerce Way Road
—	7-16-90	Road in unrecorded Way-Lu Addition, from CR 450 West to cul-de-sac
—	10-15-90	Foxfire Subdivision roads
—	10-21-91	Foxfire Subdivision; Road CR 330 West
—	5-23-94	Plat of White Oaks Glen; Red Oak Drive (CR 280 West)
—	6-6-94	Exempt Subdivision CR 383 West
—	9-21-94	Jimmerson Lake Lane
—	11-21-94	Plat of Jimmerson Bluffs
—	9-18-95	Lane 163, Crooked Lake, Plat of Sunset Point
—	10-16-95	Mundy Drive (CR 25 E); Meadowridge Way (CR 620 N); Brevity Lane (CR 620 N); Plat of Country Meadows
—	11-27-95	Cranston's Reef Property Owners; Association Road (extension of Lane 110B, Big Otter Lake); Lane 130, Lake George; Lane 201B, Lake George
—	11-27-95	Pine Canyon Trail; Pine Canyon Trail North (Lane 100 Pine Canyon Lake); Pine Canyon Trail South (Lane 100A Pine Canyon Lake) Plat of Pine Canyon Lake
—	8-7-13	Private Lane 395 (CR North 395 West)

TABLE VII: REAL ESTATE TRANSACTIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R. 03-99	3-18-99	Sale of tract of land, commonly known as 1385 W. Main Street, Pleasant Lake
R. 08-2015-02	8-11-15	An interest to purchase Lot 22 in Hendry's addition to the Village of Angola, Indiana.
R. 03-2016-01	3-7-16	Accepting the application of Kevin Bockelman (transferee) to repair and maintain Wildwood Addition Lot Numbers 8 and 9, in Block 1, for residential purposes

TABLE VIII: STREET NAME CHANGES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	10-21-85	Unnamed road east on the northeast corner of I-69 and Highway 20 becomes CR 290 West
—	3-20-89	Roads in Town of Pleasant Lake named, but names not stated
—	5-2-94	Alley west of school building becomes Ransburg Lane

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

11. COUNTY STANDARDS

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

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

§ 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 “Steuben County Code,” for which designation “Code of Ordinances,” “Codified Ordinances” or “Code” may be substituted. Code title, chapter and section headings do not constitute any part of the law as contained in the code.

§ 10.02 INTERPRETATION.

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

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

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

§ 10.04 CONSTRUCTION OF CODE.

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

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

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

(D) (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.

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

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

§ 10.05 RULES OF INTERPRETATION; DEFINITIONS.

(A) *Rules of interpretation.* This code shall be construed by the following rules unless the 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 persons, unless otherwise declared in the section giving the authority.

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

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

(B) 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 division.

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

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

COUNTY. Steuben County, Indiana.

HIGHWAY. 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, 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*.**

(1) Printing, lithographing or other modes of representing words and letters.

(2) Where the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

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

§ 10.06 SEVERABILITY.

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

(B) 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:

(1) 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

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

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) does not affect the operation of division (B) with respect that section.
(I.C. 1-1-1-8)

§ 10.07 REFERENCE TO OTHER SECTIONS.

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

§ 10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS.

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

(B) *Name designations.* Whenever any ordinance or resolution of the Council refers to any board, bureau, commission, division, department, officer, agency, authority or instrumentality of any government, and that name designation is incorrectly stated; or at the time of the effective date of that ordinance or subsequent thereto, the rights, powers, duties or liabilities placed with that entity are or were transferred to a different entity; then the 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 the duties, liabilities, powers and rights were transferred. (I.C. 1-1-6-1)

§ 10.09 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the 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 the error.

§ 10.10 REASONABLE TIME.

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

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

§ 10.11 REPEAL OR MODIFICATION OF CODE SECTION.

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

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

§ 10.12 LIMITATION PERIODS.

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

Statutory reference:

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

§ 10.13 ORDINANCES UNAFFECTED.

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

§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

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

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

§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES.

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

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (I.C. 36-5-2-2) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85)

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

§ 39.01 PUBLIC RECORDS AVAILABLE.

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

Statutory reference:

Inspection of public records, see I.C. 5-14-3-1 et seq.

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

(A) 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.

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

§ 10.99 GENERAL PENALTY.

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

Statutory reference:

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

CHAPTER 11: COUNTY STANDARDS

Section

- 11.01 County seal
- 11.02 Home Rule
- 11.03 Boundaries, precincts and districts

§ 11.01 COUNTY SEAL.

The County Seal is a circular shape with several drawings representing the things Steuben County is most known for. In the center of the circle is a drawing of the Soldiers' Monument found in the County Seat of Angola with Columbia at the top facing east. In the northeast corner is a sketch of the County Courthouse. An Indian and a deer in the southeast corner of the circle represent the Potawatomi Indians and the wildlife of the area. In the southwest corner of the circle is a drawing of a farmer with a crop of corn depicting the County's agricultural roots. And in the northwest corner, a fisherman in a boat symbolizes the recreational aspects of our County. At the bottom of the circle are some ducks floating through cattails and the words "101 Lakes," which is a notable fact of our County. The circle is enclosed with a band around the outer edge and the words "Seal of Steuben County, Indiana" arched across the top and "Founded 1837" at the bottom with a series of stars in between the wording.



('84 Code, § 36-2-4-11) (Order passed 3-4-1839; Am. Order passed 9- -1844; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

Statutory reference:

County seals, see I.C. 36-2-4-11

§ 11.02 HOME RULE.

(A) The Board of Commissioners adopts the County “Home Rule,” pursuant to I.C. 36-1-3-1 *et seq.*

(B) The county, by and through the 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.

(C) The Board of Commissioners shall support all actions, projects and programs in the public interest of the citizens of the county, if those actions, projects and programs are authorized under “Home Rule” powers or the performance of those functions, are reasonable and practical under the circumstances and if the financial support for them is forthcoming from the County Council.

(D) The Board of Commissioners is authorized to budget, and the County Council is authorized to 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, councils, departments or agencies in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of county government operations.

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

(’84 Code, § 36-1-3-1) (Ord. 589, passed 10-1-84; Am. Ord. 591, passed 2-4-85; Am. Ord. 662, passed 5-9-94)

Statutory reference:

Application of “Home Rule,” see I.C. 36-1-3-1

§ 11.03 BOUNDARIES, PRECINCTS AND DISTRICTS.

(A) *Precinct boundaries.* The following precincts are established:

(1) *Clear Lake Township.* There is one precinct in Clear Lake Township. The precinct encompasses the entire area of the township.

(2) *Fremont Township.* There is one precinct in Fremont Township. The precinct encompasses the entire area of the township.

(3) *Jackson Township*. There is one precinct in Jackson Township. The precinct encompasses the entire area of the township.

(4) *Jamestown Township*.

(a) *Precinct One*. Precinct One encompasses the following area: commencing at the southeast corner of Jamestown Township, Township 38 North, Range 13 East; thence west along the south boundary line of the township to the centerline of County Road 300 West; thence north on the centerline of County Road 300 West to the centerline of State Road 120; thence east on the centerline of State Road 120 to the east boundary line of Jamestown Township; thence south along the east boundary line of Jamestown Township to the place of beginning.

(b) *Precinct Two*. Precinct Two encompasses the following area: commencing at the northwest corner of Jamestown Township, Township 38 North, Range 13 East; thence south along the west boundary line of the township to the southwest corner of Jamestown Township; thence east along the south boundary line to the centerline of County Road 300 West; thence north on the centerline of County Road 300 West to the centerline of State Road 120; thence east on the centerline of State Road 120 to the east boundary line of Jamestown Township; thence north along the east boundary line of Jamestown Township to the northeast corner of Jamestown Township; thence west to the place of beginning.

(5) *Millgrove Township*. There is one precinct in Millgrove Township. The precinct encompasses the entire area of the township.

(6) *Otsego Township*. There is one precinct in Otsego Township. The precinct encompasses the entire area of the township.

(7) *Pleasant Township*.

(a) *Precinct One*.

1. Precinct One encompasses the following area: commencing at the center of Section 26 of Pleasant Township, T3 7N, R13E, and being the point of beginning; thence north along the centerline of North Wayne Street (SR 127) to its intersection with East Broad Street; thence east along East Broad Street to its intersection with Victoria Street; thence south along the centerline of Victoria Street to its intersection with East Maumee Street (US 20); thence east along the centerline of East Maumee Street to its intersection with County Road 100 E; thence south $00^{\circ}13'17''$ east 1930.1 feet; thence south $88^{\circ}45'29''$ west 250 feet; thence south $00^{\circ}13'17''$ east 300 feet to the southerly line of Section 25; thence South $88^{\circ}45'29''$ west along the section line 2048.84 feet; thence south $14^{\circ}25'29''$ west 490 feet; thence south $56^{\circ}25'29''$ west 210 feet; thence north $74^{\circ}14'50''$ west 950 feet; thence south $00^{\circ}04'50''$ east 446 feet to the centerline of Redding Road at the northeast corner of the 14th Addition

to Reddington Heights; thence south 67°57'59" east 173.32 feet; thence south 00°00' east 711.93 feet; thence south 88°52'55" west 160 feet; thence north 00°03'11" west 578.29 feet to the southeast corner of the 14th addition to Reddington Heights; thence south 84°06'30" west 511.23 feet; thence south 69°06'30" west 445 feet; thence south 89°09'30" west 391.00 feet; thence south 69°37'30" west 425.89 feet; thence south 78°21'20" west 99.14 feet; thence south 80°09'50" west 100.28 feet; thence south 83°31'40" west 67.02 feet; thence south 54°10'50" west 83.00 feet; thence south 41°37'30" west 88.00 feet; thence north 85°38'10" west 65.06 feet; thence south 85°41'10" west 137.05 feet; thence north 80°49' 00" west 99.97 feet; thence north 86°27'46" west 684.39 feet; thence north 00°25'00" east 72.03 feet; thence north 90°00'00" west 50 feet; thence south 00°09'12" west 611.31 feet; thence south 89°51'52" west along the south line of Timbercreek Subdivision 325.28 feet; thence south 446.58 feet; thence west 110 feet; thence south 220 feet to the centerline of County Road 150 S; thence north 89°58'53" west 146.00 feet to the northeast corner of Ridgeview Subdivision; thence south 01° 02'02" west 922.64 feet along the boundary of Ridgeview Subdivision; thence north 88°47'02" west 164.35 feet; thence south 00°40'31" west 192.88 feet; thence south 84°36'30" west 402.58 feet; thence north 65°46'35" west 352.99 feet; thence south 84°36'30" west to the west right-of-way line of Kankamp Road; thence north 03°30' west 180 feet along the west line of Kankamp Road; thence north 80°00' west 301.00 feet to the centerline of South Wayne Street (Old U.S. 27); thence northerly along the centerline of South Wayne Street to the point of beginning.

2. Precinct One consists of the following census blocks in census tract:

a. CT 9713: CB 116, 117 and 118.

b. CT 9714: CB 103a, 207, 104, 208, 105, 209, 106, 210, 107, 211, 108, 212, 109, 213, 110, 214, 111, 215, 112, 216, 113, 217, 113b, 218, 114, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238 and 239.

c. The following census blocks located in census tract 9714 are split by precinct lines: CB 103c, 113c, 116a and 117.

(b) *Precinct Two.*

1. Precinct Two consists of the following area: commencing at the center of Section 26 of Pleasant Township, T37N, R13E; thence north along the centerline of North Wayne Street (SR 127) to its intersection with the centerline of East Broad Street and being the point of beginning; thence north along North Wayne Street to its intersection with Mechanic Street; thence east along the centerline of Mechanic Street to the northeast corner of the Indian Trails Subdivision; thence south along the east line of the aforesaid subdivision 982.27 feet to its southeast corner; thence west 737.45 feet along the south line of the aforesaid subdivision, also being the common line of Sections 24 and 25 of Pleasant Township, T37N, R13E, to the common corner of Sections 13, 14, 23 and 24 of Pleasant Township, T37N, R13E; thence south along the east line of Pine Run Subdivision 533.19 feet to the northwest

corner of Carlin View Addition to the City of Angola; the precinct limit continues in Section 24 of Pleasant Township, T37N, R13E, along the north line of Carlin View Addition and proceeds East 595 feet to the northeast corner of Carlin View Addition; thence south along the east line of Carlin View Addition 722.50 feet to the north line of Carlin Heights Addition; thence east along the north line of Carlin Heights Addition 338.82 feet to the northeast corner of the addition; thence south along the east line of Carlin Heights Addition and Lane's First Addition 1067.21 feet to the southeast corner of Lane's First Addition; thence west along the south line of Lane's First Addition 354.77 feet; thence south $01^{\circ}03'52''$ east 439.71 feet to the centerline of East Maumee Street (U.S. 20); thence west along the centerline of East Maumee Street to the intersection of Victoria Street; thence north along the centerline of Victoria Street to its intersection with East Broad Street; thence west along the centerline of East Broad Street to the point of beginning.

2. Precinct Two consists of the following census blocks located in census tracts:

- a. CT 9713: CB 106a, 404, 107, 405, 108, 406, 109, 407, 110, 408, 111, 409, 112, 410, 113, 411, 114, 412, 115, 413, 414 and 415.
- b. CT 9714: CB 201, 202, 203, 204, 205 and 206.
- c. The following census blocks located in census tract 9713 are split by precinct lines: CB 101, 102 and 106.

(c) *Precinct Three.*

1. Precinct Three consists of the following area: commencing at the center of Section 26 of Pleasant Township, T37N, R13E; thence westerly along the centerline of West Maumee Street (U.S. 20) to the east right-of-way line of County Road 200 W; thence north 754.1 feet along the east right-of-way line of County Road 200 W; thence north $89^{\circ}21'22''$ east 644.09 feet; thence north 13.04 feet; thence east 1135.5 feet more or less; thence north 670 feet; thence south $78^{\circ}52'23''$ east 845.73 feet; thence north 185 feet to the extended north right-of-way line of West Mill Street; thence east 30 feet along the extended right-of-way line; thence north along the north/south quarter section line of Section 27, 390 feet to the northwest corner of Lot #51 of the First Addition to Ju-Le-An Estates; thence east 618.95 feet; thence north 780 feet more or less to a point 20 feet south of the north line of Section 27 of Pleasant Township, T37N, R13E; thence east parallel to the line of the section 1,600 feet more or less; thence south parallel to the east line of the section approximately 1,000 feet; thence east to the east line of the section 435 feet; thence south on the section line between Sections 26 and 27 of Pleasant Township, T37N, R13E approximately 190 feet; the precinct limit continues in Section 26 of Pleasant Township, T37N, R13E, by heading south $89^{\circ}27'02''$ east 391.19 feet; thence north $01^{\circ}59'58''$ east 109.19 feet; thence south $89^{\circ}27'02''$ east 443.50 feet; thence north $89^{\circ}19'10''$ east 260.61 feet; thence south $06^{\circ}12'25''$ west 40.8 feet; thence north $89^{\circ}13'25''$ east 138.60 feet to the west right-of-way line of Wohler Street in the City of Angola; thence north along the west line of Mill Street $00^{\circ}46'35''$ west

715.69 feet; thence north 00°00'45" west 376.50 feet to the section line between Sections 23 and 26 of Pleasant Township, T37N, R13E; thence west along the section line 163.95 feet; thence north 44°51'43" west 357.75 feet; thence west parallel to the east/west section line approximately 760 feet to the section line between Sections 22 and 23 of Pleasant Township, T37N, R 13E; thence north along the section line approximately 3,535 feet to the southwest corner of Charles Sheets 18.14 acre tract; thence east along the south line approximately 500 feet to the southeast corner of the property; thence north along the east line of the property approximately 1,500 feet to the centerline of Harcourt Road (CR 100 N) and the section line between Sections 14 and 23 of Pleasant Township, T37N, R13E; thence east along said section line approximately 345 feet; the precinct limit continues in Section 14 of Pleasant Township, T37N, R13E by proceeding north 450 feet; thence east 450 feet; thence north 870 feet; thence west 1,299.76 feet along the quarter-quarter line of Section 14; thence north 2081.34 feet along the west section line to the south line of Growth Parkway Extended; thence south 89°59'15" west 1199.40 feet; thence north 00°13'21" west 979.88 feet; thence 411.89 feet along a curve to the left in a tract of land described as Parcel 19, permanent right-of-way in Deed Record 124, page 404, the chord of curve bears north 56°41'10" east 411.80 feet; thence north 53°51'40" east 464.94 feet along the south line thence 154.20 feet along a curve to the left in the south line to a concrete right-of-way marker, the chord of curve bears north 49°30'35" east 154.20 feet; thence north 46°15'27" east 63.34 feet along the south line; thence north 90°00'00" east 313.17 feet to the south right-of-way line of CR 200 N; thence continuing along the south road right-of-way as follows: north 80°53'30" east 368.83 feet; thence north 71°00'30" east 175.67 feet; thence north 63°27'26" east 192.73 feet; thence north 38°04'29" east 109.09 feet; thence north 78°37'53" east 206.37 feet; thence north 80°40'30" east 99.61 feet; thence east along the south right-of-way line to the west right-of-way line of SR 127; thence south along the west right-of-way line of SR 127 1,006.50 feet to the southerly line extended of the Sowle Settlement Cemetery; thence north 89°52'30" east 265 feet more or less to the southeast corner of the cemetery; thence north 89°52'30" east 1,081 feet more or less to a point in the east line of the west half of the northeast quarter of Section 14; thence with the east line south 00°34'50" west 3,256.2 feet to a common corner with James R. Mutton and DeVilbiss Electronics Corp.; thence east approximately 425 feet; thence south approximately 1,045 feet along the D.E.C. eastern property line to its southeast corner, on the section line between Sections 14 and 23 of Pleasant Township, T37N, R13E; thence east along the section line approximately 518 feet to the western right-of-way of the Indiana Northeastern Railroad Company's tracks; the precinct limit continues in Section 23 of Pleasant Township, T37N, R13E, in a southwesterly direction along the western right-of-way line of Indiana Northeastern Railway Company's tracks approximately 2880 feet; thence east approximately 1,685 feet along the southern property lines of John Taylor et ux and the Assembly of God to the centerline of SR 827; thence northwesterly along the centerline of SR 827 to the east/west quarter line of Section 23; thence east 225 feet to the southwest corner of the northwest quarter of the northwest quarter of Section 24 of Pleasant Township, T37N, R13E; thence proceeding east 1,320 feet more or less to the northeast corner of the southwest quarter of the northwest quarter of Section 24; thence north 00°09'49" west 74 feet; thence south 83°23'08" east 731.38 feet; thence south 00°27'59" west 1,331.35 feet to the south right-of-way of County Road

50 N; thence north $89^{\circ}50'00''$ west 711.86 feet; thence south approximately 1,615 feet to the centerline of County Road 20 N; thence westerly along the centerline of County Road 20 N to where the road becomes known as Mechanic Street; thence west along the centerline of Mechanic Street to the centerline of North Wayne Street (SR 127); thence south along the centerline of North Wayne Street to the point of beginning.

2. Precinct Three consists of the following census blocks in census tracts:

a. CT 9713: CB 102a, 201a, 301, 401, 103, 202a, 302, 402, 104, 203a, 303, 403, 105, 219a, 304, 107, 221, 305, 110, 222, 306, 223, 307, 112, 308, 113, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335 and 336.

b. CT 9714: CB 210, 202, 203, 212, 301, 302, 303 and 304.

c. The following census Blocks located in Census Tract 9713 are split by precinct lines: CB: 101, 202b, 102b, 203b, 219b and 220.

(d) *Precinct Four.*

1. Precinct Four consists of the following area: commencing at the center of Section 26 of Pleasant Township, T37N, R13E; thence south along the centerline of South Wayne Street to its intersection with County Road 150 S; thence south $89^{\circ}22'46''$ west 1007.44 feet along the south line of the southeast quarter of the northwest quarter of Section 35; thence south $89^{\circ}39'52''$ west 1109.78 feet along the line to the easterly right-of-way line of the Indiana Northeastern Railroad Company's tracks; thence north $21^{\circ}31'45''$ west along the line; thence along a curve to the right in the easterly right-of-way 815.94 feet the chord of the curve bearing north $13^{\circ}49'51''$ west to the northwest corner of Lot 8 in the Plat of Fox Lake Farms; thence north $89^{\circ}37'13''$ east 314.11 feet; thence south $00^{\circ}11'53''$ west 0.25 feet; thence north $89^{\circ}37'13''$ east 151.25 feet; thence south $87^{\circ}09'01''$ east 323.96 feet to the northeast corner of Lot 8 and the west right-of-way line of Butler Place; thence north $00^{\circ}11'53''$ east 208.00 feet to the southerly right-of-way of Fox Lake Road; thence along the right-of-way south $89^{\circ}37'13''$ west 297 feet; thence north $00^{\circ}11'53''$ east 215 feet; thence south $86^{\circ}11'31''$ west 519 feet to the easterly right-of-way of the Indiana Northeastern Railroad Company's tracks; thence along the right-of-way north $04^{\circ}39'22''$ east 170.67 feet; thence north $08^{\circ}54'16''$ east 175.48 feet; thence north $12^{\circ}18'57''$ east 833.13 feet to the north line of Lot 46 of Leavitt's Addition and also the northerly line of Section 35; thence east along the section line 100 feet to the west right-of-way line of the Indiana Northeastern Railroad Company's tracks; thence northeasterly along the right-of-way line approximately 600 feet; thence west approximately 1,458 feet through Tri-State University properties; thence north approximately 1,750 feet; thence west approximately 325 feet to the southwest corner of a property owned by M. Melching and G. O. Bider; thence north along the west line of the Melching property 300 feet to the centerline of West Maumee Street (U.S. 20) in Section 27 of Pleasant Township, T37N, R13E; thence easterly along the centerline of West Maumee Street to the point of beginning.

2. Precinct Pleasant Four consists of the following census blocks in census tract:

a. CT 9714: CB 305, 401, 306, 402, 307, 403, 308, 404, 309, 405, 310, 406, 311, 407, 312, 408, 313, 409, 314, 410, 315, 411, 316, 412, 317, 413, 318, 414, 319, 415, 320, 416, 321, 417a, 322, 422, 323, 423, 324, 424, 325, 425, 326, 426, 327, 427, 328, 428, 329, 429, 330, 430, 331, 431, 332, 432a, 433, 434 and 435.

b. The following census blocks in census tract 9714 are split by precinct lines: CB 432b and 436b.

(e) *Precinct Five.*

1. Precinct Five consists of the following area: commencing at the north quarter corner of Section 14 of Pleasant Township, T37N, R13E; thence running on an assumed south bearing 20 feet; thence west 50 feet to the west right-of-way of SR 127 and the south right-of-way line of County Road 200 N to the true point of beginning; thence south along the west right-of-way line of SR 127 1,006.50 feet to the southerly line extended of the Sowle Settlement Cemetery; thence north 89°52'30" east 265 feet more or less to the southeast corner of the cemetery; thence north 89°52'30" east 1,081 feet more or less to a point in the east line of the west half of the northeast quarter of Section 14; thence with the east line south 00°34'50" west 3,256.2 feet to a common corner with James R. Mutton and DeVilbiss Electronics Corp.; thence east approximately 425 feet along the north line of the D.E.C. property to its northeast corner; thence south approximately 1,045 feet along the D.E.C. eastern property line to its southeast corner, on the section line between Sections 14 and 23 in Pleasant Township, T37N, R13E; thence east along the section line approximately 518 feet to the western right-of-way of the Indiana Northeastern Railway Company's tracks; the precinct limit continues in Section 23 of Pleasant Township, T3 7N, R13E, in a southwesterly direction along the western right-of-way line of Indiana Northeastern Railway Company's tracks approximately 2,880 feet; thence east approximately 1,685 feet along the southern property lines of John Taylor et ux and The Assembly of God to the centerline of SR 827; thence northeasterly 1,135 feet; thence east 225 feet more or less to the northeast corner of the southeast quarter of the northeast quarter of Section 23, and being the northwest corner of the southwest quarter of the northwest quarter of Section 24 proceeding east 1,320 feet more or less to the northeast corner of the southwest quarter of the northwest quarter of Section 24; thence north 00°09'49" west 74 feet; thence south 83°23'08" east 731.38 feet; thence south 00°27'59" west 1,331.35 feet to the south right-of-way of County Road 50 N; thence north 89°50" west 711.86 feet; thence south approximately 1,615 feet to the centerline of County Road 20 N; thence in a westerly direction along the centerline of County Road 20 N approximately 620 feet to the northeast corner of the Indian Trails Subdivision; thence south along the east line of the aforesaid subdivision 982.27 feet to its southeast corner; thence west 737.45 feet along the south line of the aforesaid subdivision, also being the common line of Sections 24 and 25 of Pleasant Township, T37N, R 13E, to the common corner of Sections 13, 14, 23 and 24 of Pleasant Township, T37N, R13E; thence south along the east line of Pine Run Subdivision 533.19 feet to the northwest corner of Carlin View Addition

to the City of Angola; the precinct limit continues in Section 24 of Pleasant Township, T37N, R13E, along the north line of Carlin View Addition and proceeds east 595 feet to the northeast corner of Carlin View Addition; thence south along the east line of Carlin View addition 722.50 feet to the north line of Carlin Heights Addition; thence east along the north line of Carlin Heights Addition 338.82 feet to the northeast corner of the addition; thence south along the east line of Carlin Heights Addition and Lane's First Addition 1,067.21 feet to the southeast corner of Lane's First Addition; thence west along the south line of Lane's First Addition 354.77 feet; thence south 01°03'52" east 439.71 feet to the centerline of East Maumee Street (U.S. 20); thence easterly along the centerline of East Maumee Street to its intersection with County Road 100 E; thence south 00°13'17" east 1,930.1 feet; thence south 88°45'29" west 250 feet; thence south 00°13'17" east 300 feet to the southerly line of Section 25; thence south 88°45'29" west along the section line 2,048.84 feet; thence south 14°25'29" west 490 feet; thence south 56°25'29" west 210 feet; thence north 74°14'50" west 950 feet; thence south 00°04'50" east 446 feet to the centerline of Redding Road at the northeast corner of the 14th Addition to Reddington Heights; thence south 67°57'59" east 173.32 feet; thence continuing south 00°00' east 711.93 feet; thence south 88°52'55" west 160 feet; thence north 00°03'11" west 578.29 feet to the southeast corner of the 14th addition to Reddington Heights; thence east along the centerline of U.S. 20; thence south 84°06'30" west 511.23 feet thence South 69°06'30" west 445 feet; thence south 89°09'30" west 391.00 feet; thence south 69°37'30" west 425.89 feet; thence south 78°21'20" west 99.14 feet; thence south 80°09'50" west 100.28 feet; thence south 83°31'40" west 67.02 feet; thence south 54°10'50" west 83.00 feet; thence south 41°37'30" west 88.00 feet; thence north 85°38'10" west 65.06 feet; thence south 85°41'10" west 137.05 feet; thence north 80°49'00" west 99.97 feet; thence north 86°27'46" west 684.39 feet; thence north 00°25" east 72.03 feet; thence north 90°00" west 50 feet; thence south 00°09'12" west 611.31 feet; thence south 89°51'52" west along the south line of Timbercreek Subdivision 325.28 feet; thence south 446.58 feet; thence west 110 feet; thence south 220 feet to the centerline of County Road 150 S; thence north 89°58'53" west 146.00 feet to the northeast corner of Ridgeview Subdivision; thence south 01°02'02" west 922.64 feet along the boundary of Ridgeview Subdivision; thence north 88°47'02" west 164.35 feet; thence south 00°40'31" west 192.88 feet; thence south 84°36'30" west 402.58 feet; thence north 65°46'35" west 352.99 feet; thence south 84°36'30" west to the west right-of-way line of Kankamp Road; thence north 03°30' west 180 feet along the west line of Kankamp Road; thence north 80°00' west 301.00 feet to the centerline of South Wayne Street (Old U.S. 27); thence north 07°36'03" east along the centerline 321 feet; thence south 89°22'46" west 1,007.44 feet along the south line of the southeast quarter of the northwest quarter of Section 35; thence south 89°39'52" west 1,109.78 feet along the line to the easterly right-of-way line of the Indiana Northeastern Railroad Company's tracks; thence north 21°31'45" west along the line; thence along a curve to the right in the easterly right-of-way 815.94 feet the chord of the curve bearing north 13°49'51" west to the northwest corner of Lot 8 in the Plat of Fox Lake Farms; thence north 89°37'13" east 314.11 feet; thence south 00°11'53" west 0.25 feet; thence north 89°37'13" east 151.25 feet; thence south 87°09'01" east 323.96 feet to the northeast corner of Lot 8 and the west right-of-way line of Butler Place; thence north 00°11'53" east 208.00 feet to the southerly right-of-way of Fox Lake Road; thence along the right-of-way south 89°37'13" west 297 feet; thence north 00°11'53" east 215 feet; thence south 86°11'31" west 519 feet to the easterly right-of-way of the Indiana Northeastern Railroad

Company's tracks; thence along the right-of-way north $04^{\circ}39'22''$ east 170.67 feet; thence north $08^{\circ}54'16''$ east 175.48 feet; thence north $12^{\circ}18'57''$ east 833.13 feet to the north line of Lot 46 of Leavitt's Addition and also the northerly line of Section 35; thence east along the section line 100 feet to the west right-of-way line of the Indiana Northeastern Railroad Company's tracks; thence northeasterly along the west right-of-way approximately 600 feet; thence west approximately 1,458 feet through Tri-State University Properties; thence north approximately 1,750 feet; thence west approximately 325 feet to the southwest corner of a property owned by M. Melching and G. O. Bitler; thence north along the west line of the Melching property 300 feet to the north right-of-way of U.S. 20 in Section 27 of Pleasant Township, T37N, R13E; thence westerly along the centerline of West Maumee Street (U.S. 20) to the east right-of-way line of County Road 200 W; thence north 754.1 feet along the east right-of-way line of County Road 200 W; thence north $89^{\circ}21'22''$ east 644.09 feet; thence north 13.04 feet; thence east 1,135.5 feet more or less; thence north 670 feet; thence south $78^{\circ}52'23''$ east 845.73 feet; thence north 185 feet to the extended north right-of-way line of West Mill Street; thence east 30 feet along the extended right-of-way line; thence north along the north/south quarter section line of Section 27, 390 feet to the northwest corner of Lot 51 of the First Addition to Ju-Le-An Estates; thence east 618.95 feet; thence north 780 feet more or less to a point 20 feet south of the north line of Section 27 of Pleasant Township, T37N, R13E; thence east parallel to the line of Section 1,600 feet more or less; thence south parallel to the east line of Section 27 approximately 1,000 feet; thence east to the east line of Section 27 approximately 435 feet; thence south on the section line between Sections 26 and 27 of Pleasant Township, T37N, R13E, approximately 190 feet; the precinct limit continues in Section 26 of Pleasant Township, T37N, R13E, by heading south $89^{\circ}27'02''$ east 391.19 feet; thence north $01^{\circ}59'58''$ east 109.19 feet; thence south $89^{\circ}27'02''$ east 443.50 feet; thence south $01^{\circ}32'58''$ west 109.19 feet; thence south $89^{\circ}27'02''$ east 42.64 feet; thence south $00^{\circ}43'35''$ east 87.64 feet; thence south $89^{\circ}19'10''$ east 197.49 feet; thence north $06^{\circ}23'25''$ east 138.60 feet to the west right-of-way line of Wohler Street in the City of Angola; thence north along the west line of West Mill Street $00^{\circ}46'35''$ west 715.69 feet; thence north $00^{\circ}00'45''$ west 376.50 feet to the section line of Sections 23 and 26 in Pleasant Township, T37N, R13E; thence west along the section line 163.95 feet; thence north $44^{\circ}51'43''$ west 357.75 feet; thence west parallel to the east/west section line approximately 760 feet to the section line between Sections 22 and 23 in the aforesaid township; thence north along the section line approximately 3,535 feet to the southwest corner of Charles Sheets 18.14-acre tract; thence east along the south line of the property approximately 500 feet to the southeast corner of the property; thence north along the east property line approximately 1,500 feet to the centerline of County Road 100 N; thence west along the centerline of County Road 100 N to the northwest corner of fractional Section 19 of Pleasant Township, T37N, R13E; thence south along the township boundary line to the southwest corner of fractional Section 31 of Pleasant Township, T37N, R13E; thence east along the southern township boundary to the east boundary of the township; thence north along the east township boundary to the northeast corner of the township; thence west along the north township boundary line to the intersection of the centerlines of County Road 400 N and SR 127; thence south along the centerline of SR 127 to the north quarter corner of Section 14 of Pleasant Township, T37N, R14E; thence south 20 feet; thence west 50 feet and to the point of beginning.

2. Precinct Five consists of the following census blocks located in census tracts:

- a. CT 9710: CB 503b, 504m 505, 506, 507 and 508b.
- b. CT 9712: CB 109, 112a, 113, 114a and 115a.
- c. CT 9713: CB 201a, 201b, 202c, 215, 216, 217, 218, 219c, 219d, 224, 225, 226, 227, 228, 229, 230 and 231.
- d. CT 9714: CB 115, 117, 118a, 119a, 123a, 417b, 418, 419, 420a, 421a, 437a, 438a, 439, 440, 441, 442, 443, 444, 445 and 446a.
- e. CT 9715: CB 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 204b, 205b, 206b, 207b, 209a, 210a and 211a.
- f. The following census blocks located in census tracts are split by precinct lines:
 - i. CT 9713: CB 101, 102, 106b, 202b, 203b, 219b and 220.
 - ii. CT 9714: CB 103c, 113c, 116a, 432b and 436b.

(f) *Precinct Six.*

1. Precinct Six consists of the following area: commencing at the north quarter post of Section 2, Pleasant Township, T37N, R13E; thence west along the township line to its intersection with SR 127, being the true point of beginning; thence west along the north boundary of Pleasant Township to the centerline of County Road 300 W; thence southerly along the centerline of County Road 300 W to its intersection with Bay View Road (a.k.a. County Road 200 W extended); thence southerly along the road centerline to its junction (continuation) with County Road 200 W; thence south along the centerline of County Road 200 W to its intersection with County Road 100 N; thence east along the centerline of CR 100 N to the west property line of Sheets Oil and Gas Corporation; the precinct limit continues in Section 14 of Pleasant Township, T37N, R13E North 450 feet; thence east 450 feet; thence north 870 feet; thence west 1299.76 feet along the quarter line to the west line of Section 14; thence north 2081.34 feet along the west section line to the south line of Growth Parkway Extended; thence south 89°59'15" west 1 199.40 feet; thence north 00°13'21" west 979.88 feet; thence 411.89 feet along a curve to the left in a tract of land described as Parcel 19, permanent right-of-way in Deed Record 124, page 404, the chord of curve bears north 56°41'10" east 411.80 feet; thence north 53°51'40" east 464.94 feet along the south line; thence 154.20 feet along a curve to the left in the south line to a concrete right-of-way marker, the chord of curve bears north 49°30'35" east 154.20 feet; thence north 46°15'27" east 63.34 feet along the south line; thence north 90°00'00" east 313.17 feet to the south right-of-way line of County Road 200 N; thence continuing along the south road right-of-way as follows:

north 80°53'30" east 368.83 feet; thence north 71°00'30" east 175.67 feet; thence north 63°27'26" east 192.73 feet; thence north 38°04'29" east 109.09 feet; thence north 78°37'53" east 206.37 feet; thence north 80°40'30" east 99.61 feet; thence east 1513.70 feet along the south right-of-way to the centerline of SR 127; thence northerly along the centerline of SR 127 to the point of beginning.

2. Precinct Pleasant Six consists of the following census blocks in census tracts:

- a. CT 9709: CB 305, 421c, 435, 436 and 437.
- b. CT 9711: CB 401, 420, 421b, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525 and 526.
- c. CT 9712: CB 110, 111 and 113.
- d. CT: 9713: CB 206, 207, 208, 209, 210, 211, 212, 213 and 214.
- e. The following census blocks located in census tracts are split by precinct lines: CT 9713: CB 203b.

(8) *Richland Township*. There is one precinct in Richland Township. The precinct encompasses the entire area of the township.

(9) *Salem Township*. There is one precinct in Salem Township. The precinct encompasses the entire area of the township.

(10) *Scott Township*. There is one precinct in Scott Township. The precinct encompasses the entire area of the township.

(11) *Steuben Township*. There is one precinct in Steuben Township. The precinct encompasses the entire area of the township.

(12) *York Township*. There is one precinct in York Township. The precinct encompasses the entire area of the township.

('84 Code, § 3-11-1.5-1) (Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94; Am. Order passed 2-7-94; Am. Ord. 682, passed 10-6-97)

(B) *Metropolitan school districts*. The Board hereby divides the County Metropolitan School District into school board member districts in accordance with I.C. 20-4-8-14:

(1) *District One*. All of Pleasant Township north of the centerline of U.S. 20 and east of the centerline of U.S. 27; all of the City of Angola; thence north of the centerline of Maumee Street and east of the centerline of Wayne Street; all of Scott Township; all of York Township.

(2) *District Two.* All of Pleasant Township west of U.S. 27; all of the City of Angola West of the centerline of Wayne Street and north of the centerline of Maumee Street; all of the City of Angola west of the centerline of Darling Street and south of the centerline of Maumee Street.

(3) *District Three.* All of Pleasant Township east of the centerline of U.S. 27 and south of the centerline of U.S. 20; all of the City of Angola east of the centerline of Darling Street and south of the centerline of Maumee Street; all of Steuben Township.

(`84 Code, § 20-4-8-1) (Order passed 2-9-60; Am. Order passed 1-6-64)

(C) *Township boundaries.* The Board of Commissioners establishes the following townships in the county. These townships have the boundaries set forth in this section.

(1) Clear Lake Township: Sections 16 through 21 and 28 through 33, all in Township 38 North, Range 15 East, Steuben County.

(2) Fremont Township: Sections 13 through 36, Township 38 North, Range 14 East, Steuben County.

(3) Jackson Township: Sections 1 through 36, Township 37 North, Range 12 East, Steuben County.

(4) Jamestown Township: Sections 7 through 36, Township 38 North, Range 13 East, Steuben County.

(5) Millgrove Township: Sections 7 through 36, Township 38 North, Range 12 East, Steuben County.

(6) Otsego Township: Sections 1 through 36, Township 36 North, Range 14 East, Steuben County.

(7) Pleasant Township: Sections 1 through 36, Township 37 North, Range 13 East, Steuben County.

(8) Richland Township: Sections 4 through 9, 16 through 21 and 28 through 33, Township 36 North, Range 15 East, Steuben County.

(9) Salem Township: Sections 1 through 36, Township 36 North, Range 12 East, Steuben County.

(10) Scott Township: Sections 2 through 11, 14 through 23 and 26 through 35, Township 37 North, Range 14 East, Steuben County.

(11) Steuben Township: Sections 1 through 36, Township 36 North, Range 13 East, Steuben County.

(12) York Township: Sections 4 through 9, 16 through 21 and 28 through 33, Township 37 North, Range 15 East and Sections 1, 12, 13, 24, 25 and 36, Township 37 North, Range 14 East, Steuben County.

(`84 Code, § 36-6-1-2) (Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

Cross-reference:

Commissioner districts, see § 31.01

Council districts, see § 32.01

Editor's note:

I.C. 20-4 was repealed by P.L. 1-2005, Sec. 240

Statutory reference:

Precinct boundary orders, see I.C. 3-11-1.5-1

TITLE III: ADMINISTRATION

Chapter

30. LEGISLATIVE PROCEDURE

31. COUNTY COMMISSION

32. COUNTY COUNCIL

33. CONSULTANTS

34. COUNTY OFFICIALS AND EMPLOYEES

35. BOARDS, COMMISSIONS AND DEPARTMENTS

36. COUNTY PROPERTY

37. COUNTY POLICIES AND FEES

38. COUNTY JAIL; CORRECTIONS

39. TAXATION

40. PURCHASING PROCEDURES

CHAPTER 30: LEGISLATIVE PROCEDURE

Section

- 30.01 County Seat; conducting affairs
- 30.02 Rules for ordinances

§ 30.01 COUNTY SEAT; CONDUCTING AFFAIRS.

The regular and usual place for conducting the affairs of the government of the county shall be in the City of Angola, Indiana.

(`84 Code, § 4-1-4-2) (Ord. 589, passed 10-1-84)

Statutory reference:

Emergency relocation of seat of government, see I.C. 4-1-4-2

§ 30.02 RULES FOR ORDINANCES.

(A) All general ordinances adopted by the Board of Commissioners shall be consecutively numbered, beginning with the number “500.”

(B) All ordinances rezoning property shall be numbered as follows when presented to the Board for consideration: a “Z-“ followed by the last two digits of the calendar year when that measure was considered by the Plan Commission, followed by a hyphen and a number indicating the order in which that rezoning ordinance was considered by the Plan Commission.

(C) All ordinances amending the text of the comprehensive plan, except for rezoning ordinances, shall be numbered as set forth in division (B) above, except that the prefix “A-“ shall be substituted for “Z-“ and that the final number in the series shall indicate the order in which the comprehensive plan amendment was considered by the Plan Commission during that calendar year.

(D) All ordinances vacating property shall be numbered as set forth in division (B) above, except that the prefix “VE-“ shall be substituted for “Z-.”

(`84 Code, § 36-2-4-10) (Res. passed 5-1-61; Am. Ord. 589, passed 10-1-84)

Statutory reference:

For provisions concerning ordinances, see I.C. 36-2-4-8

CHAPTER 31: COUNTY COMMISSION

Section

- 31.01 Commissioner districts
- 31.02 Meetings

§ 31.01 COMMISSIONER DISTRICTS.

The county is divided into three County Commissioner election districts:

(A) The northern district is composed of the following territory:

- (1) Clear Lake Township;
- (2) Fremont Township;
- (3) Jamestown Township; and
- (4) Millgrove Township.

(B) The middle district is composed of the following territory:

- (1) Jackson Township;
- (2) Pleasant Township;
- (3) Scott Township; and
- (4) York Township.

(C) The southern district is composed of the following territory:

- (1) Otsego Township;
- (2) Richland Township;

(3) Salem Township; and

(4) Steuben Township.

('84 Code, § 36-2-2-4) (Ord. 589, passed 10-1-84; Am. Ord. 591, passed 1-2-85; Am. Ord. 662, passed 5-9-94)

Statutory reference:

Division of county into districts, see I.C. 36-2-2-4

§ 31.02 MEETINGS.

The Board of Commissioners shall begin regular meetings at 8:30 a.m. on the first Monday of each month and at 8:30 a.m. on the third Monday of each month, except in December, when an additional meeting will be held.

('84 Code, § 36-2-2-6) (Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94; Am. Order passed 12-6-94; Am. Order passed 11-28-95)

Statutory reference:

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

CHAPTER 32: COUNTY COUNCIL

Section

32.01 Council districts

Statutory reference:

Election of fiscal body; division into districts, see I.C. 36-2-3-4

§ 32.01 COUNCIL DISTRICTS.

The county is divided into four County Council election districts as follows:

(A) Council District One is composed of the following territory:

- (1) Clear Lake Township;
- (2) Fremont Township;
- (3) Jamestown Township; and
- (4) Millgrove Township.

(B) Council District Two is composed of the following territory in Pleasant Township:

- (1) All of the township within the City of Angola; and
- (2) Precincts 1, 2, 3, 4 and 5 outside of the City of Angola.

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

- (1) Jackson Township;
- (2) Pleasant Township: Precincts 6 and 7 outside of the City of Angola; and
- (3) Salem Township.

(D) Council District Four is composed of the following territory:

- (1) Otsego Township;
- (2) Richland Township;
- (3) Scott Township;
- (4) Steuben Township; and
- (5) York Township.

('84 Code, § 35-2-3-4) (Ord. passed 5-2-1899; Am. Ord. 544, passed 3-4-74; Am. Order passed 12-21-81; Am. Ord. 634, passed 12-30-91)

CHAPTER 33: CONSULTANTS

Section

- 33.01 Purpose
- 33.02 Necessity for use
- 33.03 Authorization for employment
- 33.04 Record of consultants
- 33.05 Selection of consultants; specific projects
- 33.06 Request for proposals
- 33.07 Submittal of proposals
- 33.08 Selection of consultants; proposal review
- 33.09 Negotiations for contract
- 33.10 Exceptions to procedure
- 33.11 Notice to proceed with work

Statutory reference:

Similar provisions, see I.C. 36-1-12-1

§ 33.01 PURPOSE.

The purpose of this chapter is to prescribe the procedures of the Board of Commissioners applicable to the retaining of consultants on contracts involving federal participation so that these procedures are compatible with appropriate regulations and guidelines of the U.S. Department of Transportation.

('84 Code, § 36-1-12-1) (Order passed 9-8-81; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

§ 33.02 NECESSITY FOR USE.

The services of a consultant may be requested for a project where:

(A) The in-house capabilities of the Board are insufficient to accomplish the project within the desirable time;

(B) The complexity or nature of the project requires specialized expertise;

(C) It is more economical to engage the services; or

(D) It is otherwise in the public interest.

('84 Code, § 36-1-12-1) (Order passed 9-8-81; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

§ 33.03 AUTHORIZATION FOR EMPLOYMENT.

If the Board determines, at a regular meeting, that consulting services shall be used, the minutes shall show that the Board has decided to use the services of a consultant.

('84 Code, § 36-1-12-1) (Order passed 9-8-81; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

§ 33.04 RECORD OF CONSULTANTS.

(A) The County Auditor shall maintain files and records of consultants who have expressed interest in providing professional services and who have submitted information as to the qualifications of the consultant's firm.

(B) (1) The record of consultants will be based upon information provided by each consultant in a manner that may be prescribed, supplemented with other information as is considered necessary to provide current data about the firm. The information shall include the name, address, list of principals, list of professional-technical supporting staff, the qualifications and experience of individuals, the history and experience of the firm, the extent of involvement in noteworthy projects and technical and financial references.

(2) From time to time, supplemental information may be submitted by the consultant to keep the consultant's file current.

(C) The record of listing of consultants will include the firms previously and currently satisfactorily employed by the county and all minority business enterprises and women-owned business enterprises (MBE/WBE) known to the Indiana State Highway Commission (ISHC). The tabulation should produce a listing of four to eight firms for each type of work.

('84 Code, § 36-1-12-1) (Order passed 9-8-81; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

§ 33.05 SELECTION OF CONSULTANTS; SPECIFIC PROJECTS.

The selection of consultants for specific projects shall be made by majority decision of the Board. ('84 Code, § 36-1-12-1) (Order passed 9-8-81; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

§ 33.06 REQUEST FOR PROPOSALS.

(A) Before the consultant selection, the Board shall prepare a notice of projects for which consultant proposals are being requested. The listing is to provide the necessary project data for preparation of consultant proposals. The notice shall provide for a period of time, not to be less than 30 days from the date of posting of the notice, during which consultant proposals will be accepted for the various proposed agreements described in the notice. The listing is to be posted in the Office of the Board of County Commissioners in the City of Angola.

(B) The notice shall be sent by regular U.S. mail to all firms that have met the requirements outlined in § 33.04, and which have requested in writing that notices covering specific types of projects being sent to them, with the firm's request being renewed annually. ('84 Code, § 36-1-12-1) (Order passed 9-8-81; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

§ 33.07 SUBMITTAL OF PROPOSALS.

(A) Any consultant having on file in the Office of the Board or submitting with the consultant's proposal current information on the firm's qualifications may submit proposals for items noted in the notice of request for proposals during the period of time specified in the notice.

(B) The proposal must include the following:

- (1) A description of the proposed project;
- (2) A description of anticipated work elements;
- (3) Proposed staffing for the work, including designation of project manager;

(4) Proposed schedule of work; and

(5) Information concerning current overhead rate, as prepared by a certified public accountant or registered accountant, or as approved by the Indiana State Highway Commission (ISHC.) ('84 Code, § 36-1-12-1) (Order passed 9-8-81; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

§ 33.08 SELECTION OF CONSULTANT; PROPOSAL REVIEW.

(A) The Board, after a review of the proposals received for a project, shall decide which firm is most suitable for employment for that project. In keeping with the state's MBE affirmative action plan and federal regulations concerning the employment of minority business enterprises, the greatest possible consideration for use of minority-owned firms will be given during the selection process. The minutes of the Board shall note the reasons for the selection of the recommended consultant.

(B) (1) Upon the Board's approval, the proposal received from the selected consultant, together with any necessary added information such as breakdown of scope, schedule and proposed compensation with man-hour estimates, overhead rates or direct costs shall undergo a further technical review by the Board.

(2) As required, preliminary discussions between the consultant and the Board will take place during these assessments.

(C) In those instances where Federal Highway Procedure Manual (FHPM) 1-7-2 requires pre-award audit evaluation on selected consultants who are expected to exceed \$50,000, the financial review shall be made by the Board, in conjunction with the State Highway Commission Division of Auditing and Control.

('84 Code, § 36-1-12-1) (Order passed 9-8-81; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

§ 33.09 NEGOTIATIONS FOR CONTRACT.

(A) (1) When the assessment of the consultant's proposal has been completed, negotiations of the contract for the work shall take place with the Board negotiating the contract with documentation of the use of the evaluations during negotiations and a preliminary agreement developed and submitted for any necessary reviews and approvals.

(2) Upon receipt of needed approvals including local, county, ISHC and FHWA approvals, a final contract shall be executed.

(B) If agreement cannot be reached during negotiations of a contract with reasonable efforts to reach an agreement, either the Board or consultant may terminate the discussions. In such event, the selection and negotiations with an alternate firm may then be undertaken.

('84 Code, § 36-1-12-1) (Order passed 9-8-81; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

§ 33.10 EXCEPTIONS TO PROCEDURE.

Exceptions to procedure are when:

(A) A project is considered of any emergency nature;

(B) The scope of work is relatively small;

(C) Consultants' fees for the work will be less than \$10,000;

(D) The specialized qualifications of a particular consultant appear needed for accomplishment of the work; or

(E) Non-competitive negotiations are authorized by the Federal Highway Administration. A consultant may be selected with any necessary concurrence by the State Highway Commission and the Federal Highway Administration's Division Office, and only that firm requested to immediately submit a consultant proposal for the project.

('84 Code, § 36-1-12-1) (Order passed 9-8-81; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

§ 33.11 NOTICE TO PROCEED WITH WORK.

When federal and state approvals have been received on the contract along with authorization to proceed, a written notice to proceed with the work shall be given to the consultant by the county. No compensation shall be made for work undertaken before the notice to proceed.

('84 Code, § 36-1-12-1) (Order passed 9-8-81; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

CHAPTER 34: COUNTY OFFICIALS AND EMPLOYEES

Section

- 34.01 Deferred compensation
- 34.02 Public Employees' Retirement Fund
- 34.03 Disabled parking for employees
- 34.04 Compensation and salary
- 34.05 Deferred compensation plan for Sheriff's Department
- 34.06 Anti-nepotism policy
- 34.07 Conflict of interest policy

Cross-reference:

Nondiscrimination policy, see §§ 110.15 through 110.25

§ 34.01 DEFERRED COMPENSATION.

(A) The Board of Commissioners establishes the Section 457 Deferred Compensation Plan for employees of the county government. The Board authorizes its officials to execute all documents necessary to effectuate the existence of the plan.

(B) However, no monies will be spent or paid pursuant to the plan without approval of the County Council.

(`84 Code, § 5-10-1.1-1) (Res. passed 4-3-95)

Statutory reference:

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

§ 34.02 PUBLIC EMPLOYEES' RETIREMENT FUND.

(A) (1) The county hereby 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 State Public Employees' Social Security Integration and Supplemental Retirement Benefits Act.

(3) All county employees except members of the County Police Department shall be covered by PERF.

(4) The county declares that none of the classifications or positions included in PERF, as set forth in division (A)(3) above, 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 Employees' Retirement Fund concerning the employees of county government, specifically, as to their length of service in the county government, their level of compensation and other facts and information that would pertain to the eligibility of and participation of those employees in the State Public Employees' Retirement Fund.

('84 Code, § 5-10.3-1-1) (Ord. passed 9-2-69; Am. Order passed 6-6-77; Am. Order passed 10-4-82; Am. Ord. 589, passed 10-1-84)

Statutory reference:

PERF specifications, see I.C. 5-10.3-1-1

§ 34.03 DISABLED PARKING FOR EMPLOYEES.

The county adopts by reference all provisions of I.C. 5-16-9-4 and 5-16-9-5 concerning specifications and enforcement of the parking laws for disabled persons.

('84 Code, § 5-16-9-4) (Ord. passed 4-18-95)

Statutory reference:

Specifications, see I.C. 5-16-9-4

§ 34.04 COMPENSATION AND SALARY.

Appropriate county government will determine from time to time the compensation and salary of county officials and employees. The amounts are incorporated herein as if set out in full.

§ 34.05 DEFERRED COMPENSATION PLAN FOR SHERIFF'S DEPARTMENT.

(A) The County Commissioners hereby establish a Deferred Compensation Plan for the Steuben County Sheriff's Department to allow for the voluntary participation of employees of such Sheriff's Department; but only if at least one-third of the total employees with the Steuben County Sheriff's Department participate in the Plan.

(B) The Sheriff's Department will utilize the Deferred Compensation Plan established by County Sheriff's Departments in Indiana, known as the Indiana Sheriffs 457(b) Plan, and participate in the group trust arrangement established by that Deferred Compensation Plan; and the Sheriff is authorized to sign the adoption agreement to participate in the Deferred Compensation Plan subject to the minimum participation requirement set forth above.

(C) The County Commissioners hereby authorize the County Auditor to make deductions from the pay of employees of the Sheriff's Department who voluntarily participate in the Deferred Compensation Plan and to deposit the deferrals in the trust. The County Commissioners also authorize the Committee made up of representatives of the Sheriff Departments participating in the Plan (as determined by participating Sheriff Departments) to make such other arrangements as are necessary to implement the Plan. It is understood that, other than the incidental expenses related to collecting the employees' deferrals and other minor administrative matter, there is to be no cost to or contribution by the County to this Plan.

(Ord. 789, passed 11-16-09)

§ 34.06 ANTI-NEPOTISM POLICY.

The county adopts as its anti-nepotism policy the anti-nepotism provisions of Public Law 15-2012 codified as I.C. 36-1-20.2 and 36-1-21.

(Ord. 830, passed 7-2-12)

§ 34.07 CONFLICT OF INTEREST POLICY.

(A) No officers or employees of the county shall neither solicit nor accept gratuities, favors, or anything of monetary value from consultants, potential consultants, or parties to subagreements, unless in accordance with the conflict of interest policy. The aforementioned prohibition does not include gratuities, favors, or anything of monetary value under \$100. Any financial interest under \$100 shall be considered not substantial in accordance with the Code of Federal Regulations.

(B) This policy conforms to the standards set forth in the Code of Federal Regulations and by the Indiana Department of Transportation. A "consultant" is defined as an individual or firm providing engineering and design related services as a party to a contract with a recipient or subrecipient of Federal assistance.

(Ord. 901, passed 6-19-17)

CHAPTER 35: BOARDS, COMMISSIONS AND DEPARTMENTS

Section

- 35.01 Health Department
- 35.02 Veterans' Affairs Department
- 35.03 Department of Emergency Management
- 35.04 Public Defender Board
- 35.05 Maumee River Basin Commission
- 35.06 Plan Commission
- 35.07 Police Department
- 35.08 Sheriff's Reserve
- 35.09 County Port Authority
- 35.10 Cemetery Commission
- 35.11 County Development Authority
- 35.12 Innkeepers Tax Commission

§ 35.01 HEALTH DEPARTMENT.

(A) The County Health Department is established in accordance with I.C. 16-20-2-1. ('84 Code, § 16-20-2-1) (Ord. passed 8-23-56; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

(B) (1) The Petty Cash Fund of the County Health Department is established. The County Health Department shall place \$25 in the Petty Cash Fund.

(2) The Change Fund of the County Health Department is established. The County Health Department shall place \$50 in the Fund. ('84 Code, § 16-20-1-3) (Order passed 4-18-88; Am. Order passed 3-4-91; Am. Ord. 662, passed 5-9-94)

(C) (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED REPRESENTATIVE. An agent in principal of the County Board of Health and a health officer, as provided in I.C. 16-20.

BOARD OF HEALTH. The County Board of Health, as provided for in I.C. 16-20.

HEALTH OFFICER. A county health officer, provided for in I.C. 16-20.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate or municipality, or his, her or its legal representative or agent.

(2) The Board of Health shall collect the fees for all services it provides in accordance with this section.

(3) 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.

(a) 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. 16-37;

(b) 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;

(c) For supervision and inspection of sanitary installations, as required by 410 I.A.C. 6-8-1 to 6-8-26;

(d) For services provided by the County Health Department in performing percolation tests, soils investigation, or both, and recording the results of the tests or investigations;

(e) For services provided by the County Health Department in performing surveys for loan evaluation reports and recording the results of the surveys; and

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

(4) (a) The fees collected hereunder shall be transferred to and deposited in the County Health Department, through the County Auditor, to be used for purposes of administration of this section and other operations of the County Health Department, upon the proper appropriation action being taken and approved by the County Council.

(b) All fees collected by the Board of Health shall be accounted for in detail for each program service area. All fees collected by the Board of Health pursuant to this section shall be transferred to the County Health Fund.

(c) Fees collected for health services and records provided to persons in other county health jurisdictions and involving payment from county tax revenues shall be collected in accordance with agreements entered into pursuant to I.C. 16-20-1-8.

(`84 Code, § 16-20-1-27) (Ord. 564, passed 9-17-81; Am. Ord. 564A, passed 7-7-86; Am. Ord. 644, passed 2-16-93; Am. Ord. 662, passed 5-9-94)

Cross-reference:

Fee schedule, see §§ 37.01 and 92.40 et seq.

Statutory reference:

Establishment and maintenance, see I.C. 16-20-2-1

Fee schedules, see I.C. 16-20-1-27

Funds, see I.C. 16-20-1-3

§ 35.02 VETERANS' AFFAIRS DEPARTMENT.

(A) The County Veterans' Affairs Department is established.

(B) The Department is headed by the County Service Officer.

(`84 Code, § 10-5-1-11) (Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

§ 35.03 DEPARTMENT OF EMERGENCY MANAGEMENT.

(A) This section shall be known as the "Emergency Management Section."

(B) The purpose of this section is to establish the County Department of Emergency Management and to provide for the exercise of necessary powers during emergencies.

(C) (1) The general scope of this section is to provide for all necessary and indispensable powers and procedures reasonably needed to mitigate, prepare for, respond to and recover from emergency conditions.

(2) Emergency shall mean a condition resulting from a natural disaster or manmade disasters, which cannot be handled by normal operating personnel or facilities.

(3) To this end all powers, both ministerial and discretionary, as conferred herein shall be liberally construed and shall be construed as intending to supplement and augment, and not to limit any other powers or reasonable exercise of discretion which may ordinarily pertain to county officers, employees, department and agencies.

(4) The general intent of this section is to assemble and coordinate all necessary and available emergency services as required to prepare for and assist with any emergency or possible emergency that may occur within the county and its cities and towns.

(D) (1) Nothing in this section is intended to supercede or delimit any statutory powers of the County Sheriff to determine, respond to and provide for the control of public disasters and other emergency situations under the provisions of I.C. 10-2-4-6 and I.C. 10-2-4-7.

(2) Nothing in this section is intended to supercede or delimit the powers of any incorporated municipality under I.C. 10-4-1-10 to adopt and implement emergency plans and to promulgate and enforce special emergency regulations and procedures in the advent of an actual emergency affecting the county.

(E) (1) In accordance with I.C. 10-4-1-10(d), there is established the County Emergency Management Advisory Council which shall consist of a maximum of seven members, each of which shall be appointed by the Board of County Commissioners for two-year terms as follows:

(a) One member shall be the President of the County Board of Commissioners;

(b) One member shall be the President of the County Council;

(c) One member shall be the Mayor of Angola, Indiana; and

(d) Four members shall be appointed, one of whom shall represent each of the northeast, southeast, northwest and southwest quadrants of the county. The quadrants shall be determined by using the County Courthouse as the center of the county.

(2) The Advisory Council shall have the Chairperson, Vice-Chairperson, Recording Secretary and Vice-Recording Secretary.

(F) (1) There is hereby established a Department of Emergency Management within the executive branch of 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 emergency, as defined herein. The County Commissioners and the Emergency Management Director 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 Emergency Management Director, appointed in accordance with division (F)(1) above;

(b) Emergency management volunteers, as deemed necessary and appointed by the Director in accordance with division (I)(1) below;

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

(d) Assistants, clerical help and other employees as deemed necessary to the proper functioning of the Department, who may be appointed by the Director with approval of the County Board of Commissioners.

(G) (1) The Emergency Management Director shall be selected by the County Emergency Management Advisory Council, with the approval of the County Commissioners, for one year terms commencing January 1 and ending December 31 of each year.

(2) (a) The Director shall be responsible to the Chairperson of the Emergency Management Advisory Council and shall be the executive head of the Department of Emergency Management and shall have the following specific powers and duties:

1. The Director shall be responsible for public relations, information and education regarding all phases of emergency management.

2. The Director shall be responsible for the development of a county emergency operating plan, and upon adoption, shall be responsible for the implementation, and revision of the plan as to maintain it on a current state of readiness at all times. This plan shall include all cities and towns within the county.

3. The Director shall coordinate, within the county, all activities for emergency management and shall maintain liaison and coordinate with all other affected agencies, public and private.

4. The Director shall coordinate the recruitment and training for volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes.

5. The Director may seek, negotiate and enter into, with approval or ratification of the Commissioners and to the extent consistent with the state civil defense and disaster plan and program, mutual-aid arrangements with other public and private agencies for emergency management purposes, and take all steps in accordance with the arrangements to comply with or take advantage thereof in the event of any actual emergency affecting the parties.

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6. The Director may, when the offer has been approved by the Governor, accept any offer of the federal government to provide for the use of the county and services, equipment, supplies, materials or funds for emergency management purposes by way of gift, grant or loan.

7. The Director may seek and accept from any person, firm or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds, licenses or privileges to use real estate or other premises to the county for emergency management purposes.

8. The Director may issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management.

(b) The Director, in addition to the powers and duties expressly provided above, shall be construed to have all powers and duties of a local civil defense director, as provided under I.C. 10-4-1. In particular, but not by limitation the Director, through the Department of Civil Defense, may perform or cause to be performed with respect to the county, any function parallel or analogous to those performed on a statewide basis by the State Department of Civil Defense under I.C. 10-4-1-5.

(H) (1) The powers and duties of the County Commissioners pertaining to emergency management in time of normal county operation are to:

(a) Maintain general supervision over the planning and administration for the Department of Emergency Management;

(b) Adopt the emergency management and disaster plans; and

(c) Coordinate the emergency management activities and make assignments of emergency management activities and duties to county forces in order to meet situations not covered in the normal duties and powers of the agencies. In addition the County Commissioners may take all necessary action to conduct tests of the emergency management plans. Emergency management tests may be conducted at any time with or without prior notification. All emergency tests conducted within the boundaries of the county shall be coordinated with the Department of Emergency Management, the County Sheriff's Department and all other emergency services in the county.

(2) At the meeting convened under division (M)(2) below, the Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith. In addition, however, they may also exercise any of the following special and extraordinary powers:

(a) The Commissioners may extend the period of a state of emergency declared by the Chief Executive Officer, pursuant to division (M)(1) below to last more than seven days if necessary.

(b) The Commissioners may terminate the state of emergency, except for a state of emergency proclaimed by the Governor.

(c) The Commissioners may order the activation and implementation of the county's comprehensive emergency management and disaster control plan that has been adopted pursuant to I.C. 10-2-10 or several component parts thereof as may be relevant to the emergency.

(d) The Commissioners may assemble and utilize emergency management forces, including personnel of the Department of Emergency Management, participating emergency services and any other forces at the disposal of the Commissioners hereunder for emergency management purposes.

(e) The Commissioners may order volunteer forces to the aid of the county, state or political subdivisions thereof as soon as practicable. Those volunteer forces will be under the direction of the Department of Emergency Management.

(f) The Commissioners may, to the extent permitted by I.C. 10-4-1-25 and subject to its provisions, command services from and/or requisition the use of equipment, facilities supplies or other property belonging to other organizations, corporations or private persons as necessary to control the emergency and protect and provide for the public safety and welfare.

(g) The Commissioners may order the evacuation of all or part of the population from stricken areas of the county, and prescribe routes, modes of transportation and destinations for the evacuation.

(h) The Commissioners may make provisions 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.

(i) The Commissioners may suspend, for the duration of the state of emergency (or for a lesser period as they determine), any provisions of or procedures prescribed by ordinances of the county if they would be impractical during the emergency, would interfere with the implementation and carrying out of emergency plans or would be inimical to actions necessary to protect the public safety and welfare. Except as may be contained herein, the Commissioners may not suspend any provisions of ordinances or procedures which are mandated by statute.

(j) In the event of enemy attack, or when the state of emergency has been proclaimed by the Governor, the Commissioners may also in accordance with I.C. 10-4-1-10 waive any procedures or requirements of statute, or of county ordinances reflecting statutory requirements and mandates and

pertaining to the appropriation and expenditure of public funds, the incurrence of obligations, the performance of public works, the entering into contracts, the employment of permanent or temporary workers or utilization of volunteer workers, the rental of equipment or the purchase and distribution of supplies, materials and facilities.

(k) The Commissioners may assign special emergency duties and functions to any county offices, departments and agencies irrespective of their usual duties and functions, and any unexpended and unencumbered monies budgeted and appropriated for the operation of offices, departments and agencies and not otherwise dedicated by law to different and specified 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 special emergency duties and functions.

(l) The Commissioners may make and promulgate emergency regulations as may be deemed necessary to protect life and property, preserve order, conserve critical resources or implement and carry out the provisions of the county's or state's disaster plans, including but not limited to the power to order the roads closed, establish curfews, close business or any action that they may deem necessary to save lives and recover from a declared emergency. This power also includes the power to supplement, modify or suspend any general contingency regulations which may have been incorporated as part of the county's previously adopted emergency operations plan. Any emergency regulations adopted under this section shall not be effective until promulgated, which promulgation shall be by written filing in the Offices of the County Clerk and County Auditor, as required by I.C. 10-4-1-5(b). Should the filing be impossible because of the emergency situation, the regulations shall be effective and enforceable notwithstanding. The regulation shall have the full force of law and shall be enforceable by any police officer in accordance with I.C. 10-4-1-17.

(m) The Commissioners may 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.

(I) (1) The Director shall make sure that all volunteer personnel meet the following qualifications before he or she is sworn in as a member:

(a) He or she must be at least 18 years of age;

(b) He or she must have no criminal record;

(c) He or she must complete and have on file an application form; and

(d) He or she must sign and have on file a loyalty oath of the form prescribed by I.C. 10-4-1-20.

(2) Upon satisfaction of the above requirements, the applicant is officially a member of the County Department of Emergency Management.

(J) The Advisory Council shall advise the Director in the preparation of the budget. The County Council shall appropriate funds as it may deem necessary for the purpose of emergency management. All funds appropriated or otherwise available to the Department of Emergency Management shall be administered by the Director, subject to the approval of the County Commissioners, in the same manner as provided by law or ordinance for other county funds, except as otherwise provided under division (H)(2)(j) above.

(K) (1) A county emergency operations plan shall be adopted by resolution of the County Commissioners. In the preparation of this 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.

(2) When approved it shall be the duty of all county departments and agencies to perform the functions and duties assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times.

(L) Except as provided by division (C) above, the jurisdiction of the Department of Emergency Management and the jurisdiction and applicability of the county's comprehensive emergency management and disaster plan as adopted pursuant to division (I) above, and the exercise of any powers of the Chief Executive Officer and the County Commissioners under division (H)(1) and (2) above, shall be comprehensive and inclusive countywide and effective in both the incorporated and unincorporated areas of the county.

(M) (1) In the event of actual or threatened enemy attack or disaster affecting the county, the Chief Executive Officer of the county may declare a local disaster emergency pursuant to I.C. 10-4-1-23(a) for any period not to exceed seven days. The declaration shall be in writing and indicate the nature of the disaster and the conditions which have brought it about, and the area or areas threatened and to which the state of emergency applies, which may include the entire county or only designated parts thereof. The declaration shall be filed in the offices of the County Clerk, the County Auditor and the clerk of any incorporated municipality included in the declared disaster area and shall be announced or disseminated to the general public by the best means available. However, the declaration is not invalidated or ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances. Such a declaration is not necessary if the Governor, pursuant to I.C. 10-4-1-7, has already proclaimed a statewide or area-wide state of emergency including the county.

(2) As soon as possible after a disaster emergency affecting the county is declared either by the Governor or by the Chief Executive Officer of the county, the Chief Executive Officer shall convene a meeting of the County Commissioners to perform their legislative and administrative functions as the situation may demand. If the Chief Executive Officer fails or is unable to perform the above duty, the meeting shall be convened by some other member of the Board of Commissioners, or by the Auditor or the successively empowered county officers in accordance with I.C. 36-2-2-8(a). Any meeting of the Commissioners shall automatically be deemed an emergency meeting subject only to the procedural provisions of laws as govern emergency meetings of County Commissioners including relaxation of any applicable notice requirements pursuant to I.C. 5-14-1.5-5(d) and may be held in any convenient and available place. The meeting shall continue without adjournment for the duration of the disaster emergency, but may be recessed for reasonable periods of time as necessary and permitted by the circumstances.

(N) All officers and employees of the county shall cooperate with and give active support to the County Commissioners and the Emergency Management Director in all emergency management operations and shall comply with all orders of the Commissioners and the Emergency Management Director issued pursuant to this section.

(O) (1) Whenever this section applies, as provided in division (K) above, it shall be unlawful and a penal ordinance violation for any person to:

(a) Willfully obstruct, hinder or delay the Commissioners, the Emergency Management Director, participating emergency services, authorized emergency management volunteers or other authorities from implementing, carrying out and enforcing emergency plans and procedures;

(b) Fail to observe, abide by and comply with any emergency management duties, orders, regulations and procedures as made applicable to the person by the appropriate authorities; or

(c) Falsely wear or carry identification as a member of the County Department of Emergency Management or to otherwise falsely identify or purport himself or herself to be a county emergency management authority.

(2) Any regular or reserve police officer of the state or any of its political subdivisions or any member of the County Department of Emergency Management or a participating emergency service is hereby empowered to issue and serve a civil citation against any person found to be committing an offence described above.

(P) The county, its assigned personnel and participating emergency services shall be held blameless and without responsibility for the loss of life or injury to persons or the destruction of any property during an emergency management test or emergency as performed under the direction of the Emergency Management Director, pursuant to I.C. 10-4-1-18(c).

(Q) Owners of property commandeered for the use in any emergency by any county official shall be reimbursed for its use by the county in a manner approved by the County Council.
(Ord. 702, passed 4-20-00)

Editor's note:

I.C. 10-2 and 10-4 were repealed by P.L. 2-2003, Sec. 102

§ 35.04 PUBLIC DEFENDER BOARD.

(A) The Steuben County Public Defender Board is hereby established for the purpose of providing legal representation to indigent defendants/respondents in criminal, juvenile, probation violation, extradition, child support, civil commitments and other proceedings where the right to counsel has been established by law.

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

BOARD. The County Public Defender Board created by this section.

INDIGENT DEFENDANT/RESPONDENT. A person who requests legal representation and is determined by the court to be entitled to legal representation at public expense.

LEGAL REPRESENTATION. The services of an attorney provided to a defendant/respondent in a matter originating in a state court in the county involving:

- (1) A person charged with a crime, as defined in I.C. 35-31.5-75;
- (2) An act of delinquency, as defined in I.C. 31-37-1-2;
- (3) A violation of a condition of probation established as a part of a sentence in a juvenile or criminal matter;
- (4) Detention of a person subject to extradition to another jurisdiction;
- (5) Proceedings to collect unpaid child support, pursuant to I.C. 31-16-17-12;
- (6) Civil commitment and contempt proceedings; or
- (7) Other proceedings where the right to counsel at public expense has been established by law. The term legal representation includes services in connection with all pretrial and trial proceedings in which an indigent defendant/respondent has a right to counsel.

(C) (1) The Board shall consist of three members: one member appointed by the County Commissioners; and two members from different political parties appointed by majority vote of the judges who exercise felony or juvenile jurisdiction.

(2) After the initial term of each member, appointments shall be for three-year terms. Members of the Board shall serve until their successor is appointed. An appointment to fill a vacancy shall be made by the authority appointing the member vacating the position and shall be for the remainder of the unexpired term.

(3) The following persons shall be ineligible to serve as members of the Board: a city, town or county attorney, a law enforcement officer, a judge or a court employee.

(4) Board members shall serve without pay but may receive reimbursement for expenses incurred in connection with the member's duties if approved by the Board.

(5) Two members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. Decisions of the Board shall be approved by a majority of the members present.

(6) The Board shall meet at least quarterly or upon call of the Chairperson or any two members of the Board.

(7) The Board shall elect its Chairperson by a majority vote of the Board.

(D) The Board shall have the following powers and duties:

(1) Prepare a comprehensive plan for providing legal representation to indigent defendants/respondents in the county in accordance with I.C. 33-9-15-5. The comprehensive plan shall, at a minimum, provide for:

(a) Legal representation to an indigent defendant/respondent at the earliest possible point in time;

(b) Legal representation to an indigent defendant/respondent by the same attorney or attorneys through the pendency of the matter to the greatest extent possible.

(2) Establish policies and procedure for the provision of competent legal representation for indigent defendants/respondents in criminal, juvenile, probation violation, extradition, child support and criminal contempt and other matters pursuant to the comprehensive plan.

(3) Establish guidelines and procedures for the determination of indigence and for the appropriate reimbursement for legal representation provided at public expense in accordance with I.C. 33-9-11.5.

(4) Recommend an annual operating budget for the agency and monitor the expenditures of funds.

(5) Prepare and submit to the County Council and the general public an annual report on the operation of the Board.

(E) Nothing contained herein shall be deemed to abridge the authority of any judge of a state court of the county from appointing counsel for any person entitled thereto under the Constitution of the United States or the Constitution of the state.

(F) Nothing contained herein shall be deemed to create a right of reimbursement, pursuant to I.C. 33-9-14, except to the extent that any claims for reimbursement comply with I.C. 33-9-14 and the standards of the State Public Defender Commission.

(Ord. 705, passed 11-20-00)

Editor's note:

I.C. 33-9 was repealed by P.L. 98-2004, Sec. 164

§ 35.05 MAUMEE RIVER BASIN COMMISSION.

The County Commissioners consent for the county to be a participating county in the Maumee River Basin Commission, established under I.C. 36-7-7.5.

(`84 Code, § 36-7-6.1-6) (Order passed 12-27-90; Am. Ord. 662, passed 5-9-94)

Statutory reference:

Inspectors, agents and deputies, see I.C. 36-7-8-6

§ 35.06 PLAN COMMISSION.

The Board of Commissioners establishes the County Plan Commission, in accordance with I.C. 36-7-4-200.

(`84 Code, § 36-7-4-200) (Ord. 524, passed 9-7-65; Am. Ord. 662, passed 5-9-94)

Statutory reference:

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

§ 35.07 POLICE DEPARTMENT.

No person shall be hired as a member of the County Police Department until the Merit Board sends written notification to the Board of Commissioners of that hiring.

(`84 Code, § 36-8-3-1) (Order passed 8-4-75; Am. Ord. 589, passed 10-1-84)

§ 35.08 SHERIFF'S RESERVE.

(A) The Board of Commissioners establish a force of reserve police officers, known as the County Sheriff's Reserve.

(B) No more than 40 persons may be members of the Reserve at any one time.

(C) The members of the Sheriff's Reserve shall be appointed, trained, utilized and disciplined in accordance with I.C. 36-8-3-20 and the rules promulgated by the County Sheriff to regulate their conduct.

(`84 Code, § 36-8-3-20) (Ord. 562, passed 1-5-81; Am. Ord. 662, passed 5-9-94)

Statutory reference:

Police reserves in counties, see I.C. 36-8-3-20

§ 35.09 COUNTY PORT AUTHORITY.

(A) There is hereby created the Steuben County Port Authority.

(B) The Steuben County Port Authority shall be operated by a seven-person Board of Directors. Two shall be appointed by the Steuben County Commissioners, one member being appointed by each of the following Towns or Cities: the Town of Fremont, the City of Angola, the Town of Hudson, the Town of Ashley, and the Town of Hamilton.

(C) The initial term of two Directors shall be two years, two Directors three years, and three Directors four years, and thereafter the terms shall be for a period of four years.

(D) The jurisdictional area of the Steuben County Port Authority shall be all areas of Steuben County outside the municipal boundaries of Clear Lake and Orland and shall specifically include the municipalities of Fremont, Angola, Hudson, Ashley, and Hamilton.
(Res. 03-2010-01, passed 3-15-10)

§ 35.10 CEMETERY COMMISSION.

(A) There is hereby created a Steuben County Cemetery Commission consisting of five residents of the county.

(B) The respective terms of the first five members of the Commission shall be as follows:

(1) One member shall serve one year;

(2) One member shall serve two years;

(3) One member shall serve three years;

(4) One member shall serve four years;

(5) One member shall serve five years.

(B) After the initial term as set forth above, each appointee shall serve a five-year term.

(C) The Cemetery Commission shall file an annual report with the Indiana Historical Bureau established by I.C. 4-23-7-3 to meet the requirement of I.C. 23-14-67-3.5.

(D) The Cemetery Commission shall present an annual plan and budget and make an annual report to the County Board of Commissioners and the County Council. The annual report to be subject to the approval of the County Commissioners and the County Council.

(Ord. 797, passed 8-2-10)

§ 35.11 COUNTY DEVELOPMENT AUTHORITY.

(A) *Purpose.* The 2015 Indiana General Assembly enacted HB 1403 which allows each county and qualified city to join with one or more counties and/or qualified cities in order to establish a Development Authority. The County Council of the County of Steuben has determined that it would be in the best interest of the citizens of the County of Steuben to establish the Northeast Indiana Regional Development Authority with the other Indiana counties listed in Exhibit “A” of Ordinance 867.

(B) *Establishment.* Pursuant to I.C. 36-7.6-2-3, the County of Steuben, jointly with the other Indiana counties listed in Exhibit “A” of Ordinance 867, hereby establishes the Northeast Indiana Regional Development Authority (“Authority”). The Authority shall consist of the entire area located within the legal boundaries of the County of Steuben including incorporated and unincorporated territory as well as the territory of the other counties, cities, and towns that are or will become members (“members”) of the authority.

(C) *Membership period.* The County of Steuben shall be a member of the authority for a period commencing immediately upon the enactment of this section, and ending on June 30, 2023.

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

(Ord. 867, passed 6-9-15)

§ 35.12 INNKEEPERS TAX COMMISSION.

(A) There shall be established a Commission consisting of nine members to promote the development of the convention, visitor and tourism industry in the county. Two of the members shall be from the City of Angola.

(B) All terms of the Commission members shall begin on January 1 and shall be for staggered two-year terms.

(C) The Commission shall comply with I.C. 6-9-18-5 in their organization and procedural actions. (Ord. 925, passed 8-5-19)

CHAPTER 36: COUNTY PROPERTY

Section

- 36.01 County parking spaces
- 36.02 Annex Building
- 36.03 Community Center
- 36.04 Telephones; long distance calls
- 36.05 Flags
- 36.06 Coin-operated machines
- 36.07 Possession of firearms

Cross-reference:

Disabled parking for employees, see § 34.03

Fee schedule, see § 37.01

Real property endorsement fee, see § 37.15

Statutory reference:

County property, sale and orders, see I.C. 36-2-2-20

§ 36.01 COUNTY PARKING SPACES.

(A) The seven parking spaces on the north side and the ten parking spaces on the south side of the wall by the County Courthouse are reserved for elected officials and department heads. The seven spaces on the west side of the parking lot are reserved for the County Sheriff's Department and ambulance service. The remaining spaces are reserved for county employees on a first come, first served basis.

(B) Lots 86, 91, 102 and 107 in the original plat of the City of Angola are county-owned property and are designated as a parking lot for the sole use of county employees. The parking lot shall be used by county employees during the normal working hours for county business. Any other use of the parking lot is prohibited. The owner or operator of a vehicle parked in the parking lot other than in accordance with this section is a trespasser and the vehicle shall be towed from the parking lot and stored at the expense of the owner or operator. Trespassing charges may also be filed against the owner or operator.

(C) The Commissioners may give written consent for the use of the parking lot described in division (B) above at times other than 8:00 a.m. to 5:00 p.m., Mondays through Fridays for special school events or similar reasons.

(D) Appropriate signs shall be erected in the parking lot, reading:

(1) "Employee Parking Only" during specified times; and

(2) "No Trespassing" during times other than those specified for employee parking, stating that vehicles shall be towed at the expense of the owner or operator, and stating that violators shall be prosecuted.

('84 Code, § 36-2-2-20) (Order passed 9-7-76; Am. Ord. 662, passed 5-9-94; Am. Order passed 9-19-94; Am. Ord. 669, passed 2-21-95) Penalty, see § 10.99

§ 36.02 ANNEX BUILDING.

The conference room of the County Courthouse Annex Building is reserved for official public meetings and county government programs.

('84 Code, § 36-2-2-20) (Order passed 9-7-76; Am. Ord. 662, passed 5-9-94; Am. Order passed 9-19-94; Am. Ord. 669, passed 2-21-95)

§ 36.03 COMMUNITY CENTER.

(A) The county facility formerly named the Old Angola High School Building is named the County Community Center.

(B) Parking at the new facility shall be as follows:

(1) Four spots on the east side, south end, to the emergency medical services;

(2) Two on the east side, near the north doors for emergency parking only; and

(3) West side for the department heads of the Health Department, Surveyor's Office, County Department of Family and Children, Plan Commission, Pleasant Township Assessor and EMS Director.

(C) Signs shall be erected on the existing south parking lot reading "County Business Only."

('84 Code, § 36-2-2-20) (Order passed 9-7-76; Am. Ord. 662, passed 5-9-94; Am. Order passed 9-19-94; Am. Ord. 669, passed 2-21-95)

§ 36.04 TELEPHONES; LONG DISTANCE CALLS.

A person shall not place a long distance personal telephone call and charge the fee to a county telephone.

('84 Code, § 36-2-2-20) (Order passed 9-7-76; Am. Ord. 662, passed 5-9-94; Am. Order passed 9-19-94; Am. Ord. 669, passed 2-21-95) Penalty, see § 10.99

§ 36.05 FLAGS.

The county shall fly flags on all patriotic holidays.

('84 Code, § 36-2-2-20) (Order passed 9-7-76; Am. Ord. 662, passed 5-9-94; Am. Order passed 9-19-94; Am. Ord. 669, passed 2-21-95)

§ 36.06 COIN-OPERATED MACHINES.

(A) There shall be two vending accounts.

(1) Vending machine account number one shall be for all coin operated vending machines located in county buildings except the County Highway Department buildings.

(2) Vending machine account number two shall be for coin operated vending machines located at the County Highway Department buildings.

(B) The net proceeds from sales out of coin-operated machines other than those at the county highway department buildings shall be held in trust by the County Auditor for the sole use of the Board of County Commissioners, who have the sole authority, by resolution properly made and approved, to expend those proceeds without appropriation for the purposes as the Commissioners deem to be meet and proper for the general enjoyment, welfare and courtesies that may be due the employees of the county. The Auditor is responsible for keeping a record of all proceeds coming forth into the trust and being paid out.

(C) The net proceeds from sales out of coin-operated machines at the county highway department buildings shall be held in trust by the County Highway Department Director who shall be authorized to expend those proceeds without appropriation for such purposes as the Director shall deem to be proper for the general enjoyment, welfare, and courtesies that may be due to the County Highway Department employees, be as specifically approved by the County Commissioners.

('84 Code, § 36-2-2-20) (Order passed 9-7-76; Am. Ord. 662, passed 5-9-94; Am. Order passed 9-19-94; Am. Ord. 669, passed 2-21-95; Am. Ord. 760, passed 4-2-07)

§ 36.07 POSSESSION OF FIREARMS.

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

BUILDINGS OWNED BY THE COUNTY. The Courthouse, highway barn, County Community Center, old jail and Courthouse Annex.

FIREARMS. Any weapon that is capable of, is designed to or that may readily be converted to expel a projectile by means of an explosion.

LAW ENFORCEMENT OFFICER. An individual employed by any municipality, county, state or federal agency that is authorized to carry firearms by that entity.

(B) Possession by an individual, other than a law enforcement officer, of a firearm within the buildings owned by the county is prohibited. It is a Class C infraction for any person to violate any provision of this section. Any person who shall violate any provision of this section shall be guilty of a Class C infraction.

(`84 Code, § 36-2-2-20) (Order passed 9-7-76; Am. Ord. 662, passed 5-9-94; Am. Order passed 9-19-94; Am. Ord. 669, passed 2-21-95) Penalty, see § 10.99

CHAPTER 37: COUNTY POLICIES AND FEES

Section

- 37.01 Fee schedule
- 37.02 Business hours
- 37.03 Ambulance service
- 37.04 Smoking policy
- 37.05 911 emergency telephone system
- 37.06 Late fees
- 37.07 Purchasing regulations
- 37.08 Bad check fee
- 37.09 Reserved
- 37.10 National Incident Management System (NIMS)
- 37.11 Accident report fee
- 37.12 Prohibited devices in courthouse
- 37.13 Sheriff's sale program and service fee
- 37.14 Conditions for use of information obtained on disk, tape or any electronic format
- 37.15 Real property endorsement fee
- 37.16 Multi-hazard mitigation plan
- 37.17 Request for recorded information
- 37.18 Vending machines; proceeds
- 37.19 Sex or violent offender registry fees
- 37.20 Retention of e-mails policy
- 37.21 Internal control standards
- 37.22 Americans with Disabilities Act
- 37.23 Sales disclosure fee

- 37.99 Penalty

Cross-reference:

Tax statement copying fee, see § 39.01

§ 37.01 FEE SCHEDULE.

The county fee schedule, as it is adopted from time to time by appropriate county agencies, is hereby adopted by reference and made a part hereof as if set out in full.

§ 37.02 BUSINESS HOURS.

(A) County offices, other than the County Highway Department, are open for business during the following hours:

- (1) Monday through Friday: 8:00 a.m. to 4:30 p.m. inclusive; and
- (2) Saturday and Sunday: closed.

(B) Lunch breaks shall be staggered so that each office is open continuously during those hours. ('84 Code, § 36-2-2-10) (Order passed 3-3-58; Am. Ord. 589, passed 10-1-84; Am. Order passed 6-1-87; Am. Ord. 662, passed 5-9-94)

Statutory reference:

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

§ 37.03 AMBULANCE SERVICE.

(A) The Board of Commissioners finds that the county ambulance service membership program benefits do not exceed one year in duration.

(B) All transactions in the state involving the rendering of any service by the ambulance service provider and all fees, costs and membership payments charged for the service are exempt from the state's insurance laws, pursuant to I.C. 27-4-5-2.

('84 Code, § 27-4-5-2)

Statutory reference:

Unauthorized insurance, see I.C. 27-4-5-2

§ 37.04 SMOKING POLICY.

(A) All county facilities are to be smoke free.

(B) There shall be no smoking on county owned property within 30 feet of any county owned building.

('84 Code, § 13-1-13-5) (Order passed 3-17-86; Am. Res. passed 9-8-87; Am. Order passed 2-1-88; Am. Res. passed 1-19-93; Am. Res. 06-2007-01, passed 6-18-07) Penalty, see § 10.99

§ 37.05 911 EMERGENCY TELEPHONE SERVICE.

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

ENHANCED EMERGENCY TELEPHONE SYSTEM. A telephone system which utilizes the three-digit number "911" to send automatic number identification and automatic location identification for reporting police, fire, medical or other emergency situations.

SERVICE SUPPLIER. A person, business or corporation who provides exchange telephone service to a service user.

SERVICE USER. A person, business or corporation to whom exchange telephone service is provided.

(B) The enhanced emergency telephone system central dispatch is established as a separate entity.

(C) Under the authority of and subject to I.C. 36-8-16.7, an enhanced emergency telephone system is established. A fee is established to provide for the funding of an enhanced emergency telephone system to serve the county. This fee shall be collected from the telephone service users of the county and administered in accordance with this section.

(D) A monthly service fee per telephone access line will be collected by the service supplier to pay for the lease, purchase or maintenance of the 911 system, including necessary computer hardware, software, data base provisioning and the rates associated with the service suppliers' enhanced emergency telephone system network service. The fee is established by county government per telephone access line at the rate of \$2.80 per telephone access line per month and will be assessed against all access lines of telephone subscribers of the county.

(E) Each service supplier shall, on behalf of the county, collect the fee from those services users to whom it provides exchange telephone service in the county. The service supplier shall collect the fee for each month or part of a month an exchange access facility is in service, as part of its normal monthly billing process, and it may list the fee as a separate entry on each bill.

(F) Each service supplier is entitled to retain an administrative fee of 3% of the monthly fees collected as compensation for collecting the fees.

(G) All monthly fees collected, except for the 3% administration fee, shall be remitted to the County Treasurer within ten days after the last day of the calendar year quarter. With the fee remittal, the service supplier shall provide a fee collection report to the County Auditor. The service supplier shall prepare the report on a form provided by the County Auditor.

(H) The County Treasurer shall deposit the remitted fees in a separate fund named the County Emergency Telephone System Fund. The County Treasurer may invest the monies in the Fund in the same manner that other monies of the county are invested with the interest earned from the investment to be deposited in that fund.

(I) During January of each year, each service supplier that collects the enhanced emergency telephone system fee for the county shall provide a delinquent fee report to the County Treasurer. The report shall list the name, address and amount due for each service user who is two or more months

delinquent in paying the fee. The report shall also include the amount of delinquent fees each person is liable for.

(J) The service suppliers shall start collecting the fees in the monthly billing from the service users on August 1, 1991.

(`84 Code, § 36-8-16-1) (Ord. 616, passed 12-4-89; Am. Order passed 3-20-91; Am. Ord. 625, passed 5-20-91; Am. Ord. 662, passed 5-9-94; Am. Order passed 12-26-95; Am. Ord. 779, passed 12-9-08)

§ 37.06 LATE FEES.

Pursuant to I.C. 33-19-7-1, the auditor of Steuben County is directed to deposit 40% of all late fees collected by the county in the Clerk's record perpetuation fund and 60% of all late fees in the county general fund.

(Ord. 711, passed 8-14-01)

Editor's note:

I.C. 33-19 was repealed by P.L. 98-2004, Sec. 164

Statutory reference:

For provisions concerning the collection of late fees from defendants, see I.C. 33-37-5-22

For provisions concerning the record perpetuation fund, see I.C. 33-37-5-2

§ 37.07 PURCHASING REGULATIONS.

The employees or agents of the county shall purchase necessary products, equipment, and supplies from businesses who have a principal place of business in the county, whenever such products, equipment, and/or supplies are reasonably available at a competitive price.

(Res. 09-02, passed 9-3-02)

Cross-reference:

Purchasing procedures, see Chapter 40

§ 37.08 BAD CHECK FEE.

A return check fee of \$35 will be charged to the maker of each check that is returned without payment by the financial institution upon which it is written. This charge will be for all checks written to the county and/or County Commissioners, County Auditor, County Clerk, County Treasurer, County Assessor, county EMS and any other agency of the county.

(Ord. 723, passed 4-3-03)

Cross-reference:

Returned checks, see § 130.02

§ 37.09 RESERVED.

§ 37.10 NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS).

The Board of Commissioners hereby endorses and establishes the National Incident Management System (NIMS) as the standard for incident management by the county.

(Res. 10-1, passed 10-21-05)

Cross-reference:

Department of Emergency Management, see § 35.03

§ 37.11 ACCIDENT REPORT FEE.

(A) Pursuant to I.C. 9-29-11-1 the Sheriff's Department may charge a fee of \$8 for each copy of an accident report that is supplied to any individual, agency, or entity.

(B) All fees collected pursuant to this section shall be deposited in the Accident Report Account at the Sheriff's Office.

(Ord. 754, passed 8-8-06; Am. Ord. 762, passed 5-8-07)

[Text continues on page 41]

§ 37.12 PROHIBITED DEVICES IN COURTHOUSE.

(A) Cameras or recording devices of any type or character shall not be permitted within the county courthouse, except for those brought into the courthouse by the following persons:

- (1) Courthouse employees;
- (2) Law enforcement officers; and
- (3) Attorneys with business before the courts.

(B) Cell phones are prohibited in the county courthouse, except for those brought into the courthouse by the following persons:

- (1) Attorneys;
- (2) Judges and magistrates;
- (3) Persons with specific written permission of a judge or magistrate;
- (4) All courthouse employees;
- (5) County Commissioners and members of the County Council;
- (6) Court-connected employees;
- (7) Law enforcement personnel; and

(8) Any person who has been issued a digital card key by the County Commissioners (Ord. 757, passed 1-16-07; Am. Ord. 829, passed 8-6-12)

§ 37.13 SHERIFF'S SALE PROGRAM AND SERVICE FEE.

(A) The Sheriff's Sale Program is approved and established to provide the procedure for the Sheriff to contract for those administrative, technical, clerical and related services that are reasonable and appropriate for the Sheriff to effectively prepare for, manage and implement foreclosure sales.

(B) The Sheriff is authorized to negotiate and present to the County Commissioners a contract with a provider to obtain such administrative, technical, clerical and related services (the "Sheriff Sale Services") in order for the Sheriff to conduct the Sheriff's Sale Program.

(C) The Sheriff Sale Services Contract shall provide for the delivery of such services by a contractor (the “Contractor”) in compliance with all applicable statutory provisions for the conduct of foreclosure sale proceedings and the Sheriff’s Sale Program. The Sheriff Sale Services Contract shall also provide for the payment of a fee, not to exceed \$200 per sale for each sale scheduled in the Sheriff’s Sale Program, to the contractor for such services.

(D) The Sheriff is hereby authorized to charge a fee of \$200 per sale of property in the Sheriff’s Sale Program (the “foreclosure costs fees”) and to deposit such foreclosure costs fees collected by or on behalf of the Sheriff in the General Fund.

(E) The foreclosure costs fee shall be payable at the time of filing the praecipe under I.C. 32-29-7-3(h), which shall be a charge of the Sheriff’s Sale in addition to other statutory costs and fees.

(F) The Sheriff’s Sale Program Contract shall provide for a complete and accurate accounting of all Sheriff Sale Program proceeds and compliance with any reporting or record requirements as set forth by the Indiana State Board of Accounts.
(Ord. 759, passed 2-20-07)

§ 37.14 CONDITIONS FOR USE OF INFORMATION OBTAINED ON DISK, TAPE OR ANY ELECTRONIC FORMAT.

(A) A person who receives information on disk, tape, or in any electronic format under I.C. 5-14-3-3(d) may not use the information for commercial purposes; and

(B) Specifically, a person who receives information on a disk or tape or in any electronic format is prohibited from:

- (1) Selling that information;
- (2) Advertising that information;
- (3) Soliciting the purchase of merchandise, goods, or services with that information; or

(4) Selling, loaning, giving away or otherwise delivering the information obtained by the request of any other person for these purposes; and

(C) Use of information received under I.C. 5-14-3-3(d) in connection with the preparation and publication of use for non-profit activities, or for academic research is not prohibited; and

(D) A person who uses information in a manner contrary to this section may be prohibited by the County Commissioners from obtaining a copy of any further data under division (D) and may be

subject to a civil penalty of up to \$2,500; and

(E) This section does not apply to electronic formatted data provided by GIS of the county.
(Ord. 766, passed 8-6-07)

§ 37.15 REAL PROPERTY ENDORSEMENT FEE.

(A) In accordance with I.C. 36-2-9-18(d), the Auditor of the county may collect a fee of \$10 for each legal description of each parcel contained in the deed for which the auditor makes a real property endorsement;

(B) Such fee shall be in addition to any other fee provided by law and shall be placed in a dedicated fund for the use of maintaining plat books.

(C) The Auditor of the county shall have the authority to collect a fee of \$10 for each legal description of each parcel contained in the deed for which the auditor makes a real property endorsement. Such fee shall be in addition to any other fee provided by law and shall be placed in a dedicated fund for the use of maintaining plat books.

(D) Any document presented to the Auditor of the county for endorsement shall incur a maximum of \$300 in endorsement fees.
(Ord. 769, passed 12-3-07; Am. Ord. 924, passed 6-17-19)

§ 37.16 MULTI-HAZARD MITIGATION PLAN.

(A) The Steuben County Multi-Hazard Mitigation Plan is hereby adopted as an official plan of the county.

(B) This section shall be in full force and effect from and after its adoption by this Board of Commissioners.
(Res. 4-2008-01, passed 4-7-08; Am. Res. 01-2021-01, passed 1-19-21)

§ 37.17 REQUEST FOR RECORDED INFORMATION.

The Communications Department shall be responded to and delivered to the party requesting the information upon the payment of the following charges:

(A) A minimum fee of \$15.

(B) For each request that takes more than 20 minutes to process, there shall be charges at the rate of \$.50 per minute beyond the initial 20 minutes.
(Ord. 778, passed 10-6-08)

§ 37.18 VENDING MACHINES; PROCEEDS.

(A) The County Commissioners have caused to be installed and stocked coin-operated food, snack and drink machines throughout the various county buildings, and no expenditure of tax funds has been utilized in the acquisition, placement, use or stocking of said machines.

(B) Now therefore, the County Commissioners do ordain that the net proceeds from sales out of the aforesaid coin operated machines shall be held in trust by the Auditor of Steuben County for the sole use of the County Commissioners, who shall hereafter have the sole authority by resolution properly made and approved to expend those proceeds without appropriation for such purposes as the Commissioners shall deem to be meet and proper for the general enjoyment, welfare and courtesies that may be due the employees of the county.

(C) The auditor shall be responsible to keep a record of all proceeds coming into said trust and being paid out.
(Ord. 659, passed 12-6-93)

§ 37.19 SEX OR VIOLENT OFFENDER REGISTRY FEES.

The Steuben County Sheriff shall collect an annual sex or violent offender registration fee in the sum of \$50 and an address change fee of \$5 per each address change registered.
(Ord. 804, passed 1-24-11)

§ 37.20 RETENTION OF E-MAILS POLICY.

Steuben County employees shall retain e-mails sent and received for a period of three years from the date the e-mail is received or the date the e-mail is sent.
(Ord. 842, passed 4-15-13)

§ 37.21 INTERNAL CONTROL STANDARDS.

(A) The acceptable minimum level of internal control standards and procedures developed under I.C. 5-11-1-27(e) by the SBOA contained in the *Uniform Internal Control Standards for Indiana Political Subdivisions* manual, are hereby adopted by Steuben County and county personnel receive training concerning the internal control standards and procedures hereby adopted.

(B) Materiality, in Steuben County government, is defined as \$100 per occurrence. That is, if one occurrence of a loss or shortage or other irregularity is equal to or greater than \$100, it must be reported to the State Board of Accounts. The materiality definition is not limited to defalcations or suspicious activity involving only cash or cash transactions. If supplies, equipment or other fixed assets belonging to the county are suspected of being misappropriated or stolen or used in a manner not authorized by Steuben County officials and the value of those supplies, equipment or fixed assets are approximately \$100, that misuse or series of misuse should be reported. That is not to say that if a loss or shortage is less than \$500 it should be ignored. If there is a series of events, within the same office or department that appears to be a structuring event to defraud or misappropriate county funds or property, that event or series of events should be reported.

(C) All erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property shall be reported immediately to the State Board of Accounts. For all material variances, losses, shortages, or thefts, the State Board of Accounts shall:

- (1) Determine the amount of funds involved and report the amount to the appropriate government and law enforcement officials;
- (2) Determine the internal control weakness that contributed to or caused the condition; and
- (3) Make written recommendations to the appropriate legislative body or appropriate official overseeing the internal control system addressing;
 - (a) the method of correcting the condition; and
 - (b) The necessary internal control policies and internal control procedures that must be modified to prevent a recurrence of the condition.

(D) Pursuant to I.C. 5-11-1-27(l), if any Steuben County employee knows or suspects that other county employees are engaged in fiscal misconduct, it is his/her responsibility to immediately notify their supervisor or the Board of Commissioners or if the supervisor or a commissioner is involved the County Attorney, or if the employee has concerns about informing the county Attorney, then the County Auditor and Prosecuting Attorney are to be contacted.
(Ord. 887, passed 7-18-16)

§ 37.22 AMERICANS WITH DISABILITIES ACT.

(A) The Steuben County Human Resources Director is designated as the ADA Coordinator for the county.

(B) The notice under the Americans with Disabilities Act, a copy of which is posted to the county's website, is adopted as the County of Steuben Notice under the Americans with Disabilities Act.

(C) The county ADA Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached to Resolution 10-2018-01 and incorporated by reference as if set forth in full herein, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the county.

(D) In compliance with federal and state laws, the County Board of Commissioners resolves to post the required information regarding the ADA Coordinator, Notice under the Americans with Disabilities Act and the Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.
(Res. 10-2018-01, passed 10-1-18)

§ 37.23 SALES DISCLOSURE FEE.

(A) In accordance with I.C. 6-1.1-5.5-4, the County Auditor shall collect the fee of \$20 for each sales disclosure that is filed.

(B) Such fee shall be in addition to any other fee provided by law, and 50% of the fee shall be deposited in the County Sales Disclosure Fund and the other 50% shall be transferred to the State Treasurer for deposit in the State Assessment Training Fund.
(Ord. 945, passed 7-1-21)

§ 37.99 PENALTY.

Anyone who violates § 37.08 commits a Class C Infraction.
(Ord. 757, passed 1-16-07)

CHAPTER 38: COUNTY JAIL; CORRECTIONS

Section

- 38.01 Medical co-payments for inmates
- 38.02 Work release uniform
- 38.03 Work release transportation
- 38.04 Work release supervision
- 38.05 Community Corrections Fund
- 38.06 Voice stress analysis test
- 38.07 Voice Stress Analysis Fund
- 38.08 Prosecutor's diversion and deferral program funds disbursement

§ 38.01 MEDICAL CO-PAYMENTS FOR INMATES.

The County Sheriff is authorized to create a county jail inmate medical co-payment policy and a fund, in conformance with I.C. 11-12-5-5, in an amount of no more than \$15 for the four services itemized in I.C. 11-12-5-5, and any others inserted by later amendment of that law. All money so collected shall be deposited in the County Medical Care for Inmates Fund, under the control of the County Auditor. The County Sheriff shall deposit the proceeds with the County Auditor on a weekly basis.

('84 Code, § 11-12-5-5) (Ord. 664, passed 7-5-94; Am. Ord. 720, passed 12-2-02)

Statutory reference:

Jail inmates, see I.C. 11-12-5-5

§ 38.02 WORK RELEASE UNIFORM.

(A) Each individual sentenced to work release and living in the County Work Release Center shall purchase, at cost, the work release uniform required by the County Sheriff's Department.

(B) Inmates shall pay by money order to the County Sheriff's Department the cost of the uniform.

(C) The payments shall be deposited into the County General Fund.

(Ord. 700, passed 3-16-00)

§ 38.03 WORK RELEASE TRANSPORTATION.

(A) Each individual sentenced to the Steuben County Work Release Center that is provided transportation to and from that individual's employer by the Steuben County Sheriff's Department shall pay \$1 per trip for the service.

(B) The transportation costs shall be deducted from the monies received by the inmate.

(C) The payments shall be deposited into the Work Release Vehicle Maintenance/Replacement Fund.

(Ord. 709, passed 7-19-01; Am. Ord. 738, passed 6-7-04)

§ 38.04 WORK RELEASE SUPERVISION.

Each individual sentenced to work release and living in the county Work Release Center shall pay 25% of the individual's gross income or a minimum fee of \$107 per week, whichever is greater, paid in advance on a weekly basis, to the Sheriff's Department.

(Ord. 776, passed 6-3-08)

§ 38.05 COMMUNITY CORRECTIONS FUND.

(A) There is hereby created the "Steuben County Community Corrections Fund" ("the Fund").

(B) The Fund shall consist of any user fees 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.

(C) The Community Corrections Program shall annually submit a budget of its operation 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.

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

(Ord. 724, passed 4-3-03)

§ 38.06 VOICE STRESS ANALYSIS TEST.

(A) The fee for any voice stress analysis test conducted by the Sheriff's Department or the Probation Department shall bear a fee to the person tested of \$100.

(B) The fee may be waived from time to time by the Sheriff's Department if in fact it is a necessary part of the Sheriff's Department's investigation of a pending crime.
(Ord. 773, passed 4-8-08)

§ 38.07 VOICE STRESS ANALYSIS FUND.

(A) There is hereby established a special Fund known as the Voice Stress Analysis Fund. The remaining monies in this fund shall not revert back to County General but shall remain in the fund to support the maintenance of equipment and training and recertifying of employees.

(B) The Fund consists of monies received from the tests as directed by the Probation Department.

(C) Money shall not be disbursed without appropriation.
(Ord. 773, passed 4-8-08)

**§ 38.08 PROSECUTOR'S DIVERSION AND DEFERRAL PROGRAM FUNDS
DISBURSEMENT.**

(A) The funds derived from the Prosecutor's deferral program and the Prosecutor's pretrial diversion program may only be disbursed for one or more of the following purposes:

- (1) Personnel expenses related to the operation of the program.
- (2) Special training for:
 - (a) A prosecuting attorney;
 - (b) A deputy prosecuting attorney;
 - (c) Support staff for a prosecuting attorney or deputy prosecuting attorney;

or

- (d) A law enforcement officer.
- (3) Employment of a deputy prosecutor or prosecutorial support staff.
- (4) Victim assistance.
- (5) Electronic legal research.

(6) Office equipment, including computers, computer software, communication devices, office machinery, furnishings, and office supplies.

(7) Expenses of a criminal investigation and prosecution.

(8) An activity or program operated by the prosecuting attorney that is intended to reduce or prevent criminal activity, including:

- (a) Substance abuse;
- (b) Child abuse;
- (c) Domestic violence;
- (d) Operating while intoxicated; and
- (e) Juvenile delinquency.

(9) Any other purpose that benefits the office of the prosecuting attorney or law enforcement and that is agreed upon by the county fiscal body and the prosecuting attorney.

(B) The funds collected by the Prosecutor's office through its diversion and deferral programs may be used only in accordance with guidelines adopted by the Prosecuting Attorneys Council under I.C. 33-39-8-5.

(Ord. 815, passed 9-6-11)

CHAPTER 39: TAXATION

Section

- 39.01 Tax statement copying fee
- 39.02 Motor Fuel and Vehicle Excise Tax
- 39.03 County Option Dog Tax
- 39.04 Innkeepers Tax
- 39.05 Adjusted Gross Income Tax
- 39.06 County Wheel Tax
- 39.07 County Motor Vehicle Excise Tax

§ 39.01 TAX STATEMENT COPYING FEE.

(A) The County Treasurer shall charge \$.50 for each generic customer copy of a county property tax statement that the Treasurer is required to print out for any taxpayer that fails to present his or her original tax statement with the payment of his or her property tax.

(B) The proceeds collected by the Treasurer as the result of this section shall be deposited in the County General Fund.

(`84 Code, § 6-1.1-22-8) (Ord. passed 12-20-93)

§ 39.02 MOTOR FUEL AND VEHICLE EXCISE TAX.

(A) The County Auditor may write warrants to the State Department of Revenue for the Special Fuel User's Tax without formal approval by the Board of County Commissioners.

(`84 Code, § 6-6-2.1-904) (Order passed 4-4-88)

(B) The County Council hereby supports and endorses a bill allowing the county to enact a \$.01 per gallon motor fuel tax on all motor fuel sold within the county, except those presently exempt. The proceeds from the motor fuel tax are to be distributed to the county and all municipalities using the same scheme of distribution currently used for road and street money distributed by the state.

(Res. 09-99, passed 9-14-99)

§ 39.03 COUNTY OPTION DOG TAX.

(A) All definitions set forth in I.C. 6-9-39-1 *et seq.* shall apply to this section as if they were specifically included in this section.

(B) Beginning July 1, 2006 and until further amended by ordinance, all owners of dogs shall pay the annual sum of \$5 per “taxable dog”. Any person who harbors or keeps a taxable dog in or near the person’s premises in the county, regardless of who owns the taxable dog. A person who harbors or keeps a taxable dog in the county is liable for the tax. Said County Option Dog Tax shall be due and payable by the 15th day of May each year.

(C) Every person that shall own, operate, lease, control or otherwise maintain a kennel, shall pay a County Option Dog Tax in which:

- (1) More than six taxable dogs are kept for breeding, boarding, training, or sale, \$50; or
- (2) Not more than six taxable dogs are kept for breeding, boarding, training, or sale, \$30.

(D) (1) The County Council shall designate The Humane Society Inc. of the county the ability to collect the annual County Option Dog Tax.

(2) The Humane Society Inc. of the county designated under division (D)(1) of this section may retain a fee from the tax collected for each taxable dog in an amount determined by the fiscal body not to exceed \$0.75. The Humane Society Inc. of the county shall remit the balance of the money collected to the County Treasurer by the tenth day of each month.

(3) The dog tags shall be purchased each year by the county from the county’s portion of the dog tag revenues.

(E) (1) The County Treasurer shall establish a County Option Dog Tax Fund.

(2) At the time a County Option Dog Tax Fund is established under division (E)(1) of this section, the County Treasurer shall establish a canine research and education account within the County Option Dog Tax Fund established under division (E)(1) of this section.

(3) Interest and investment income derived from money in a County Option Dog Tax Fund becomes part of the County Option Dog Tax Fund.

(4) Money in a county’s County Option Dog Tax Fund at the end of a calendar year does not revert to the County’s General Fund.

(5) A County Treasurer that receives County Option Dog Tax revenue under this division of this section shall deposit the money in the County Option Dog Tax Fund according to the following allocation:

- (a) Twenty percent for the canine research and education account; and
- (b) Eighty percent for the uses designated by the County Council.

(F) The County Treasurer shall include the County Option Dog Tax revenue received by the County Treasurer in the settlement procedures described in I.C. 6-1.1-27. Amounts accumulated in the county canine research and education account shall be paid to the State Treasurer in accordance with the procedure described under I.C. 6-1.1-27-3.

(G) The money in the County Option Dog Tax Fund may be used for, other than money allocated to the canine research and education account established, for any of the following purposes:

- (1) The use of animal care facilities.
- (2) Animal control, including dead animal disposal.
- (3) Reimbursement to farmers for livestock kills.
- (4) Reimbursement to people who have undergone rabies post exposure prophylaxis.

(H) In order for any person, firm or entity to obtain any money from the County Option Dog Tax Fund, the person, firm or entity shall:

(1) Submit a claim on an approved form for the total amount of the amount requested from the County Option Dog Tax Fund.

(2) (a) Provide a detailed description of the facts concerning the animals that are killed, including the name of the owner of the animal (if any) that committed the acts leading to the death of the animals;

(b) A list of the animals by age, type and breed which killed in which a person, firm or entity is seeking reimbursement;

(c) A copy of a statement from a medical professional indicating the medical necessity for a person to undergo rabies post exposure prophylaxis; and

(d) A copy of all medical bills incurred for those persons that have undergone rabies post exposure prophylaxis.

(3) Have the claim approved by the County Commissioners.

(4) Have funds appropriated by the County Council.

(Ord. 752, passed 6-22-06)

Cross-reference:

Dog regulations, see Chapter 90

§ 39.04 INNKEEPERS TAX.

Effective March 12, 2002 there shall be a county Innkeepers Tax of 5% on lodging of hotels, motels, and inns of the county. This section shall remain in effect until amended by Council. The County Council recommends the County Commissioners appoint one Council member and one Commissioner to this Board. The tax shall be reported on forms approved by the County Treasurer and shall be paid to the County Treasurer not more than 20 days after the end of the month the tax is collected. If the tax is not paid on the due date, there shall be a penalty of 10% of tax due plus interest .0108 per month.

(Ord. 643, passed 1-12-93; Am. Ord. 717, passed 3-12-02)

§ 39.05 ADJUSTED GROSS INCOME TAX.

(A) Increase in tax to provide property tax relief.

(1) Steuben County hereby imposes an additional rate of the county adjusted gross income tax at the rate of .25%, in accordance with state law to raise income tax revenue to provide property tax relief to political subdivisions in the county.

(2) Property tax relief shall take the form of local property tax replacement credits at a uniform rate to all taxpayers in the county. Income tax revenue attributable to the tax rate imposed under this section that is used to provide uniform local property tax replacement credits to all taxpayers in accordance with the Act shall be distributed to civil taxing units and school corporations in the county in the same manner that certified distributions are allocated as property tax replacement credits under state law. The Department of Local Government Finance shall provide the County Auditor with the amount of property tax replacement credits that each civil taxing unit and school corporation in the county is entitled to receive from income tax revenue attributable to the tax rate imposed under this section. The County Auditor shall then certify to each civil taxing unit and school corporation the amount of property tax replacement credits the civil taxing unit or school corporation is entitled to receive.

(B) Increase in tax to fund public safety costs.

(1) Steuben County hereby imposes an additional rate of the county adjusted gross income tax at the rate of .25% in accordance with state law to provide funding for public safety in the county ("public safety rate").

(2) (a) The County Auditor shall distribute income tax revenues attributable to the public safety rate to the county and to each municipality in the county.

(b) The amount distributed to the county or municipality is equal to the result of:

1. The portion of the income tax revenues attributable to the public safety rate; multiplied by

2. A fraction equal to:

A. The attributed allocation amount of the county or municipality for the calendar year; divided by

B. The sum of the attributed allocation amounts of the county and each municipality in the county for the calendar year.

(Ord. 780, passed 11-19-08; Am. Ord. 781, passed 11-19-08)

§ 39.06 COUNTY WHEEL TAX.

(A) The Steuben County Wheel Tax shall be imposed applies to the following classes of vehicles:

- (1) Buses;
- (2) Recreational vehicles;
- (3) Semi-trailers;
- (4) Semi-tractors;
- (5) Trailers 3,000 lbs. GVW and under;
- (6) Trailers 3,000 lbs. GVW and above; and
- (7) Trucks 11,001 lbs. and over.

(B) The Council adopts the exempt vehicles as set forth in I.C. 6-3.5-5-4.

(C) The County Auditor will forward a copy of this section to the Indiana Bureau of Motor Vehicles.

(Ord. 900, passed 6-13-17)

§ 39.07 COUNTY MOTOR VEHICLE EXCISE TAX.

(A) The Steuben County Council hereby creates a County Motor Vehicle Excise Surtax of 20% of the vehicle excise tax with a minimum of \$25 to be imposed upon the following described vehicles:

- (1) Passenger vehicles;
- (2) Motorcycles;

(3) Trucks with a declared grossweight that does not exceed 11,000 pound; and

(4) Motor driven cycles.

(B) This section shall take full force and effect upon passage and publication according to law.

(C) The County Auditor shall forward a copy of this section forthwith to the Indiana Bureau of Motor Vehicles.

(Ord. 899, passed 6-13-17)

CHAPTER 40: PURCHASING PROCEDURES

Section

General Provisions

- 40.01 Purchasing agents; designation
- 40.02 Protection of offers; status of documents
- 40.03 Discussions with offerors; requests
- 40.04 Delay of opening offers
- 40.05 Evidence of financial responsibility
- 40.06 Use of RFP for certain types of purchases
- 40.07 Modification and termination of contracts
- 40.08 Purchase of services
- 40.09 Purchases of supplies manufactured in the United States
- 40.10 Publication of notices
- 40.11 Receiving offers
- 40.12 Small purchases
- 40.13 Advance payments

Requests for Proposals and Financial Responsibility of Bidders

- 40.25 Protection of offers: status of documents as public records
- 40.26 Discussions with offerors responding to a request for proposals
- 40.27 Delay of opening of offers
- 40.28 Evidence of financial responsibility
- 40.29 Use of RFP for purchases of designated types of supplies
- 40.30 Modification and termination of contracts
- 40.31 Purchase of services
- 40.32 Purchase of equipment

GENERAL PROVISIONS

§ 40.01 PURCHASING AGENTS; DESIGNATION.

(A) The Board of Commissioners hereby determines that it is the purchasing agency for the county.

(B) The Board of Commissioners hereby designates the following persons to serve as purchasing agents for the county:

- (1) Each elected county official;
- (2) The Circuit Court Judge and the Superior Court Judge;
- (3) The County Highway Superintendent;
- (4) The County Board of Aviation Commissioners; and
- (5) The county employees as are designated from time to time, in writing.

(Ord. 686, passed 6-17-98)

§ 40.02 PROTECTION OF OFFERS; STATUS OF DOCUMENTS.

(A) A purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.

(B) After offers have been opened, a purchasing agent shall be responsible for maintaining the offers in a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

(C) Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.

(D) A purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

(Ord. 687, passed 7-6-98)

§ 40.03 DISCUSSIONS WITH OFFERORS; REQUESTS.

A purchasing agent may conduct discussions with, and best and final offers may be obtained from, responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

(Ord. 687, passed 7-6-98)

§ 40.04 DELAY OF OPENING OFFERS.

When the Board of Commissioners makes a written determination that it is in the county's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening. (Ord. 687, passed 7-6-98)

§ 40.05 EVIDENCE OF FINANCIAL RESPONSIBILITY.

(A) A purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.

(B) The solicitation may include a requirement that an offeror provide evidence of financial responsibility when the cost of a purchase is between \$25,000 and \$100,000. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(C) The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable when the cost of the purchase is over \$100,000. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(D) A purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.
(Ord. 687, passed 7-6-98)

§ 40.06 USE OF RFP FOR CERTAIN TYPES OF PURCHASES.

When the county determines that it is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding and receiving proposals is the preferred method for purchasing certain types of supplies.
(Ord. 687, passed 7-6-98)

§ 40.07 MODIFICATION AND TERMINATION OF CONTRACTS.

(A) A purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

(1) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible.

(2) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon.

(3) Price adjustments must be computed by costs attributable to the events or situations under the clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon.

(4) Price adjustments must be computed in another manner as the contracting parties may mutually agreed upon.

(5) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under the clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

(B) A purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

(C) A purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the county to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(D) A purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.
(Ord. 687, passed 7-6-98)

§ 40.08 PURCHASE OF SERVICES.

The county determines that the each county agency, department or office or any elected county official may purchase services in whatever manner the purchaser determines to be reasonable for service contracts less than \$500.
(Ord. 687, passed 7-6-98)

§ 40.09 PURCHASES OF SUPPLIES MANUFACTURED IN THE UNITED STATES.

Supplies manufactured in the United States shall be specified for all county purchases and shall be purchased unless the county determines that:

(A) The supplies are not manufactured in the United States in reasonably available quantities;

(B) The prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;

(C) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; and

(D) The purchase of supplies manufactured in the United states is not in the public interest.
(Ord. 688, passed 6-17-98)

§ 40.10 PUBLICATION OF NOTICES.

(A) All notices of invitation for bids shall be published in accordance with I.C. 5-3-1 in *The Herald-Republican*, *The Evening Star* or *The Hamilton News*. A purchasing agent shall schedule the publication

of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least ten days prior to the date the bids will be opened.

(B) All notices of request for proposals shall be published in accordance with I.C. 5-3-1 in *The Herald-Republican*, *The Evening Star* or *The Hamilton News*. A purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven days prior to the date the proposals will be opened.

(C) All notices of request for specifications shall be published in accordance with I.C. 5-3-1 in *The Herald-Republican*, *The Evening Star* or *The Hamilton News*. A purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven days prior to the date the proposals will be opened.

(D) Whenever a notice or other material, including specifications, an invitation for bids, request for proposals or request for specifications, is sent by mail, a purchasing agent may also send the notice or other material by electronic means, provided that the transmission of the information is at least as efficient as mailing the information.

(Res. 689, passed 7-6-98)

§ 40.11 RECEIVING OFFERS.

(A) Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids. Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation. Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

(B) The purchasing agency may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications. An electronic offer may only be received if:

(1) The solicitation includes the procedure for the electronic transmission of the offer; and

(2) The purchasing agency receives the offer on a fax machine or other system with a security feature that protects the contents of an electronic offer with the same degree of protection as provided to an offer not transmitted electronically.

(C) (1) An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid.

(2) A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened.

(3) A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which the bids were opened.

(D) When the purchasing agent makes a written determination that it is in the county's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

(Res. 689, passed 7-6-98)

§ 40.12 SMALL PURCHASES.

(A) A purchasing agent may purchase supplies with an estimated cost of less than \$2,500 on the open market without inviting or receiving quotes.

(B) A purchasing agent, with the approval of the President of the Purchasing Agency, may purchase supplies with an estimated cost of more than \$2,500, but less than \$5,000, on the open market without inviting or receiving quotes.

(C) A purchasing agent, with the approval of the Purchasing Agency, may purchase supplies with an estimated cost of more than \$5,000, but less than \$25,000, on the open market without inviting or receiving quotes.

(Res. 689, passed 7-6-98)

§ 40.13 ADVANCE PAYMENTS.

(A) The County Auditor may pay the following kinds of expenses prior to written approval of the County Commissioners:

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

(2) License or permit fees.

(3) Insurance premiums.

(4) Utility payments or utility connection charges.

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

(6) Grants of state funds authorized by statute.

(7) Maintenance or service agreements.

(8) Leases or rental agreements.

(9) Bond or coupon payments.

(10) Payroll.

(11) State or federal taxes.

(12) Expenses that must be paid because of emergency circumstances, which includes the ability to receive discounts.

(13) Expenses described in an ordinance.

(14) Expenses incurred under a procurement contract under I.C. 31-25-2-17.

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

(C) After payment, the County Commissioners shall review and allow the claim at its next regularly scheduled meeting following the pre-approved payment of the expense.

(D) The payment of expense under this section must be published in the same manner as any other claim.

(Ord. 764, passed 7-16-07)

Editor's note:

I.C. 31-25-2-17 was repealed by P.L. 146-2008, Sec. 806

REQUESTS FOR PROPOSALS AND FINANCIAL RESPONSIBILITY OF BIDDERS

§ 40.25 PROTECTION OF OFFERS: STATUS OF DOCUMENTS AS PUBLIC RECORDS.

(A) *Protection of offers prior to opening.* In order to prevent disclosure of their contents prior to opening, a purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened.

(B) *Unobstructed evaluation of offers.* After offers have been opened, a purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

(C) *Public records status of bids.* Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.

(D) *Register of proposals.* A purchasing agent shall prepare a register of proposals for each request for proposals issued. The register shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.
(Ord. 816, passed 10-3-11)

§ 40.26 DISCUSSIONS WITH OFFERORS RESPONDING TO A REQUEST FOR PROPOSALS.

A purchasing agent may conduct discussions with, and best and final offers may be obtained from, responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.
(Ord. 816, passed 10-3-11)

§ 40.27 DELAY OF OPENING OF OFFERS.

When the Board of Commissioners makes a written determination that it is in the county's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.
(Ord. 816, passed 10-3-11)

§ 40.28 EVIDENCE OF FINANCIAL RESPONSIBILITY.

(A) *Purchases less than \$25,000.* A purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.

(B) *Purchases between \$25,000 and \$100,000.* The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(C) *Purchases over \$100,000.* The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(D) *Small business set-asides.* A purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.
(Ord. 816, passed 10-3-11)

§ 40.29 USE OF RFP FOR PURCHASES OF DESIGNATED TYPES OF SUPPLIES.

When the county determines that it is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding, receiving proposals shall be the preferred method for purchasing certain types of supplies.
(Ord. 816, passed 10-3-11)

§ 40.30 MODIFICATION AND TERMINATION OF CONTRACTS.

(A) *Price adjustments.* A purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

(1) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon as possible after the beginning of performance;

(2) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

(3) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

(4) Price adjustments must be computed in such other manner as the contracting parties may mutually agreed upon; or

(5) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

(B) *Adjustments in time of performance.* A purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

(1) *Unilateral rights of county.* A purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the county to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(2) *Quantity variations.* A purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

(Ord. 816, passed 10-3-11)

§ 40.31 PURCHASE OF SERVICES.

The county determines that the each county agency, department, office or any elected county official may purchase services in whatever manner the purchaser determines to be reasonable for service contracts less than or equal to \$500.

(Ord. 816, passed 10-3-11)

§ 40.32 PURCHASE OF EQUIPMENT.

The county determines that the each county agency, department or office or any elected county official may purchase equipment in whatever manner the purchaser determines to be reasonable for equipment less than or equal to \$500.

(Ord. 816, passed 10-3-11)

TITLE V: PUBLIC WORKS

Chapter

50. WATER SUPPLY SYSTEMS

51. WATER WELLS

52. SOLID WASTE DISPOSAL; SANITARY LANDFILLS

53. SEWAGE DISPOSAL SYSTEMS

CHAPTER 50: WATER SUPPLY SYSTEMS

Section

50.01 Orland water supply system

§ 50.01 ORLAND WATER SUPPLY SYSTEM.

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

MUNICIPAL WATER UTILITY. A water utility owned and operated by a city, town, county or other entity subject to financial review by the State Board of Accounts.

PERSON. The same definition as found in I.C. 6-1.1-1-10, as amended from time to time.

(B) All persons owning real estate having thereon either water taps, faucets, restrooms or wash facilities shall be and are required to connect to an available municipal water utility system within 180 days of the supply becoming available.

(C) For the purposes of this section, a municipal water utility is considered “available” when the following occur:

(1) The adoption by the governing body of a municipal water utility of a resolution declaring that the water lines have been installed in a given area and are ready for connection to same by water customers.

(2) The municipal water utility provides service within 100 feet of the property line upon which the improvement is located and, if necessary, the utility has provided the necessary easements to allow connection between the property line of the owner of the improvement and the line.

(3) Tap charges and fees, if any, shall be established in accordance with applicable law by the municipal water utility and are to be paid by the person or entity owning the improvement.

(4) The Board of the municipal water utility shall establish, from time to time, the water consumption charge rates.

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(5) If any landowner fails to pay any fee provided for in this section in accordance with the terms of this section, the fee constitutes a lien against the real estate to which the fee is attributable.

(6) In addition to the Board of County Commissioners, the board of any municipal water utility may enforce the terms and conditions of this section.

(D) A person may appeal the time limit for connection to the municipal water utility system to the Board of County Commissioners so long as the appeal is in writing, and is filed within 30 days of the person's receipt of the notice of availability under division (C) above.

(E) The Board of County Commissioners shall conduct a hearing on the appeal and may grant an extension of up to 270 days. The hearing shall be held with notice to the person appealing and shall be conducted in accordance with the procedure used for other matters brought before the Board of County Commissioners.

('84 Code, § 14-33-20-11) (Ord. 668, passed 1-18-95)

CHAPTER 51: WATER WELLS

Section

- 51.01 Definitions
- 51.02 Permits and inspections
- 51.03 Location
- 51.04 Construction
- 51.05 Pump installation
- 51.06 Use of wells for drainage purposes
- 51.07 Disinfection, samples and reports
- 51.08 Abandoning wells
- 51.09 Powers for inspection; enforcement
- 51.10 Commercial on-site water supply systems

§ 51.01 DEFINITIONS.

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

AQUIFER. A water-bearing formation or stratum.

CASING. Galvanized steel, approved plastic or other material approved by a health officer, to exclude unwanted solids or liquids from the interior of the well.

CEMENT GROUT. A thorough mixture consisting of one bag Portland cement (94 pounds) with five or six gallons of clean water. When the mixture cannot be placed effectively, additives may be used if shrinkage is held to a minimum and the mixture will form a watertight seal throughout the entire depth required to prevent objectionable waters from entering the hole.

COMMERCIAL ON-SITE WATER SUPPLY SYSTEM. All sources of water and equipment necessary for the proper conduction, collection and storage of water for other than one- or two-family dwellings. This term includes facilities such as apartment buildings, campgrounds, churches, commercial establishments, condominiums, medical facilities, mobile home parks, motels, office buildings, restaurants, health clubs and schools.

FLUSHING. The act of causing a rapid flow of water from a well by pumping, bailing or similar operation.

GROUND WATER. Any water in natural state below the surface of the ground.

HEALTH OFFICER. The Director of Public Health for the county or the Director's authorized representative.

NONRESIDENTIAL WELL. Any well drilled for more than two residential units or for use other than residential use or for wells drilled for a combination of use involving residential and nonresidential use.

PERSON. Any individual, firm, corporation or partnership.

POLLUTION. The contamination or other alteration of the physical, chemical or biological properties of water as to render the water harmful or detrimental or injurious to public health or safety.

POTABLE WATER. Water suitable for drinking or culinary purposes.

PRIVATE WATER SUPPLY. One or more sources of ground water, including facilities for conveyance of ground water, such as wells, springs and pumps other than those serving a municipality or those operating as a public utility under the rules of the State Utility Regulatory Commission.

PUMP INSTALLER. An individual, partnership, firm or corporation that installs a pump in a well or opens the well to service a pump.

RESIDENTIAL WELL. Any well drilled for the use of one or two dwelling units.

TUBING. A metal, fiber or plastic pipe used to withdraw water from a well. A jet-type pump may require two strings of tubing.

WATER TABLE. The top surface, or upper limit, of the ground water zone.

WELL. Any excavation, whether drilled, bored, driven, jetted or dug for the purpose of obtaining water from the ground, returning water to the ground or for the purpose of testing the quality or quantity of the water.

WELL DRILLER. Any individual, partnership, firm or corporation that produces, or contracts to produce, a well.

WELL DRILLING. Any operation that produces a well.

WELL OWNER. The legal owner of the real estate containing the well site.

WELL SEAL. An approved removable arrangement or device used to cap a well or to establish and maintain a water-tight junction between the casting or curbing of a well and the piping or equipment installed in the well, so as to prevent unwanted water or other combination material from entering the well at the upper level.

WELL VENT. An opening or outlet at the upper end of the well casing to allow equalization of air pressure in the well.

YIELD. The quantity of water per unit of time, which may flow or be pumped from the well, when the water level has remained stabilized for one hour or longer.
(`84 Code, § 25-39-4-1) (Ord. 604, passed 5-16-88; Am. Ord. 662, passed 5-9-94)

§ 51.02 PERMITS AND INSPECTIONS.

(A) The owner of any building or private residence where a private water well is to be installed or the replacement of any existing private water well is planned shall obtain a written permit signed by the 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 form with plans, specifications and other information considered necessary by the health officer. The applicant shall pay a permit and inspection fee of \$15 at the time the application is filed.

(B) The health officer shall be allowed to inspect the well installation at any stage of construction and in any event, the applicant shall notify the health officer when the work is completed or of the applicant's intention to abandon the well, all in compliance with this section. The inspection shall be made within 48 hours of the receipt of notice by the health officer. Days not considered regular working days shall not be considered part of the 48 hours' notice.

(C) The health officer shall be allowed to inspect the pump installation at any stage of construction.
(`84 Code, § 25-39-4-1) (Ord. 604, passed 5-16-88; Am. Ord. 662, passed 5-9-94)

§ 51.03 LOCATION.

(A) Private water supply wells shall be located in keeping with the following principles:

(1) At the highest point on the premises consistent with the general layout and surroundings, but in any case protected against surface drainage and flooding; and

(2) As far removed from any known or probable source of contamination as the general layout of the premises and surroundings permit.

(B) (1) Private water supply wells serving a residence consisting of not more than two dwelling units shall maintain the following minimum separation distances from sources of contamination:

- (a) Cast iron sewers with approved joints or other approved materials: 10 feet.
- (b) Sewers and drains: 50 feet.
- (c) Privies: 50 feet.
- (d) Septic tanks and absorption fields in soil rated severe due to high porosity: 100 feet.
- (e) Septic tanks and absorption fields: 50 feet.
- (f) Seepage pits and dry wells: 100 feet.
- (g) Stables, livestock runs, manure piles and the like: 50 feet.
- (h) Streams, lakes, ponds and ditches: 25 feet.
- (i) Property lines: five feet.

(2) The health officer may waive the requirements set forth when the health officer considers that it will not endanger public health.

(C) The location of wells with respect to buildings shall be as follows:

(1) Every well located so that it will be reasonably accessible with proper equipment for cleaning, testing, inspection and other attention as may be necessary. It should be at least three feet outside of any existing building overhang.

(2) No well shall be located so that the top of the well will be within the basement of any building not under a building having no basement.

(3) Well heads and well casing openings shall not be located in any pit, room or space extending below the established ground surface, except when permitted by the health officer and under the conditions and construction requirements prescribed by the health officer.
(`84 Code, § 25-39-4-1) (Ord. 604, passed 5-16-88; Am. Ord. 662, passed 5-9-94)

§ 51.04 CONSTRUCTION.

(A) All wells shall be cased to a depth of 25 feet or more below the ground surface or cased to a depth of 20 feet and set in stone.

(B) The minimum casing diameter shall be preferably four inches but not less than two inches inside diameter for a well to be used as a source of potable water.

(C) The casing of wells developed in clay, sand or gravel shall extend watertight into the water-bearing formation.

(D) The casing of the well shall be constructed of galvanized steel and approved plastic of sufficient thickness and quality to protect the well against structural deficiencies during construction, and against pollution and other undesirable water during the expected life of the well.

(E) Damaged or contaminated pipe shall not be used for well casing.

(F) The casing of wells developed in rock formation shall be firmly seated in the rock.

(G) Temporary capping of a well until the pumping equipment is installed shall be such that no contamination can enter the well. A properly fitted and firmly driven, solid, wooden plug or equally water-tight closure is the minimum acceptable.

(H) Wells constructed as a source of water for a residence of not more than two dwelling units shall have a stabilized yield of at least 300 gallons per hour. All other wells shall have a stabilized yield adequate for their intended use unless the water bearing formation is such that after proper construction of the well, a lesser amount is the maximum amount obtainable. Additional storage may be required when the well cannot produce the stated yield.

(I) Each well is to be equipped with a turbine pump and shall be tested, before use, for plumbness and alignment. The well shall not vary from the vertical or from alignment sufficiently to interfere with the installation and operation of the pump.

(J) In connection with a well, the casing pipe of any drilled well shall project not less than 12 inches above the pumphouse floor or above the established ground surface, and at least 24 inches above the highest floor level. Any vent opening, observation port and air line equipment shall extend from the upper terminal of the well by watertight piping to a point no less than 12 inches above the pumphouse floor or above the established ground surface. The terminals of these facilities shall be shielded or sealed so as to prevent entrance of foreign matter.

(K) There shall be no opening in the casing well below its top except by the use of a properly installed pitless adapter designed to, and fabricated of the materials that will keep soil and water from entering the well during the life of the casing. The covered top of the pitless adapter shall project not less than 12 inches above ground surface and at least 24 inches above the highest floor level. There shall be no openings through the walls of the well adapter casing for vents, wire, air lines and the like.

(L) (1) Cement grout that is used to seal a hole diameter larger than the casing should be composed of a thorough mixture of Portland cement and clean water at a rate of one bag (94 pounds) of cement to five or six gallons of water so that it can be pumped or puddled into the annular space to seal it.

(2) When pipe is driven through clay, silt, sand or gravel into a hole of smaller diameter than the casing, and where unconsolidated clays, silts, sand or gravel are present to a depth greater than 20 feet below the surface, puddled bentonitic clay may be used to seal the annular space. Bentonitic clay shall be kept puddled around the point where the casing enters the ground in order to maintain a seal around the drive pipe and couplings and to serve as a lubricating medium while driving the casing.

(M) An adequate screen shall be provided where necessary and installed in a manner that will permit the removal and replacement without adverse effect on the water-tight construction of the well. ('84 Code, § 25-39-4-1) (Ord. 604, passed 5-16-88; Am. Ord. 662, passed 5-9-94)

§ 51.05 PUMP INSTALLATION.

(A) All hand pumps, stands or similar devices shall be installed so that no unprotected opening connecting with the interior of the pump exists. The pump snout shall be of the closed downward-directed type. All hand pumps shall be bolted to a mounting flange securely fastened to the well casing. The top of the casing shall extend to at least one inch above the face of the flange.

(B) (1) All power-driven pumps located over wells shall be mounted on the well casing, a pump foundation or a pump stand, so as to provide an effective well seal at the top of the well. Extension of the casing at least one inch into the pump base will be considered an effective seal if the pump is mounted on a base plate or foundation in a manner to exclude dust and insects, and the top of the well casing is at an elevation at least two feet above any known flood water level. Where the pump unit is not located over the well and the pump delivery or suction pipe emerges from the top of the pump unit, a watertight expanding gasket or equivalent well seal shall be provided at the terminal of a conduit containing a cable for a submersible pump.

(2) All submersible pumps should have one check valve located on the discharge line above the pump and inside the casing. If the discharge pipe is at least 12 inches above the ground and slopes to drain into the well, the check valve may be located in the house.

(C) Discharge lines and vacuum lines from the well to the foundation of heated buildings shall be protected against freezing.

(D) All well vents shall be piped water-tight to a point not less than 24 inches above any known flood water level, and, in any event, to the top of the well casing. The vent opening and piping shall be of sufficient size to prevent clogging by hoarfrost and in no case less than one-quarter inch in diameter. The terminals of vent pipes shall be shielded to prevent the entrance of foreign matter and preferably turned down. If toxic or inflammable gases are vented from the well, the vent shall extend to the outside atmosphere at a point where the gases will not produce a hazard. Openings in pump bases shall be sealed watertight.

(E) All buried suction pipe or non-pressure lines shall be enclosed in a pipe conduit having a minimum wall thickness equivalent to a casing of the same size, and shall be located from sources of pollution in accordance with the distances specified in this section. Suction pipes with annular space between pipe and encasement under pressure may be installed within the specified distances, but in no case within ten feet. Sewers of cast iron pipe with leaded joints or other approved materials, clear water drains and cisterns shall not be located within ten feet of a suction line. No suction line shall be beneath a sewer. An exposed suction pipe, as in a basement room, shall be 18 inches or greater practicable distance above the floor. Any pipe connecting a pump and well shall be protected against freezing.

(F) No material will be used in the well or pump installation that will result in the delivered water being toxic or having an objectionable taste or odor. All metallic and non-metallic materials shall have sufficient structural strength and other properties to accomplish the purpose for which installed. Flexible or non-rigid plastic pipe shall not be used for suspending submersible pumps, unless having the physical properties to withstand the torque and load to which it is subjected. Plastic pipe shall not be used unless bearing the approval of the National Sanitation Foundation and unless having the physical properties to withstand the torque and load to which it is subjected.

(G) Offset pumps and sampling faucets shall be located where they are readily accessible. They shall not be located in a crawl space unless the crawl space is drained to the ground surface beyond the crawl space either by gravity or by means of a sump pump, and a minimum of four feet of clear work space is provided between the floor of the crawl space and the floor joist in the pump area. If located in a crawl space, the pump shall be located within five feet of the point of entry. The access opening should be at least two feet high and two feet wide. Any part or accessory to the water system, which requires routine maintenance, shall not be installed in a crawl space unless that crawl space meets the requirements of this section.

(H) Pressure tanks or approved substitutes, used as part of the water system shall be of a size as to prevent excessive wear of the pump due to frequency of starting or stopping.
(`84 Code, § 25-39-4-1) (Ord. 604, passed 5-16-88; Am. Ord. 662, passed 5-9-94)

§ 51.06 USE OF WELLS FOR DRAINAGE PURPOSES.

The use of a well for disposal of sewage or other material which may pollute the potable water is prohibited. If a well is used for the purpose of returning uncontaminated water to the ground, the plans for the well that is to be used must be submitted to and be approved by the health officer. ('84 Code, § 25-39-4-1) (Ord. 604, passed 5-16-88; Am. Ord. 662, passed 5-9-94)

§ 51.07 DISINFECTION, SAMPLES AND REPORTS.

(A) (1) Every new, modified or reconditioned water source, including pumping equipment and gravel used in gravel wall wells, shall be disinfected before being placed in service for general use. This treatment shall be performed both when the well work is finished and when the pump is installed or reinstalled.

(2) If there is no significant lapse of time between the two operations, only the latter disinfection will be required. The casing pipe shall be thoroughly swabbed to remove oil, grease and joint dope, using alkalies if necessary to obtain clean metal surfaces.

(3) The well or other ground water development equipment and gravel used in gravel well construction shall be disinfected with a solution containing enough chlorine to leave a residual of 25 parts per million in the well after a period of at least 24 hours.

(B) After pumping the well to remove all disinfectant, water samples, when considered necessary by the health officer, shall be collected from the installation and shall be laboratory analyzed to indicate the water to be satisfactory before the installation is placed in service. Water samples shall be collected by the health officer.

(C) The well driller shall supply the health officer, within 30 days of the health officer's request, with an accurate record of the construction details of the well, including a log of soil formations and deeper material in which the hole is drilled, results of pumping tests and other information that may be required. The driller shall furnish the owner with a duplicate copy of this information. ('84 Code, § 25-39-4-1) (Ord. 604, passed 5-16-88; Am. Ord. 662, passed 5-9-94)

§ 51.08 ABANDONING WELLS.

(A) A well, to be temporarily abandoned, but which the owner intends to equip and use at some future time, shall be temporarily sealed at the surface by a welded or threaded cap or in the case of a dug well, in a manner satisfactory to the health officer.

(B) A well that is to be abandoned permanently shall be filled with cement grout opposite each water-bearing formation and in the top 40 feet of the hole. The remainder of the hole may be filled with puddled clay or other impermeable material that will permanently prevent migration of fluids in the hole. Sand, gravel, slag and crushed limestone are not desirable materials to use in filling a hole because they are permeable, but they may be used opposite a formation or stratum that is impermeable to water to bridge between zones of cement grout. If salt water is entering or may enter the well, the entire hole should be filled with cement grout. When permanently abandoning a well, the person doing the work must report to the health officer within 48 hours after completion of the work. ('84 Code, § 25-39-4-1) (Ord. 604, passed 5-16-88; Am. Ord. 662, passed 5-9-94)

§ 51.09 POWERS FOR INSPECTION; ENFORCEMENT.

(A) The health officer, bearing proper credentials and identification, shall be permitted to enter upon all properties at proper times for the purpose of inspection, observation, measurement, sampling and testing necessary to carry out this section.

(B) Whenever the health officer determines that there are reasonable grounds to believe that there has been a violation of this section, the health officer shall give notice of the violation to the person or persons responsible for the violation, and to any known agent of the person, as provided in this section.

(C) The notice shall:

- (1) Be put in writing;
- (2) Include a statement of reasons why the notice is being issued;
- (3) Allow a reasonable time for the performance of any act the notice requires;

(4) Be served upon the owner or the owners agent, or the occupant, as the case may require. However, the notice shall be considered properly served upon the owner, agent, or occupant if:

- (a) A copy of the notice is served on the individual personally;
- (b) A copy of the notice is sent by certified mail to the individuals last known address;
- (c) A copy of the notice is posted in a conspicuous place in or about the dwelling affected by the notice; or
- (d) The individual is served with the notice by any other method authorized or required under state law.

(5) Contain an outline of remedial action which, if taken, will effect compliance with this section.

(D) Any person affected by the notice issued by the health officer may request and shall be granted a hearing on the matter before the Director of Public Health or the Director's designated representative. The person must file in the Office of the health officer, within ten days after service of the notice, a written petition requesting the hearing and setting forth a brief statement of the grounds for the hearing. Upon receipt of the petition, the health officer shall arrange, and give the petitioner written notice, of the time and place for the hearing. At the hearing, the petitioner shall be given an opportunity to be heard and to show cause why the notice should not be complied with.

(E) After the hearing, the Director of Public Health or the Director's designated representative, shall sustain, modify or withdraw the notice, depending upon the Director's findings as to whether this section has been complied with.

(F) If the Director of Public Health or the Director's designated representative sustains or modifies the notice, the notice is considered to be an order. A notice served under this section automatically becomes an order if a written petition for a hearing is not filed in the Office of the health officer within ten days after the notice is served.

(G) After a hearing in the case of any notice suspending any permit required by this section, when the notice has been sustained by the Director of Public Health or the Director's designated representative, the permit is considered revoked. Any permit that has been suspended by a notice is considered to have been automatically revoked if a petition for a hearing is not filed in the office of the county health officer within ten days after the notice is served.

(H) (1) Whenever the health officer finds that an emergency exists that requires immediate action to protect the public health, the health officer may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that action be taken as the health officer considers necessary to meet the emergency.

(2) Notwithstanding any other part of this section, the order is effective immediately. Upon petition to the health officer, a person shall be afforded a hearing as soon as possible concerning this section in the manner provided in this section. After the hearing, depending upon the finding as to whether this section has been complied with, the health officer shall continue the order in effect, modify the order or revoke the order.

(`84 Code, § 25-39-4-1) (Ord. 604, passed 5-16-88; Am. Ord. 662, passed 5-9-94)

§ 51.10 COMMERCIAL ON-SITE WATER SUPPLY SYSTEMS.

All commercial onsite water systems to be installed shall meet or exceed the minimum requirements of the State Department of Health as set forth in Bulletin S.E. 13 (1983) and as may be later amended from time to time by the State Department of Health. The minimum requirements set forth in Bulletin S.E. 13 (1983) is incorporated by reference into this section. Bulletin S.E. 13 (1983) and any and all subsequent amendments or modifications to the bulletin shall be on file in the Office of the County Health Department and available for examination during business hours.
(`84 Code, § 25-39-4-1) (Ord. 604, passed 5-16-88; Am. Ord. 662, passed 5-9-94)

CHAPTER 52: SOLID WASTE DISPOSAL; SANITARY LANDFILLS

Section

- 52.01 Scope
- 52.02 Definitions
- 52.03 Permits
- 52.04 Operational requirements and specifications
- 52.05 Inspection of disposal facility sites and operations

Statutory reference:

Adoption of rules, see I.C. 36-9-30-12

§ 52.01 SCOPE.

(A) This chapter is adopted for the protection of land and waters within the county, the avoidance of public nuisances and the health of the citizens of the county. This chapter addresses the permit requirements, the care and operation of the disposal site and penalties for violation, and is intended to provide the full scope of protective regulations of the state, as well as the county.

(B) To this end, the following are adopted as a part of this chapter:

(1) 330 I.A.C. 5, Rules 1 through 9, being the rules of the Environmental Management Board of the State Department of Health, except as modified in this chapter.

(2) I.C. 36-9-30, being the State Solid Waste Disposal Law, except as modified in this chapter.

(C) The county reserves the right to impose more stringent requirements than included in state law.

(`84 Code, § 36-9-20-12) (Res. passed 3-7-66; Am. Ord. 589, passed 10-1-84; Am. Ord. 590, passed 11-5-84; Am. Ord. 662, passed 5-9-94)

§ 52.02 DEFINITIONS.

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

COVER. Natural soil which is used to bury wastes. **DAILY COVER** means that cover which is placed over waste and compacted at the end of an operating day. **FINAL COVER** means cover placed and compacted over a waste disposal area upon completion of the use of that area for waste disposal.

GRADING. The contouring of land control surface water flow and erosion according to a predetermined plan.

HAZARDOUS WASTE. Any solid or liquid waste which, because of its volume, odor or physical or chemical state, causes or threatens to cause an adverse operational, safety or environmental effect. This waste includes, but is not limited to toxic chemicals, explosives, pathological wastes, radioactive material, liquids, semi-liquids, sludges, pesticides, pesticide containers and raw or digested sewage sludge.

HEALTH OFFICER. A county health officer or the health officer's duly authorized representative.

PERSON. Any person, firm, partnership, corporation or association.

POINT OF GENERATION. The place where a material initially becomes discarded for processing or disposal of refuse.

SALVAGING. The controlled removal of materials from refuse for utilization.

SOLID WASTE. All putrescible and nonputrescible solid and semi-solid wastes, except human excreta, but including garbage, rubbish, ashes, street cleanings and solid commercial, industrial and institutional wastes not otherwise classified as "special" and "hazardous" wastes.

SOLID WASTE DISPOSAL FACILITY or FACILITY. A sanitary landfill, incinerator, composting facility, garbage grinding facility, garbage grinding facility or any other facility that is suitable for solid waste disposal and constructed in accordance with this chapter. Transfer stations located within this county for the purpose of supplying county facilities are considered as covered within this chapter.

TRANSFER STATION. A facility for the acceptance, holding and loading of refuse into a vehicle for movement to a processing or disposal facility, excluding stationary compactors and collection containers.

(B) For other pertinent definitions, see 330 I.A.C. 5-2.

(`84 Code, § 36-9-20-12) (Res. passed 3-7-66; Am. Ord. 589, passed 10-1-84; Am. Ord. 590, passed 11-5-84; Am. Ord. 662, passed 5-9-94)

§ 52.03 PERMITS.

(A) Any person engaging in the general business of transporting solid waste to a solid waste disposal facility or disposal thereof in the county must possess a currently valid permit from the health officer. Permits will be issued in accordance with the provisions of this chapter, and may be revoked at any time for failure to comply with operational requirements as set forth in this chapter. A separate permit shall be issued for each facility.

(B) A permit to operate a facility shall be for the term of one calendar year, and may be renewed annually by the County Commissioners.

(C) No permit signed by the health officer shall be valid until it has been countersigned by the County Treasurer after the payment to the Treasurer of a permit fee of \$10.

(D) Permits for operation of a facility will be based on the evaluation of the required data, information and operational plan as outlined in 330 I.A.C. 53-4 and additional information as may be required by this chapter. Copies of all documents submitted to the state must be submitted concurrently to the health officer.

(`84 Code, § 36-9-20-12) (Res. passed 3-7-66; Am. Ord. 589, passed 10-1-84; Am. Ord. 590, passed 11-5-84; Am. Ord. 662, passed 5-9-94)

§ 52.04 OPERATIONAL REQUIREMENTS AND SPECIFICATIONS.

(A) All solid waste disposal at sites within the county shall have originated within the area enclosed by a two-mile extension of the county boundaries. Approved transfer stations shall not be considered a point of origin. All solid waste collected within the area of jurisdiction of this chapter shall be disposed of daily in an approved facility. As part of the records to be maintained by the operator, documentation of the following items regarding all waste accepted shall be kept and made available for inspection:

- (1) Origin;
- (2) Type of waste;
- (3) Amount of waste; and
- (4) Identification of hauler.

(B) All salvable material must be removed from the disposal site at least once each month. Salvaged materials must be stored in transportable containers or in buildings while awaiting removal. In no instance shall salvaged material be allowed to accumulate on the ground.

(C) Combustible waste, completely devoid of garbage, may be burned in a manner and in an area approved by the health officer if it poses no nuisance or hazard. Ashes shall be buried immediately and properly at the facility.

(D) It shall be strictly forbidden to make any garbage available for animal consumption at any facility.

(E) Operation of the facility shall be such that there is no infestation of rodents or other animals or insects at the facility. Occurrences of this nature shall constitute grounds for immediate closure.

(F) Public scavenging shall not be permitted at any time at any facility.

(G) (1) The active work area for new sites or expansions of existing sites shall meet the following minimum horizontal distance separation requirements:

- (a) One-hundred fifty feet from all property lines and road rights-of-way;
- (b) One-hundred fifty feet from all open water streams and known tile drains;
- (c) One thousand feet from any lake; and

(d) Six hundred feet from all existing residences, wells or buildings which might, in the future, secure water from a well supply.

(2) Greater isolation distances may be required in certain situations, including, but not limited to the following:

- (a) Severe geological or hydrological conditions;
- (b) Certain topographical conditions;
- (c) Site near a quiet zone;
- (d) Site near an airport; and
- (e) De-watering or other operational process will adversely affect adjacent aquifers.

(H) Vegetation shall be cleared only as necessary. Natural windbreaks shall be maintained on sites where present. Additional windbreaks, green belts or both may be required, dependent on the site, its conditions and location. The requirements shall be specified at the time of the original facility approval.

(I) Portable litter fences or equipment devices shall be used in the immediate vicinity of the active work area and other necessary locations to control blowing litter. Windblown material on the site and adjacent roadways shall be collected and buried daily.

(J) Access to the site shall be controlled and shall be designated by established roadways only.

(K) (1) Site operating hours shall not exceed, but may be less, than the following:

(a) November to April: 6:00 a.m. to 5:00 p.m.

(b) May to October: 5:00 a.m. to 6:00 p.m.

(2) The site shall not be accessible for disposal after hours. Operating personnel shall be on duty at all times during which the facility is open.

(L) A sign four feet by eight feet with four-inch letters shall be erected at the site entrance, identifying the following:

(1) Name of operation and permit numbers;

(2) Owner and operator's name and telephone number;

(3) Operating hours;

(4) Fees;

(5) The statement "Under no circumstances are hazardous wastes to be disposed of at this facility;" and

(6) The words "No Scavenging."

(M) (1) On-site roads shall be all-weather roads and shall be constructed in a manner as to minimize the tracking of mud and soil material onto public roadways. Should the material be tracked onto roadways, the operator shall be responsible for removal.

(2) The trench method shall be used unless specific topographical and geological conditions exist which would permit the area method to be used on portions of the site. Permission for use of any other disposal method than the trench method must be obtained at the time of the original request for facility approval.

(3) Disposal sites shall be designed and operated so as to bring the active fill area to final approved grade as quickly as possible.

(4) When feasible, trenches shall be placed at right angles to the prevailing wind with the ramp is used on the windward side.

(5) The length of the original trench cut shall depend on the volume of waste to be handled and on soil conditions. Under normal conditions, the original trench shall be cut to handle approximately 30 days of operation. Shorter trenches are advisable when soil conditions suggest the possibility of cave-ins. In such cases, side slope shall be adjusted accordingly. Subsequent trenches shall be cut only as they are needed to provide cover material.

(6) Access to the trenches may be made by means of a ramp. The ramp over the first trench shall not be built up more than four feet above the top of the trench. If necessary, ramps may be extended over the first and subsequent trenches. Where possible, the access ramp shall be extended at the same elevation. In no case shall the ramp height be more than four feet above the top of the trench being utilized. Soil material used for ramps shall be removed when it is no longer required. The material shall be distributed to meet final topography requirements.

(7) Trenches shall be a minimum of at least eight feet and not more than 20 feet in width and shall be at least one and one-half times the width of the equipment used in the evacuation and compaction of disposed material.

(8) The depth of the compacted waste in each trench shall be limited to a maximum of ten feet. Trench depths, therefore, shall be such as to accommodate the disposed waste and required cover.

(9) Spacing between adjacent trenches shall be such as to provide a minimum of two-foot wide wall of undisturbed soil between.

(10) At the end of each day's operation, the surface of the thoroughly compacted material shall be covered with fill and compacted to a minimum thickness of one foot. The fill compaction process is to be done in a manner as to avoid mixing of the fill and disposed materials. The open side of the compacted waste shall be covered with at least six inches of soil at the end of each day's operation. Twice a week, the open side shall be sealed with two feet of compacted soil, forming a series of separated cells in each trench.

(11) Trenches shall be considered full when the height of the compacted waste is within two feet of the approved final elevation. The material shall then be covered with soil and compacted to a minimum thickness of two feet.

(N) Waste deposited in the disposal area shall be thoroughly compacted after every few truck loads.

(O) (1) To prevent the ponding of water on compacted fill surfaces, the grading contours shall be such as to forestall the development of local depressions due to post-construction settlement. The final slope shall not be less than 2% nor greater than 10%. In no case shall the final topography produce an elevation greater than ten feet above the original contour. In certain instances where the original topography indicates small localized depressions, the maximum increase in elevation may be waived. Application for a waiver must be made at the time of the original request for facility approval.

(2) The surface of the fill area shall be maintained in a manner as to provide a suitable road surface for trucks. Where necessary, cinders, gravel or other suitable materials shall be applied to maintain a passable roadway.

(P) Satisfactory disposal of refuse during winter months when normal operation of the sanitary landfill method is hampered by frozen ground shall be accomplished by excavating a sufficient length of trench in advance, by stockpiling dirt loosely, and by protecting this dirt from freezing with salted straw or by other means so that it can be used for cover during the freezing periods. If suitable compaction of frozen earth cannot be accomplished, or if sufficient dirt is not available, it shall be satisfactory to use only six inches of cover during the periods when the soil is frozen to a depth of more than one foot. It is understood that the total depth of cover will be increased to a depth of one-foot daily cover and two-foot final cover as soon as soil conditions permit.

(`84 Code, § 36-9-20-12) (Res. passed 3-7-66; Am. Ord. 589, passed 10-1-84; Am. Ord. 590, passed 11-5-84; Am. Ord. 662, passed 5-9-94) Penalty, see § 10.99

§ 52.05 INSPECTION OF DISPOSAL FACILITY SITES AND OPERATIONS.

(A) At least once a month, the health officer shall inspect each solid waste disposal facility site located in the county. If the designated inspecting officer discovers a violation of any item of sanitation pertinent to the provisions of this chapter, the officer shall make a second inspection after the lapse of time as deemed necessary for the defect to be remedied. The second inspection shall be used in determining compliance with this chapter.

(B) Any violation of the same item of this chapter on the second inspection calls for suspension or revocation of the permit.

(C) One copy of the inspecting officer's inspection report, on which violations of any item of sanitation pertinent to the provisions of this chapter shall be inscribed, shall be left at the solid waste disposal facility site by the inspecting officer. The inspection report shall state the number of days within which the violations are to be corrected. Another copy of the inspection report shall be filed by the inspection officer with the records of the County Health Department. All correspondence shall originate in the County Health Department.

(D) All persons operating the solid waste disposal facility site shall, upon request of the inspecting officer, permit access to all parts of the grounds by the inspecting officer and shall permit the inspecting officer to copy any and all records pertaining to the sources of solid waste transported to the site for public disposal.

('84 Code, § 36-9-20-12) (Res. passed 3-7-66; Am. Ord. 589, passed 10-1-84; Am. Ord. 590, passed 11-5-84; Am. Ord. 662, passed 5-9-94)

CHAPTER 53: SEWAGE DISPOSAL SYSTEMS

Section

- 53.01 Authority
- 53.02 Definitions
- 53.03 Administration
- 53.04 Onsite sewage system installer registration and certification
- 53.05 Residential and commercial onsite sewage systems
- 53.06 Permits
- 53.07 Permit denial and revocation
- 53.08 Inspection
- 53.09 Enforcement
- 53.10 Procedure for appeal
- 53.11 Remedies
- 53.12 Fee schedule

- 53.99 Penalty

Statutory reference:

Similar provisions, see I.C. 16-19-3-4

§ 53.01 AUTHORITY.

The Steuben County Health Department is hereby authorized to issue residential and commercial onsite sewage system permits, collect permit fees and penalties, perform inspections, hold hearings, order or otherwise compel correction of violations of this chapter, and is otherwise authorized to perform all actions necessary for the administration and enforcement of this chapter.
(Ord. 864, passed 4-6-15)

§ 53.02 DEFINITIONS.

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

CERTIFIED INSTALLER. An installer who passes a written proficiency examination conducted by the Indiana Onsite Wastewater Professionals Association (IOWPA) and maintains certification through retesting or obtaining the proper Continuing Education Units.

HEALTH BOARD. The Health Board appointed as specified in I.C. 16-20-2 and having jurisdiction in Steuben County, State of Indiana.

HEALTH DEPARTMENT. The local health department in Steuben County having jurisdiction over the installation, construction, maintenance, reconnection, replacement, alteration and repair of a residential onsite sewage system as specified in I.C. 16-20-1.

HEALTH OFFICER. The person appointed as specified in I.C. 16-20-2-16, or his/her duly authorized representative, as specified in I.C. 16-20-1-14, who may conduct inspections and make a decision on an enforcement action in Steuben County, State of Indiana.

INSTALLER. Any person engaged in or intending to engage in the installation, construction, reconnection, replacement, alteration or repair of onsite sewage systems or equipment in Steuben County, State of Indiana.

NOTICE OF VIOLATION. A written notification of an ordinance, rule, or statute violation.

ORDER. A Steuben County Health Department action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more specific persons. The term includes a permit. (From I.C. 4-21.5-1-9)

PERMIT. The document issued by the Steuben County Health Officer that authorizes a person to install, construct, maintain, reconnect, replace, alter or repair a residential or commercial onsite sewage system.

REGISTERED INSTALLER. A certified installer who registers with the Steuben County Health Department.

SANITARY VAULT PRIVY. A fly tight and rodent proof structure designed for the disposal of human waste and must be properly constructed and maintained according to Indiana State Department of Health Bulletin S.E. 11.
(Ord. 864, passed 4-6-15)

§ 53.03 ADMINISTRATION.

(A) The regulations and requirements of the Indiana State Department of Health Rule 410 I.A.C. 6-8.3 "Residential Onsite Sewage Systems" (the rule) are hereby incorporated by reference in this chapter and shall include any later amendments to those regulations and requirements as the same are published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein.

(B) The regulations and requirements of the Indiana State Department of Health Rule 410 I.A.C. 6-10.1 "Commercial Onsite Sewage Systems" (the commercial rule) are hereby incorporated by reference in this chapter and shall include any later amendments to those regulations and requirements as the same are published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein.

(C) All other regulations and requirements duly promulgated by the Indiana State Department of Health as found in Title 410 I.A.C. and various bulletins relative to the subject matter of this chapter are further incorporated herein and made a part hereof. Specifically, Bulletin S.E. 11 "The Sanitary Vault Privy", as updated or amended from time to time, and any bulletin or publication which may hereafter be published by the Indiana State Department of Health as a supplement or successor to said Bulletin S.E. 11 are hereby incorporated herein and made a part hereof.
(Ord. 864, passed 4-6-15)

§ 53.04 ONSITE SEWAGE SYSTEM INSTALLER REGISTRATION AND CERTIFICATION.

(A) Every person who installs, constructs, reconnects, replaces, alters or repairs any part of any onsite sewage system in Steuben County shall be knowledgeable of all laws, rules, technical specifications, and ordinances of both the State of Indiana and Steuben County governing onsite sewage systems.

(B) No person shall install, construct, reconnect, replace, alter, or repair any part of any onsite sewage system in Steuben County unless the person is registered as an installer with the Steuben County Health Department.

(1) An installer shall file an application for registration with the Steuben County Health Department and keep on file at the Steuben County Health Department a current certification for applicable system types as described in division (C).

(2) Such registration shall be valid for a term of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually. The registration shall bear the name and address of the registered installer and the expiration date. The registration shall not be transferable.

(C) Any person who installs, constructs, reconnects, replaces, alters or repairs any part of any onsite sewage system in Steuben County after April 1, 2016 shall obtain installer certification. After April 1, 2016, any person who installs, constructs, reconnects, replaces, alters or repairs any part of any onsite sewage system in Steuben County shall submit to the Steuben County Health Department a current certification in gravity onsite sewage systems and must also keep a current certification on any other types of system that they choose to install, such as flood dose onsite sewage systems, pressure distribution onsite sewage systems or any technologies new to Indiana.

(1) The applicant for certification shall demonstrate knowledge of the applicable laws, rules, technical specifications, and ordinances by passing the Indiana Onsite Wastewater Professional Association (IOWPA) Certified Installer Examination.

(2) The Certified Installer shall possess a copy of the certification at all times while installing the onsite sewage system.

(3) A Certified Installer shall be on the site at all times during onsite sewage system construction, and shall be deemed responsible for the construction. A Certified Installer may supervise other construction workers as necessary to assist the construction.

(4) Every Certified Installer shall work under a Registered Installer. At the time of registration, all registered installers must submit a list of certified installers that may work under the registration.

(5) A property owner wanting to install, construct, reconnect, replace, alter, repair or otherwise work on any part of any onsite sewage system serving the property owner's dwelling shall be required to demonstrate knowledge of the applicable laws, rules, technical specifications and ordinances by passing the proficiency examination as described in division (C)(1). Such property owner is exempt from registering with the Steuben County Health Department as required in division (A).

(D) Any person who installs any technologies new to Indiana that require certification from the manufacturer shall obtain such certification prior to the system installation in addition to the IOWPA certification.

(Ord. 864, passed 4-6-15)

§ 53.05 RESIDENTIAL AND COMMERCIAL ONSITE SEWAGE SYSTEMS.

(A) It shall be unlawful for any person to throw, run, drain, seep, or otherwise dispose into any of the surface waters or ground waters of Steuben County, State of Indiana, or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into such waters, any organic or inorganic matter from a dwelling or residential onsite sewage system that would cause or contribute to a health hazard or water pollution.

(B) Should an onsite sewage system fail, the failure shall be corrected by the owner to the satisfaction of the Steuben County Health Department without delay and within the time limit set by the Steuben County Health Officer. Violations shall be subject to the penalties prescribed in § 53.99 of this chapter.

(C) Where a sanitary sewer system is not available, all persons owning, leasing, or otherwise occupying property shall comply with the requirements of 410 I.A.C. 6-8.3 *et seq.*, 410 I.A.C. 6-10.1 *et seq.*, or Bulletin S.E. 11 as applicable, and the provisions of this chapter for an onsite sewage system.

(D) All onsite sewage systems shall be designed, installed, constructed, located, operated, and maintained in a manner approved by the Health Officer and in compliance with the minimum standards set forth in Rule 410 I.A.C. 6-8.3 *et seq.* or Rule 410 I.A.C. 6-10.1 *et seq.* whichever is applicable, and such other standards and policies as may be adopted from time to time by the Indiana State Department of Health and the Steuben County Health Board, and as stated below:

(1) *Minimum parcel size.* Notwithstanding any other provisions of this chapter, wherever a new residence or commercial building is to be constructed within Steuben County that will utilize an onsite sewage system, the building parcel shall consist of an area not less than one acre. This provision shall not be applicable to any subdivisions or lots platted before the effective date of this chapter. Onsite sewage systems installed for new construction on a subdivision or lot platted before the effective date of this chapter must meet the minimum standards as set forth in Rule 410 I.A.C. 6-8.3 *et seq.* or Rule 410 I.A.C. 6-10.1 *et seq.* whichever is applicable.

(2) *Soil profile analysis.* A soil profile analysis report prepared by an Indiana Registered Soil Scientist (IRSS) consisting of a minimum of three soil borings and/or soil pits in the area of the proposed soil absorption field or within ten feet from the proposed absorption trenches or mound. The Steuben County Health Department may require additional borings if deemed necessary. The soil absorption field will be sized using the most restrictive soil loading rate found in the soil profiles.

(3) *Septic tanks.* Specifications for all new septic tanks shall be a minimum capacity of 1,250 gallons, a minimum of two compartments, and shall be listed on the most current list of the Indiana State Department of Health's pre-approved manufactured septic tanks. Concrete is the material of choice for all septic tanks. Fiberglass, polyethylene or polypropylene tanks may be used in areas where access is limited and its use is approved by the Steuben County Health Officer.

(4) *Distribution boxes.* There shall be a riser(s) to final grade on all distribution boxes installed. Riser sections and joints must be constructed to be watertight. Insulation of distribution boxes is permissible. Concrete is the material of choice for all distribution boxes. Other materials may be approved by the Steuben County Health Officer on a case by case basis.

(5) *Dosing tanks.* Concrete is the material of choice for all dosing tanks. Fiberglass, polyethylene or polypropylene tanks may be used in areas where access is limited and its use is approved by the Steuben County Health Officer.

(6) *Observation ports.* The Steuben County Health Department may require observation ports on any system in which it is deemed necessary. The observation port shall consist of a minimum four inch pipe with a removable cap at or above final grade and stabilized with rebar, or other approved stabilization method.

(7) *Soil absorption field.* All residential soil absorption fields shall be sized for a minimum of a two bedroom home (design daily flow of 300 gallons/day).

(8) *Commercial onsite sewage systems.* All designs for commercial onsite sewage systems shall have written approval from the Indiana State Department of Health prior to issuance of an onsite sewage system permit from the Steuben County Health Department.

(E) A privy situated within Steuben County, State of Indiana, shall be of the sanitary vault type and shall be installed, constructed, and maintained in accordance with the minimum standards set forth in Bulletin S.E. 11 as may be revised from time to time by the Indiana State Department of Health.

(F) The installation of any onsite sewage system not described in Rule 410 I.A.C. 6-8.3, Rule 410 I.A.C. 6-10.1, or Bulletin S.E. 11 shall be approved in advance by the Indiana State Department of Health and/or the Indiana Department of Environmental Management (IDEM).

(G) Reconnection to an existing onsite sewage system shall be determined using the procedures specified in the Steuben County Health Department Policy "Reconnection to an Existing Onsite Sewage System."

(H) Wherever a sanitary sewer approved by the Indiana State Department of Health or Indiana Department of Environmental Management is available and within 300 feet of the property line of the residential or commercial property and the estimated cost of sewer construction and connection does not exceed 150% of the estimated cost of an onsite system, direct connection shall be made to said sewer, and all onsite system components, holding tanks, or sanitary vault privies shall be abandoned as required by law. Such direct connection shall be completed by the owner within 90 days after receipt of written notice ordering such action. Failure of the owner to comply with the provisions of this section shall constitute a violation of this chapter and the violator shall be subject to the penalties prescribed in § 53.99 of this chapter.

(I) An owner of a property may apply, to the sewer district with jurisdiction, for an exemption to division (H) as specified in Steuben County Health Department Policy "Written Determination for Exemption to Sewer Connection."

(J) Notwithstanding any other provisions of this chapter, the Steuben County Health Department may limit or prohibit the use of an onsite sewage system for residences or businesses in areas that are seasonally wet, pond water, or which periodically flood during any part of the year, or in areas where the size or topography of the site, or where the information contained in a soil analysis report performed by an IRSS, indicates a reasonable likelihood that an onsite sewage system will not function properly and/or will dispose of sewage in an unsanitary manner in violation of the terms of this chapter. (Ord. 864, passed 4-6-15)

§ 53.06 PERMITS.

(A) The Steuben County Health Officer shall conduct a plan review on all residential onsite sewage system designs as specified in Steuben County Health Department Policy "Residential Onsite System Plan Review".

(B) The owner shall obtain a written permit signed by the Steuben County Health Officer prior to the start of construction of any structure, commercial or private, that is to be served by an onsite sewage system or sanitary vault privy, or prior to the installation, construction, reconnection, replacement, alteration or repair on any part of an existing onsite sewage system.

(C) The application for such permit shall be made on a form provided by the Steuben County Health Officer.

(D) A permit shall be issued by the Steuben County Health Officer if the plan review finds the proposed residential onsite sewage system is in compliance with the provisions of this chapter and the minimum standards set forth in Rule 410 I.A.C. 6-8.3.

(E) A permit shall be issued by the Steuben County Health Officer when written approval for a commercial onsite sewage system has been obtained from the Indiana State Department of Health and approval is obtained from the Steuben County Health Officer.

(F) A permit fee, as established in § 92.40 *et seq.*, shall be paid prior to permit issuance.

(G) If the onsite sewage system for which the permit was issued has not been installed, constructed, reconnected, replaced, altered or repaired within one year from the date of issuance, the permit shall automatically expire and become void. Upon expiration of the permit, if the system has not been completed, the owner shall reapply for a new permit. The new permit shall carry the same fee as the original permit and shall be paid prior to the issuance of the new permit.

(H) The permit shall be posted prior to the start of construction and shall be located in a conspicuous place at or near the building where the onsite sewage system is being constructed. The permit shall be plainly visible from the public thoroughfare serving the building.

(I) Failure of any person to obtain an onsite sewage system permit or to otherwise comply with this section shall constitute a violation of this chapter, and the violator(s) shall be subject to the penalties prescribed in § 53.99 of this chapter.
(Ord. 864, passed 4-6-15)

§ 53.07 PERMIT DENIAL AND REVOCATION.

(A) The Steuben County Health Officer may deny an application for a construction permit, or may revoke a permit previously issued, for reasons including, but not limited to, any of the following:

(1) An onsite sewage system design, as represented in the plan submittal, does not meet the minimum requirements of Rule 410 I.A.C. 6-8.3, Rule 410 I.A.C. 6-10.1 or Bulletin S.E. 11, whichever is applicable, or this chapter;

(2) Failure to comply with any provisions of this chapter, Rule 410 I.A.C. 6-8.3, Rule 410 I.A.C. 6-10.1 or Bulletin S.E. 11;

(3) Failure to comply with limitations, terms, or conditions of the permit;

(4) Failure to disclose all the facts relevant to the construction and use of an onsite sewage system;

(5) Misrepresentation; or

(6) Any change relating to the design, construction, or use of the onsite sewage system not approved, in writing, by the Steuben County Health Department.

(B) The written denial or revocation shall state the following:

(1) The basis for the denial or revocation;

(2) The method or methods available for compliance, if applicable;

(3) The time frame for compliance, if applicable;

(4) That the owner has the right to appeal the denial or revocation; and

(5) The procedure for registering any such appeal.

(Ord. 864, passed 4-6-15)

§ 53.08 INSPECTION.

(A) A permit for the installation, construction, reconnection, replacement, alteration or repair of an onsite sewage system or sanitary vault privy shall not constitute final approval of such system until the same is completed to the satisfaction of the Steuben County Health Officer.

(B) The property owner, or agent of the property owner, shall notify the Steuben County Health Officer before the start of construction or installation of any component of the onsite sewage system as specified in Steuben County Health Department Policy "Construction and Final Inspection".

(C) The Steuben County Health Officer, bearing proper credentials and identification, shall be permitted to enter upon all properties subject to the provisions of this chapter at reasonable times for the purposes of inspections, observations, measurements, sampling, and testing necessary to carry out the provisions of this chapter.

(D) The Steuben County Health Officer shall inspect the work at any stage of the construction as specified in Steuben County Health Department Policy "Construction and Final Inspection".
(Ord. 864, passed 4-6-15)

§ 53.09 ENFORCEMENT.

(A) Whenever the Health Officer determines there are reasonable grounds to believe that there has been a violation of this chapter, Rule 410 I.A.C. 6-8.3 or Rule 410 I.A.C. 6-10.1, or Bulletin S.E. 11, the Steuben County Health Officer shall issue a Notice of Violation to the person or persons responsible, as hereafter provided. Such notice shall:

- (1) Indicate the date and location of the violation.
- (2) Clearly indicate the nature of the violation and the related ordinance and/or rule citation.
- (3) Allow a reasonable time for the performance of necessary remediation.
- (4) Be properly served upon the person(s) responsible. Proper service shall include any of the following:
 - (a) Sent to the person directly via United States Postal Service;
 - (b) Sent by certified mail to the last known mailing address of the person;
 - (c) Posted in a conspicuous place in or about the property affected by the notice; or
 - (d) Other method of service authorized or required under the laws of this state.

(B) After receiving an order in writing from the Steuben County Health Officer, the owner of the property shall comply with the provisions of this chapter and/or rule as set forth in said order and within the time limit specified therein. Said order shall be served on the owner but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of an order. Failure to comply with such order shall constitute a violation of this chapter and the violator shall be subject to the penalties as prescribed in § 53.99 of this chapter.

(C) The Steuben County Health Officer may compel an immediate stop work order of work completed, in progress, or planned, which is in violation of any provision(s) of this chapter. Such stop work order shall:

(1) Result in the immediate suspension of all work at the worksite; and

(2) Be posted at the construction site and confirmed by written notice to the owner or occupant of the premises and any person engaged in the performance of said work or any person causing such work to be performed.

(3) Failure to comply with such stop work order shall constitute a violation of this chapter and the violator shall be subject to the penalties as prescribed in § 53.99 of this chapter.

(D) Whenever the Steuben County Health Officer finds that an emergency exists which requires immediate action to protect public health, the Steuben County Health Officer may, without notice or hearing, issue an emergency order declaring the existence of such an emergency and require that action be taken as he/she deems necessary. Notwithstanding the other provisions of this chapter, Rule 410 I.A.C. 6-8.3, Rule 410 I.A.C. 6-10.1, and Bulletin S.E. 11, such order shall be effective immediately.

(E) Any person to whom such an emergency order is directed shall comply therewith immediately, but upon petition to the Steuben County Health Officer, shall be afforded a hearing, as soon as possible in the manner provided in § 53.10.

(F) If a registered installer has repeated violations of any provision of this chapter or the applicable rules or technical specifications of the department, the Steuben County Health Officer may revoke the appropriate registration. If registration is revoked:

(1) The period of revocation shall be no less than 90 days or a time period deemed appropriate by the Steuben County Health Officer; and

(2) The installer shall be advised in writing for the basis of the revocation, the right and procedure for appeal and the opportunity for a hearing.
(Ord. 864, passed 4-6-15)

§ 53.10 PROCEDURE FOR APPEAL.

(A) Appeals may be filed with the Steuben County Health Department for any of the following decisions or actions taken by the Steuben County Health Officer:

(1) Denial of a permit to install, construct, reconnect, replace, alter or repair an onsite sewage system or sanitary vault privy;

(2) Revocation of a permit;

(3) Prohibition or limitation of the use of an onsite sewage system for any reason set forth in § 53.05(J);

- (4) The issuance of a notice of violation as prescribed in § 53.09(A);
- (5) The issuance of a stop work order as prescribed in § 53.09(C);
- (6) The issuance of an emergency order as prescribed in § 53.09(D);
- (7) Revocation, or duration of revocation, of installer registration as prescribed in § 53.09(F);

or

- (8) A penalty as prescribed in § 53.99.

(B) Any person(s) filing such appeal shall be granted a hearing on the matter before the Steuben County Health Board. The request shall be in writing and received at the office of the Steuben County Health Department within ten calendar days of receipt of the notice. If a request for hearing is not received within the ten calendar days, the decision or action shall stand.

(C) Such request shall briefly state the reasons for the requested hearing. Upon receipt of a request for a hearing, the Steuben County Health Officer shall arrange a time and a place for such hearing and shall give the petitioner written notice thereof.

(D) Such hearing shall be held as soon as practical after receipt of the request in compliance with I.C. 5-14-1.5-5 (Open Door Law).

(E) At such hearing, the petitioner shall be given the opportunity to be heard and to show evidence as to why such decision or action should be modified or withdrawn. Additionally, the Health Officer shall be given time to explain the circumstances of the decision and/or action.

(F) The proceedings at such hearing, including the findings and decision of the Steuben County Health Board, shall be summarized in the minutes of the hearing and entered as a matter of public record in the office of the Steuben County Health Department. In addition, all pertinent information including, but not limited to, permit application and written correspondence, shall be included in the public record. Any person may seek relief thereof from any court of competent jurisdiction as provided by the law of the state.

(Ord. 864, passed 4-6-15)

§ 53.11 REMEDIES.

Upon refusal or neglect of any person to correct an unlawful or unsanitary condition when the abatement of the condition has been ordered in writing by the Health Officer or an appeal against the decision and/or action has been sustained by the Health Board, the Health Officer may, through the office of the Steuben County Attorney, or an attorney representing the Health Department, institute

proceedings in the judicial court district wherein the offense occurs for enforcement by prohibitory or mandatory injunction to restrain any person from violating the provisions of this chapter.
(Ord. 864, passed 4-6-15)

§ 53.12 FEE SCHEDULE.

All applicable fees as set forth by the Steuben County Health Department in § 92.40 *et seq.* and any amendments or revisions hereafter, shall be made payable to the Steuben County Health Department.
(Ord. 864, passed 4-6-15)

§ 53.99 PENALTY.

(A) Any person, firm or entity found to be in violation of any provision of this chapter and/or rule shall be fined not more than \$2,500. Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the Steuben County Health Department shall constitute a distinct and separate offense.

(B) The Steuben County Health Department shall also be entitled to seek any other legal remedy available against any person who shall violate any provision of this chapter and/or rule.

(C) The Steuben County Health Department shall be entitled to seek all legal fees incurred during enforcement of this chapter and/or rule.

(D) The penalties provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.
(Ord. 864, passed 4-6-15)

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC RULES

72. PARKING REGULATIONS

73. SNOWMOBILES

74. TRAFFIC SCHEDULES

75. PARKING SCHEDULES

76. OFF-ROAD VEHICLES

CHAPTER 70: GENERAL PROVISIONS

Section

- 70.01 Highway Department
- 70.02 Preferential roads
- 70.03 Location of county roads
- 70.04 Arterial highway system
- 70.05 Permit Manual for County Roads

§ 70.01 HIGHWAY DEPARTMENT.

(A) The County Highway Department hours are from 6:00 a.m. to 2:30 p.m.

(B) The alcohol and drug policy for Highway Department employees in safety sensitive positions is adopted. Drug testing records shall be kept at the Highway Department in a separate locked file cabinet, with only Highway Superintendent having access to the records.

(C) A maximum fee of \$50 shall be charged for a DOT physical for a Highway Department employee who needs physicals in order to maintain the employee's license.
(`84 Code, § 8-17-3-4) (Order passed 6-4-34; Am. Ord. 662, passed 5-9-94; Am. Order passed 8-28-95; Am. Order passed 12-26-95)

§ 70.02 PREFERENTIAL ROADS.

(A) The Board of Commissioners 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.

(B) All highways and roads intersecting any preferential highways shall be clearly marked, at every intersection, with stop signs to warn all vehicles using the intersecting highway or road to stop before crossing or entering any preferential highway.

(C) As used in this code, "CR" refers to "county road."

(D) A reward of \$500 will be offered for the arrest and conviction of anyone caught vandalizing county road signs or traffic signs.

(E) All traffic proceeding from a private road into a county road must come to a complete stop at the intersection. Vehicles traveling on county roads are traveling on a preferential highway and shall pass through the intersection with private roads without stoppings.

(F) The intersections described in this code shall be properly posted for all traffic required to come to a complete stop. A violator of the stop signs or signals posted at the intersection shall be charged by traffic summons issued by any police officer having traffic enforcement jurisdiction in the area. The County Prosecuting Attorney is authorized to prosecute the violation. The courts of the county having general traffic jurisdiction are empowered to process the charges as violations of the law as are all other traffic signal violations.

(`84 Code, § 8-17-9-1)

§ 70.03 LOCATION OF COUNTY ROADS.

Any roads submitted to the county to become county roads shall use road viewers. The petitioner shall pay all costs, including the payment of the road viewers.

(`84 Code, § 8-20-1-2) (Order passed 6-20-88; Am. Ord. 662, passed 5-9-94)

§ 70.04 ARTERIAL HIGHWAY SYSTEM.

The Board of Commissioners selects and designates certain county roads as the county arterial highway system, based on I.C. 8-23-4-3. The roads in the system, as added, relocated and deleted, are depicted on a map captioned "County Arterial Highway System." Two copies of this map are on file for public inspection in the Office of the County Auditor and are incorporated herein by reference.

(`84 Code, § 8-23-4-3) (Order passed 12-23-49; Am. Order passed 8-4-69; Am. Ord. 662, passed 5-9-94)

Statutory reference:

Selection and changes to arterial highway system, see I.C. 8-23-4-3

§ 70.05 PERMIT MANUAL FOR COUNTY ROADS.

The Steuben County Permit Manual for County Roads which provides policies, procedures, fee schedules, and potential fines for the use of county roads and rights-of-way by other units of government, contractors, utilities, and the general public dated June 19, 2017 including all fees and penalties included therein are approved and hereby adopted by reference.

(Ord. 872, passed 8-17-15; Am. Ord. 896, passed 3-6-17; Am. Ord. 903, passed 6-19-17)

CHAPTER 71: TRAFFIC RULES

Section

General Provisions

- 71.01 Weather emergency traffic control
- 71.02 Frost Law
- 71.03 Speed limits
- 71.04 Size and weight restrictions

Passenger Restraints

- 71.15 Definitions
- 71.16 Front seat passengers
- 71.17 Child restraint requirements
- 71.18 Vehicle stop

- 71.99 Penalty

GENERAL PROVISIONS

§ 71.01 WEATHER EMERGENCY TRAFFIC CONTROL.

(A) A weather emergency shall commence by executive order, determination and proclamation of the President of the County Commissioners, or in his or her absence or incapacity by the Vice President of the County Commissioners, and in his or her absence or incapacity by the other member of the County Commissioners, or in the absence of all County Commissioners, by the County Sheriff and County Emergency Management Director.

(B) The President of the County Commissioners, or his or her substitute, shall determine and proclaim a weather emergency when, in his or her sound judgment and discretion, the circumstances warrant the determination of an emergency for the public safety and the welfare of the residents of the county. The weather emergency shall continue in effect until he or she determines that an emergency no longer exists and terminates the emergency order, or until the County Commissioners in session shall make the determination.

(C) Emergency routes shall be as designated in the emergency order and the order can include a closing of some or all county roadways to the public, but the orders shall exempt all emergency travel for medical assistance, police, fire and civil defense activities, fuel haulers, public utility employees and milk haulers.

(D) After a weather emergency has been declared and during its existence:

(1) No motor vehicle shall travel or be parked on an emergency route.

(2) Any person who owns or drives a motor vehicle that becomes stalled or incapable of moving under its own power or who leaves the vehicle unattended shall be in violation of this section. The motor vehicle shall be towed away at the owner's expense including towing and storage charges.

(E) Publication and broadcast of the proclamation of a weather emergency shall be done by the authorized Commissioner or his or her substitute using a press release to the area news media.

(F) Any county police officer or state police officer, upon discovering any motor vehicle unlawfully traveling, parked or stopped in violation of this section, may impound and remove the motor vehicle or cause the same to be impounded and removed to any county-owned property, or to a private garage or place where so authorized. Prior to removal, the officer shall ticket the driver or owner of the unlawfully parked or operated motor vehicle and the owner or operator thereof shall be fined for his or her violation of this section. The motor vehicle shall be impounded and retained at the location as the police office shall determine until the towing and storage expenses for the motor vehicle shall be paid to the individual or company performing the towing service.
(Ord. 701, passed 3-16-00) Penalty, see § 10.99

§ 71.02 FROST LAW.

(A) The "Frost Law" shall be in effect for all county roads in the county that are properly posted at every intersection of the controlled road selected by the County Supervisor to be posted, for a total of no more than 90 days in any calendar year.

(B) During this posting period, no vehicle, excepting vehicles hauling farm products, including grain, milk, produce animals and poultry from point of production to the point of entry into the market for sale or use in other farming operations, shall travel over the road so posted if the total weight of vehicle and load exceeds 20,000 pounds.

(C) If a vehicle is observed violating the posted weight limits by any police officer with arrest powers in that venue, the officer may cite the driver or owner of the vehicle, or both, with a violation of this section. A court of general jurisdiction in the county, upon prosecution of the violation by the

County Prosecuting Attorney, shall, upon a finding of guilty impose a penalty equal to the penalty imposed by state law.

(84 Code, § 9-20-1-3) (Ord. 648, passed 3-30-93; Am. Ord. 662, passed 5-9-94)

Statutory reference:

Size, weight and use restrictions, see I.C. 9-20-1-3

§ 71.03 SPEED LIMITS.

(A) This section is adopted pursuant to the general corporate powers of the county and the Board of Commissioners including, but not limited to those powers set forth and contemplated by I.C. 9-21-1-1 *et seq.*, 36-1-3-8, 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 apply to all public streets or highways within the unincorporated areas of the county, except in circumstances where, as properly authorized by state law, the limits have been increased or decreased by the Board of Commissioners on the basis of an engineering and traffic investigation which has determined the increase or decrease to be safe and reasonable.

(C) All engineering studies and investigations conducted by the County Highway Department or any other agency or division of county government before October 1, 1984, are adopted or confirmed by the Board of Commissioners, except those studies conducted before October 1, 1984, which are 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 stated in this section. Further, the placement of signs, pursuant to the previous engineering studies and investigations, which signs set forth speed limits, as established by the Board of Commissioners and determined to be safe and reasonable, on certain streets or highways or portions of streets and highways, within the county are in all respects ratified, confirmed and approved, and the placement of the signs, and the retention of the signs in the places so set, is specifically authorized and contemplated by this section.

(D) Any person operating or driving a vehicle upon a public street or highway, or a portion of a street or highway, within the unincorporated areas of the county in excess of the speed limit on the street or highway, as established by this section and as set forth in the Chapter 74 of this code of ordinances, when signs are in place giving notice of the speed limits, commits an ordinance violation and, upon conviction, shall be fined or have a judgment entered against the person in an amount as determined by the Board of Commissioners, in addition to court costs. The person is subject to any additional punishments or penalties deemed proper by the court that hears or adjudicates violations of this section in accordance with I.C. 9-21 *et seq.* and 34-28-5-4.

(E) Violations of this section shall be charged by a traffic summons issued by any police officer having traffic enforcement jurisdiction in the area. The County Attorney is authorized to prosecute the violation. The courts of the county having general traffic jurisdiction shall be empowered to process the

charges as violations of law, as are all other speeding violations of state law and like penalties shall be imposed.

(84 Code, § 9-21-5-6) (Ord. passed 7-23-93) Penalty, see § 10.99

Cross-reference:

Speed limits, see Chapter 74, Schedule III

§ 71.04 SIZE AND WEIGHT RESTRICTIONS.

(A) This section is adopted pursuant to the general corporate powers of the county and the Board of Commissioners, including those powers set forth and contemplated by I.C. 9-20, 9-21, 36-1-3-8, 36-1-4-11, 36-1-6-3 and 36-2-4.

(B) For the purposes of this section, “vehicle” is defined as set forth in I.C. 9-13-2-196.

(C) The state laws establishing or regulating load or weight limits for vehicles operated or driven on public streets, highways or bridges apply to all 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 Commissioners on the basis of an engineering and traffic investigation, which has determined the alteration to be necessary to preserve that roadway.

(D) All engineering studies and investigations conducted by the County Highway Department or any other county government agency or division adopted before October 1, 1984, and confirmed by the Commissioners, except those studies rejected or superseded, are ratified and confirmed in all respects, and made the basis of establishment of the regulations of load or weight limits for vehicles on public streets, highways, roads and bridges within the county as stated in this section.

(E) The placement of signs, as required by state law and pursuant to engineering studies and investigations, setting forth the total load or weight limits, as established by the Board of Commissioners and determined to be necessary, safe and reasonable on certain streets, highways, bridges or portions thereof, within the county are ratified, confirmed and approved in all respects. The placement and retention of those signs where set, is specifically authorized and contemplated by this section.

(F) Any person who owns, operates or drives a vehicle or combination of vehicles upon a public street, highway, bridge or a portion thereof within the unincorporated areas of the county, with the total weight of that vehicle or combination of vehicles in excess of any load or weight limit set forth in this section, shall be fined or have a judgment entered against the person. The person is subject to any further punishments or penalties deemed proper by the court that hears or adjudicates violations of this section, as prescribed by I.C. 9-20 *et seq.* and 34-28-5-4.

(G) The provisions of this section are penal in nature. No cause of action, claim, suit, responsibility or liability otherwise accruing to the Board of Commissioners 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.

(H) The provisions of I.C. 9-20-18 dealing with the impoundment of vehicles and posting of bond until liability as established by the court pursuant to this section has been satisfied, and the sale of vehicles, if the liability, not been satisfied, are incorporated by reference and made a part of this section.

('84 Code, § 9-20-1-1) (Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94) Penalty, see § 10.99

Cross-reference:

Load and weight limits, see Chapter 74, Schedule I

Statutory reference:

Unlawful acts; transport operators, see I.C. 9-20-1-1

PASSENGER RESTRAINTS

§ 71.15 DEFINITIONS.

For purposes of this subchapter the following words and phrases shall have the following meanings ascribed them respectively:

CHILD PASSENGER RESTRAIN SYSTEM. A device that is manufactured for the purposes of protecting children from injury during a motor vehicle accident and meets the standards prescribed in I.C. 9-13-2-23 and 49 CFR 571.213.

PASSENGER MOTOR VEHICLE. For the purposes of this subchapter, shall mean a motor vehicle designed for carrying passengers and does not include a motorcycle, bus, or school bus, truck, tractor, or recreational vehicle.

(Ord. 714, passed 4-18-02)

§ 71.16 FRONT SEAT PASSENGERS.

Each front seat occupant of a passenger motor vehicle that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) shall have a safety belt properly fastened about the occupant's body at all times when the vehicle is in forward motion.

(Ord. 714, passed 4-18-02) Penalty, see § 71.99

§ 71.17 CHILD RESTRAINT REQUIREMENTS.

(A) A person who operates a motor vehicle in which there is a child less than four years of age shall have said child restrained by a child passenger restraint system, however, if it is reasonably determined that the child will not fit in a child restraint system then said child shall be properly fastened and restrained by a safety belt.

(B) A person who operates a passenger motor vehicle that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) shall have every child at least four years of age but less than 12 years of age properly fastened and restrained by a child passenger restraint system or a safety bet.
(Ord. 714, passed 4-18-02) Penalty, see § 71.99

§ 71.18 VEHICLE STOP.

A vehicle may be stopped by the Sheriff's Department to determine compliance with this subchapter. However, a vehicle, the contents of the vehicle, the driver of a vehicle, or a passenger in a vehicle may not be inspected, searched, or detained solely because of a violation of this subchapter.
(Ord. 714, passed 4-18-02)

§ 71.99 PENALTY.

Each violation of §§ 71.16 and 71.17 shall, in addition to any other penalty, subject the operator thereof said vehicle to a fine of not less than \$25 nor more than \$1,000 for each violation by each occupant in said vehicle.
(Ord. 714, passed 4-18-02)

CHAPTER 72: PARKING REGULATIONS

Section

72.01 Parking restrictions

Cross-reference:

County parking spaces, see § 36.01

Disabled parking for employees, see § 34.03

No Parking Areas, see Chapter 75, Schedule I

Statutory reference:

Parking restrictions, see I.C. 9-21-16-5

§ 72.01 PARKING SCHEDULES.

(A) The county has determined that the operator of a vehicle shall not stop, stand or park a vehicle on certain county highways or county property. The county shall post official signs indicating the parking restrictions in effect for the highways or property under I.C. 9-21-16.

(B) The county highways and property subject to parking restrictions are set forth in a document entitled “County Highway and Property Parking Restrictions,” which is incorporated by reference into this section. As required by I.C. 36-1-5-4, two copies of this document are on file in the Office of the County Auditor for public inspection.

(C) A person operating a vehicle on a county highway or on county property shall comply with the county highway or property parking restrictions.

(D) The County Sheriff or the Sheriff’s authorized deputies and any other law enforcement officer authorized to have jurisdiction over the unincorporated areas of the county are authorized to issue non-moving traffic citations to any vehicle left unattended in any area previously identified by a county ordinance as a no parking area, and which is clearly identified as a no parking area by signs posted.

(E) The violators of this section shall be given the opportunity of pleading guilty by signing that portion of the traffic citation that provided for a plea and thereafter by deposit in a box provided for receipt of the ticket and fine, in or near the county jail main entrance, or by appearance in any court of

jurisdiction over infractions. A violation of the posted no parking area shall be classified as a Class C infraction and punished accordingly in any court of jurisdiction in the county and fines and court costs shall be administered accordingly when processed upon a not guilty plea and a finding of guilty in a court of jurisdiction.

(F) A discovery of a licensed vehicle in a posted no parking area shall be prima facie evidence of a violation by the registered owner of that vehicle.

(G) A person who violates this section shall be charged by a traffic summons issued by any police officer having traffic enforcement jurisdiction in that location with a non-moving violation, as a Class C infraction. The County Prosecuting Attorney shall prosecute the violation. The courts of the county having general traffic jurisdiction shall be empowered to process the charges as violations of law, as are all other traffic violations of the Indiana Code. The court shall impose the penalty provided for a Class C infraction in the Indiana Code.

('84 Code, § 9-21-16-5) (Ord. 521, passed 12-16-83; Am. Ord. 646, passed 2-16-93; Am. Ord. 647, passed 2-16-93; Am. Ord. 662, passed 5-9-94) Penalty, see § 10.99

CHAPTER 73: SNOWMOBILES

Section

- 73.01 Applicability
- 73.02 State regulations adopted
- 73.03 Operation

Statutory reference:

Snowmobiles, see I.C. 14-16-1 et seq.

§ 73.01 APPLICABILITY.

This chapter applies to all snowmobiles, as defined by I.C. 14-8-2-261. ('84 Code, § 14-16-2-23) (Order passed 12-16-76; Am. Order passed 1-20-78; Am. Ord. 667, passed 11-7-94)

§ 73.02 STATE REGULATIONS ADOPTED.

This chapter incorporates by reference all provisions of state law relating to snowmobiles, including I.C. 14-16-2. No person shall operate any snowmobile on any county highway unless there is sufficient snow or ice cover to protect the road surface from undue abrasion. ('84 Code, § 14-16-2-23) (Order passed 12-16-76; Am. Order passed 1-20-78; Am. Ord. 667, passed 11-7-94) Penalty, see § 10.99

Editor's note:

I.C. 14-16-2 was repealed by P.L. 186-2003, Sec. 81

§ 73.03 OPERATION.

(A) All county maintained roads shall be open for the operation of snowmobiles.

(B) The county shall not be deemed to make any representation as to the safety of the county's highways for snowmobiling. The county expressly adopts I.C. 14-16-2 which provides that all snowmobiling is done at the risk of the snowmobiler and his or her passengers. The Board of County Commissioners and all county departments, agencies and employees shall not be deemed by this chapter to owe any greater duty of care to any person operating or riding as a passenger on any snowmobile than that duty existing prior to January 20, 1977.

(C) This chapter shall not be construed to permit the use of snowmobiles within the corporate limits of any city or town.

(D) Snowmobiles shall not be operated over off-road county-owned real estate, except over and along marked snowmobile trails in the direction specified on the markings.

(E) A person found operating a snowmobile in violation of this chapter shall be arrested and charged with a violation of this chapter and punished as if it were a Class D misdemeanor for the first offense and for the second offense within the time span of 25 days as if it were a Class C misdemeanor.

(F) Any court of general jurisdiction in the county shall have jurisdiction over the offenses created by this chapter and shall have the authority to impose the penalties described herein.

(84 Code, § 14-16-2-23) (Order passed 12-16-76; Am. Order passed 1-20-78; Am. Ord. 667, passed 11-7-94) Penalty, see § 10.99

Editor's note:

I.C. 14-16-2 was repealed by P.L. 186-2003, Sec. 81

CHAPTER 74: TRAFFIC SCHEDULES

Section

- I. Load and weight limits
- II. Stop intersections
- III. Speed limits
- IV. One-way streets

SCHEDULE I. LOAD AND WEIGHT LIMITS.

It is unlawful for a person to drive a motor vehicle in a weight exceeding the following.

<i>Street</i>	<i>Location</i>	<i>Load/Weight Restrictions</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 50 West	From Baker Road to Van Guilder Road	No through trucks	-	4-16-84
CR 100 North	From State Road 27 to CR 200 West	20,000 lbs.	-	5-15-67
CR 200 North	From State Road 27 to CR 200 West	20,000 lbs.	-	5-15-67
CR 200 North	From CR 300 East to CR 350 East	No through trucks	-	9-7-82
CR 275 North	From State Road 27 to CR 200 West	20,000 lbs.	-	5-15-67
CR 300 East	From State Road 827 to CR 200 North	No through trucks	-	9-7-82
CR 325 West	From State Route 20 to Loon Lake Road	No through semi-truck and trailers	Traffic Ord. 2149	1-5-15
CR 350 East	From US 20 to CR 200 North	No through trucks	-	9-7-82
CR 450 West	From State Route 120 to Michigan state line	No through semi-truck and trailers or commercial vehicles except local delivery vehicles	Traffic Ord. 2148	7-21-14

<i>Street</i>	<i>Location</i>	<i>Load/Weight Restrictions</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 600 East	From State Road 427 to CR 500 South	No through trucks	-	9-6-83
CR 600 East	From CR 450 South to Teegarden Road	No through trucks	-	5-7-79
CR 700 East	From State Road 427 to CR 500 South	No through trucks	-	6-20-83
CR 700 East	From CR 400 South to CR 500 South	No through trucks	-	5-7-79
CR 700 South	From Lemon Road to Old US 27	20 tons	2120	9-20-01
CR 800 East	From State Road 20 to CR 200 South	30,000 lbs.	-	2-6-84
Lemon Road	From Lemon Road to Old US 27	20 tons	2120	9-20-01
Old US 27*	From the intersection of Baker Road and Old US 27 to the Indiana-Michigan boundary	No trucks, truck-trailers, trailers, commercial vehicles	718	10-18-02
Peachy Road	From CR 400 North to CR 550 North	No through trucks	-	4-4-83
Teegarden Road	From CR 675 East to the Ohio State line	No through trucks	-	5-7-79
Van Guilder Road	From State Road 120 to Baker Road	No through trucks	-	4-16-84*

(1) The following vehicles shall be exempt:

- (a) Emergency vehicles;
- (b) Farm-tractor vehicles used in agricultural related transportation; and
- (c) Local delivery vehicles when the use of the roadway is necessary to make delivery on or near the roadway.

(2) A person who violates this restriction may be assessed a penalty of \$300 for a first violation, \$600 for a second violation within one year, and \$1,000 for three or more violations in one year.

(Am. Ord. 718, passed 10-18-02) Penalty, see § 10.99

SCHEDULE II. STOP INTERSECTIONS.

It shall be unlawful for a person driving a motor vehicle to pass through the following intersections without stopping.

<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Bachelor Road	CR 675 West		-	10-6-69
Bachelor Road	CR 450 West		-	9-7-82
Bachelor Road	CR 800 West		-	9-8-70
Balls Lake Road	CR 170 East		-	11-25-68
Balls Lake Road	Bellefountain Road		-	11-25-68
Baven	CR 700 East		-	9-7-70
Baven	CR 705 South		-	9-8-70
Bellefountain Road	Old 27		-	9-8-70
Bellefountain Road	CR 200 East		2112	2-15-01
Bill Deller Road	Redding Road		-	10-6-69
Bill Deller Road	CR 400 South		-	10-6-69
Binkley Road	CR 450 West		-	5-6-63
Buck Lake Road	CR 200 West		-	5-6-63
Carol Court	CR 300 West		-	8-3-78
Church Street	Old SR 727		-	6-20-83
Church Street	CR 500 South		2084	7-18-00
Colleen Street	CR 500 South		2083	7-18-00
CR 20 North	CR 100 East	Four-way	-	6-1-92
CR 160W	CR 110N		2139	3-13-07
CR 600 West	CR 300 North		-	9-8-70
CR 475 East	Teegarden		-	9-8-70
CR 500 West	Bachelor Road	Three-way	-	6-6-94

Steuben County - Traffic Code

<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 500	CR 400 South		-	10-6-69
CR 15 North	Old 1		-	9-8-70
CR 20 North	CR 350 East		-	5-6-63
CR 25 South	CR 950 East		-	9-8-70
CR 30 North	CR 50 North		-	10-6-69
CR 40 South	Old 1		-	9-8-70
CR 50 North	CR 900 East		-	9-8-70
CR 50 North	CR 950 East		-	9-8-70
CR 50 North	CR 425 West		2075	4-5-99
CR 50 South	CR 400 East		-	9-8-70
CR 50 South	CR 600 East		-	5-6-63
CR 50 West	Bellefountain Road		-	5-6-63
CR 60 South	West Fox Lake Road		-	9-8-70
CR 75 West	CR 275 North		-	9-7-82
CR 100 East	CR 200 North		-	5-6-63
CR 100 East	CR 300 North		-	9-8-70
CR 100 East	CR 500 North		-	9-8-70
CR 100 East	CR 500 South		-	5-6-63
CR 100 East	Bellefountain Road		-	5-6-63
CR 100 North	Old 1		-	9-8-70
CR 100 North	CR 350 East		-	5-6-63
CR 100 North	CR 450 West		-	10-6-69
CR 100 North	CR 600 East		-	5-6-63
CR 100 North	CR 950 East		-	9-8-70

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<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 100 North	Flint Road		-	8-5-68
CR 100 South	CR 600 West		-	5-6-63
CR 100 South	CR 650 West		-	9-8-70
CR 100 South	CR 750 West		-	9-8-70
CR 100 South	CR 800 West		-	5-6-63
CR 100 West	Old 27		-	9-8-70
CR 110 West (southbound)	CR 200 North		-	12-20-93
CR 112 North	CR 140 West		2153	7-18-16
CR 125 North	CR 475 East		-	9-8-70
CR 150 North	CR 550 East		-	9-8-70
CR 150 South	CR 450 West		-	9-8-70
CR 150 South	Old 27		-	9-8-70
CR 150 South	Redding Road		-	10-6-69
CR 150 West	Pleasant Lake Road		-	9-8-70
CR 160 South	CR 300 West		-	9-7-82
CR 160 South	West Fox Lake Road		-	9-7-82
CR 175 North	CR 450 West		-	9-8-70
CR 175 North	CR 1100 West		-	9-8-70
CR 175 South	CR 150 West		-	5-6-63
CR 175 South	CR 935 East		-	9-8-70
CR 175 South	West Fox Lake Road		-	9-8-70
CR 175 West	CR 700 North		-	9-8-70
CR 200 East	CR 20 North		-	10-8-69
CR 200 East	CR 100 North		-	8-7-67
CR 100 North	CR 600 East		-	5-6-63

Steuben County - Traffic Code

<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 100 North	CR 700 East		-	9-8-70
CR 120 North	CR 170 West		2151	7-18-16
CR 300 North	CR 950 East		-	9-8-70
CR 100 North	Flint Road		-	8-5-68
CR 100 South	CR 600 West		-	5-6-63
CR 100 South	CR 650 West		-	9-8-70
CR 100 South	CR 750 West		-	9-8-70
CR 100 South	CR 800 West		-	5-6-63
CR 100 West	Old 27		-	9-8-70
CR 109 West	Old US 27		2058	10-28-96
CR 125 North	CR 475 East		-	9-8-70
CR 150 North	CR 550 East		-	9-8-70
CR 150 South	CR 450 West		-	9-8-70
CR 150 South	Old 27		-	9-8-70
CR 150 South	Redding Road		-	10-6-69
CR 150 West	Pleasant Lake Road		-	9-8-70
CR 160 South	CR 300 West		-	9-7-82
CR 160 South	West Fox Lake Road		-	9-7-82
CR 175 North	CR 450 West		-	9-8-70
CR 175 North	CR 1100 West		-	9-8-70
CR 175 South	CR 150 West		-	5-6-63
CR 175 South	CR 935 East		-	9-8-70
CR 175 South	West Fox Lake Road		-	9-8-70
CR 175 West	CR 700 North		-	9-8-70
CR 200 East	CR 20 North		-	10-6-69

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<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 200 East	CR 100 North		-	8-7-67
CR 200 East	CR 200 North		-	5-6-63
CR 200 East	CR 500 South		-	5-6-63
CR 200 East	Bellefountain Road		-	5-6-63
CR 200 East	Johnson Lake		-	9-8-70
CR 200 East	Metz Road		-	5-6-63
CR 200 North	CR 200 West		-	5-6-63
CR 200 North	CR 200 West		-	9-8-70
CR 200 North	CR 1000 East		-	9-8-70
CR 200 North	Old 1		-	9-8-70
CR 200 West	CR 800 South		-	9-8-70
CR 225 West	CR 200 West		-	9-8-70
CR 225 West	CR 500 South		-	9-8-70
CR 225 West	CR 800 North		-	9-8-70
CR 225 West	Orland Road		-	9-8-70
CR 250 North	Old 1		-	9-8-70
CR 250 South	CR 600 West		-	5-6-63
CR 250 South	CR 800 West		-	5-6-63
CR 250 West	CR 100 North		-	5-6-63
CR 265 (Red Sand Beach)	CR 157 (Sowles Bay)		-	7-6-82
CR 267 (Red Sand Beach)	CR 157 (Sowles Bay)		-	7-6-82
CR 275 East	CR 500 South		-	5-6-63
CR 275 East	Johnson Lake		-	9-8-70
CR 275 East	Metz Road		-	5-6-63
CR 275 East	Johnson Lake Road	Four-way	2121	7-1-02

Steuben County - Traffic Code

<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 275 North	CR 200 West		-	5-6-63
CR 275 North	CR 550 East		-	9-8-70
CR 275 South	Bill Deller		-	9-8-70
CR 275 South	Kan Kamp		-	9-8-70
CR 280 North	Cr 85 West		2119	6-29-01
CR 290 North (westbound)	CR 105 West		2074	11-23-98
CR 290 West	CR 100 North		-	8-5-68
CR 295 (Mounts Road)	CR 157 (Sowles Bay)		-	7-6-82
CR 300 East	CR 200 North		-	5-6-63
CR 300 East	Bellefountain Road		-	5-6-63
CR 300 North	CR 300 East		-	5-6-63
CR 300 North	CR 450 East		-	9-8-70
CR 300 North	CR 550 East		-	9-8-70
CR 300 North	CR 600 East		-	5-6-63
CR 300 North	CR 700 West		-	8-7-67
CR 300 North	CR 800 West		-	9-8-70
CR 300 North	CR 1000 East		-	9-8-70
CR 300 North	Old 1		-	9-8-70
CR 300 South	CR 675 East		-	9-8-70
CR 300 South	CR 800 East		-	5-6-63
CR 300 South	CR 850 East		-	9-8-70
CR 300 South	CR 1000 East		-	9-8-70
CR 300 South	CR 1000 West		-	9-8-70
CR 300 South	Bill Deller Road		-	9-8-70

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<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 300 South	Old State Road 27		-	9-8-70
CR 300 West	Orland Road		-	5-6-63
CR 300 West (southbound)	Sycamore Beach Road		-	12-20-93
CR 325 West	CR 500 South		-	9-8-70
CR 325 West	Grapevine Road		-	9-8-70
CR 330 East	CR 500 South		-	5-6-63
CR 350 East	CR 200 North		-	5-6-63
CR 350 South	CR 150 West		-	5-6-63
CR 350 South	Old State Road 27		-	9-8-70
CR 350 West	CR 600 North		-	9-8-70
CR 400 East	CR 100 North		-	8-5-68
CR 400 East	CR 200 North		-	5-6-63
CR 400 North	CR 300 East		-	5-6-63
CR 400 North (westbound)	CR 450 East		-	2-16-93
CR 400 North	CR 600 East		-	5-6-63
CR 400 North	Old State Road 1		-	9-8-70
CR 400 North	Orland Road		-	10-6-69
CR 400 South	CR 150 West		-	5-6-63
CR 400 South	CR 600 North		-	5-6-63
CR 400 South	CR 800 East		-	5-6-63
CR 400 South	CR 1000 East		-	9-8-70
CR 400 South	Old State Road 27		-	9-8-70
CR 400 West	CR 175 North		-	5-6-63
CR 400 West	CR 500 South		-	9-8-70
CR 400 North	CR 450 E heading eastbound	4-way	2162	7-20-20

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<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 400 West	Orland Road		-	5-6-63
CR 425 South	CR 100 East		-	10-6-69
CR 425 West	CR 50 North		-	10-6-69
CR 300 East	CR 500 South	Three-way	-	11-7-77
CR 100 North	Landis Road	Three-way	-	3-21-88
CR 450 South	CR 600 East		-	9-8-70
CR 460 East	CR 50 South		-	9-7-82
CR 475 East	CR 50 South		-	9-8-70
CR 475 East	CR 100 North		-	8-5-68
CR 475 East	CR 275 North		-	9-8-70
CR 475 East	CR 200 North		-	5-6-63
CR 475 East	Metz Road		-	5-6-63
CR 375 East	CR 550 North	Three-way	-	2-3-75
CR 475 South	CR 500 South		-	5-6-63
CR 475 South	CR 1100 West		-	8-5-68
CR 500 East	Ray and Clear Lake Road		-	5-6-63
CR 500 North	CR 50 West		-	9-8-70
CR 500 North	CR 550 East		-	9-7-82
CR 500 North	CR 600 East		-	5-6-63
CR 500 North	CR 725 East		-	9-8-70
CR 500 North	CR 850 East		-	9-8-70
CR 500 North	CR 900 West		2152	7-18-16
CR 500 North	CR 1100 West		-	9-7-82
CR 500 South	CR 475 South		-	8-5-68
CR 500 South	CR 850 East		-	9-8-70

<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 500 South	Bellefountain Road		-	11-25-68
CR 500 South	Old State Road 27		-	9-8-70
CR 500 West	CR 200 North		-	9-8-70
CR 500 West	CR 400 South		-	9-8-70
CR 500 West	CR 500 South		-	5-6-63
CR 525 South	CR 850 East		-	9-8-70
CR 525 South	CR 1000 East		-	9-7-82
CR 535 stops	CR 775 South		-	9-8-70
CR 550 East	CR 200 North		-	5-6-63
CR 550 East	CR 540 North		-	9-8-70
CR 550 East	CR 700 South		-	8-5-68
CR 550 East	Metz Road		-	5-6-63
CR 550 North	CR 1025 West		2125	7-1-02
CR 550 North	CR 375 East		-	9-8-70
CR 550 West	CR 300 North		-	9-8-70
CR 550 West	Bachelor Road		-	8-7-67
CR 550 West	Orland Road		-	5-6-63
CR 575 East	CR 700 South		-	8-5-68
CR 575 East	CR 775 South		-	9-8-70
CR 575 East	Ray and Clear Lake Road		-	5-6-63
CR 575 North	CR 375 East		-	9-8-70
CR 575 West	CR 700 South		-	5-6-63
CR 600 East	CR 500 South		-	5-6-63
CR 600 East	CR 700 South		-	8-5-68
CR 600 East	Ray and Clear Lake Road		-	5-6-63

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<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 1100 West	CR 300 North		-	9-8-70
CR 600 South	CR 200 East		-	9-8-70
CR 600 South	CR 300 East		-	5-6-63
CR 600 South	CR 400 West		-	9-8-70
CR 600 South	CR 500 West		-	9-8-70
CR 600 South	CR 600 West		-	5-6-63
CR 600 South	CR 725 West		-	9-8-70
CR 600 South	CR 1000 East		-	9-7-82
CR 600 South	CR 1050 West		-	9-8-70
CR 600 South	Old 27		-	9-8-70
CR 400 West	CR 500 South	Four-way	-	4-4-77
CR 600 West	CR 500 South		-	5-6-63
CR 600 West	CR 700 South		-	5-6-63
CR 600 West	Bachelor Road		-	8-7-67
CR 625 North	CR 800 West		-	9-7-82
CR 625 West	South Lake Gage Drive		2136	8-18-05
CR 630 East	Ray and Clear Lake Road		-	5-6-63
CR 650 East	CR 400 North		-	9-8-70
CR 650 East	CR 500 North		-	9-8-70
CR 650 East	CR 700 South		-	8-5-68
CR 650 South	CR 700 East		-	9-8-70
CR 650 South	CR 725 West		-	9-8-70
CR 650 South	CR 800 East		-	9-8-70
CR 650 West	CR 400 South		-	8-5-68
CR 660 North	Van Guilder Road		-	2-5-68

<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 660 North	Walters	-	-	9-8-70
CR 675 East	CR 500 North	-	-	9-8-70
CR 675 East	Metz Road	-	-	5-6-63
CR 675 North	CR 600 East	-	-	5-6-63
CR 675 South	CR 400 West	-	-	9-8-70
CR 675 West	Orland Road	-	-	5-6-63
CR 700 East	CR 200 North	-	-	10-6-69
CR 700 East	CR 400 South	-	-	9-8-70
CR 700 East	CR 500 South	-	-	5-6-63
CR 700 East	CR 800 North	-	-	9-7-82
CR 700 East	Ray and Clear Lake Road	-	-	5-6-63
CR 700 North	CR 325 East	-	-	5-6-63
CR 700 North	CR 800 West	-	-	9-8-70
CR 700 North	CR 850 West	-	-	9-8-70
CR 700 North	Walters	-	-	9-8-70
CR 700 South	CR 225 West	-	-	10-6-69
CR 700 South	CR 400 West	-	-	9-8-70
CR 700 South	CR 700 East	-	-	8-5-68
CR 700 South	CR 800 East	-	-	9-8-70
CR 700 South	CR 900 East	-	-	8-7-67
CR 700 South	CR 1000 East	-	-	9-7-82
CR 700 South	Old 27	-	-	9-8-67
CR 700 West	CR 100 North	-	-	8-5-68
CR 700 West	CR 400 South	-	-	8-5-68

<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 700 West	CR 500 South	-		5-6-63
CR 700 West	CR 900 North	-		9-7-82
CR 700 West	Lake Gage Road	-		9-7-82
CR 700 West	Orland Road	-		5-6-63
CR 725 West	CR 500 South	-		5-6-63
CR 725 West	CR 700 South	-		8-7-67
CR 750 East	CR 400 North	-		9-8-70
CR 750 North (westbound)	CR 500 East	-		12-20-93
CR 750 North	CR 800 East	-		9-8-70
CR 750 North	CR 925 East	-		11-25-68
CR 750 North (westbound)	Ray Road	-		12-20-93
CR 750 South	CR 700 East	-		9-8-70
CR 750 South	CR 900 East	-		8-7-67
CR 750 South	CR 900 West	-		9-8-70
CR 760 South	CR 575 West	-		9-8-70
CR 775 East	CR 400 North	-		9-8-70
CR 775 North	CR 800 West	-		9-8-70
CR 775 North	Old 27	-		9-8-70
CR 800 East	CR 750 South	-		9-8-70
CR 800 North	CR 150 West	-		11-25-68
CR 800 North	CR 450 West	-		9-7-82
CR 800 North	CR 500 East	-		9-8-70
CR 800 North	CR 575 East	-		9-7-82
CR 800 North	CR 650 West	-		9-8-70

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<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 800 West	CR 50 North		-	9-8-70
CR 800 West	CR 150 North		-	9-8-70
CR 800 West	CR 200 North		-	9-8-70
CR 800 West	CR 500 North		-	9-8-70
CR 800 West	Orland Road		-	5-6-63
CR 800 West	CR 250 S heading northbound	4-way	2161	7-20-20
CR 875 West	CR 800 North		-	9-7-82
CR 850 East	CR 525 South		2134	8-18-05
CR 850 East	CR 400 North		-	9-8-70
CR 850 East	Metz Road		-	5-6-63
CR 850 West	CR 500 South		-	5-6-63
CR 850 West	CR 575 South		-	9-8-70
CR 850 West	CR 800 North		-	9-8-70
CR 875 East	CR 800 North		-	9-7-82
CR 875 East	Ray and Clear Lake Road		-	5-6-63
CR 900 East	CR 100 North		-	9-8-70
CR 900 East	CR 525 South		-	9-8-70
CR 900 West	CR 100 South		-	9-8-70
CR 900 West	CR 700 South		-	9-8-70
CR 900 West	Orland Road		-	5-6-63
CR 925 East	Ray and Clear Lake Road		-	5-6-63
CR 935 East	CR 40 South		-	9-8-70
CR 500 West	CR 700 South	Four-way	-	9-7-93
CR 950 East	CR 200 North		-	9-8-70
CR 950 West	CR 100 South		-	9-8-70
CR 955 East	Ray and Clear Lake Road		-	5-6-63

Steuben County - Traffic Code

<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 975 West	Turkey Creek		-	9-8-70
CR 1000 East	CR 650 North		-	9-7-82
CR 1000 East	Metz Road		-	5-6-63
CR 1000 West	CR 250 South		-	9-8-70
CR 1025 West	CR 300 North		-	9-8-70
CR 1025 West	CR 350 North		-	9-8-70
CR 1025 West	CR 750 South		-	5-6-63
CR 1050 West	CR 250 South		-	9-8-70
CR 1050 West	Turkey Creek Road		-	8-5-68
CR 1100 West	CR 150 North		-	9-8-70
CR 200 North	CR 600 West	Four-way	-	8-6-86
CR 1100 West	CR 350 North		-	9-7-82
CR 500 South	CR 800 West	Four-way	-	5-6-63
CR 500 South	CR 800 East	Four-way	-	10-2-78
CR 500 South	CR 550 East	Four-way	-	4-4-77
CR 100 North	CR 700 East	Four-way	-	6-6-94
CR 400 South	CR 800 West	Four-way	-	5-6-63
CR 350 North	CR 900 West	Four-way	-	12-5-63
CR 300 West	Orland Road	Four-way	-	9-8-70
CR 300 West	Jimmerson Lake Road	Four-way	-	6-6-77
CR 200 South	CR 800 East	Four-way	-	5-6-63
CR 450 East	CR 400 North		-	8-5-68
CR 200 North	CR 600 East	Four-way	-	2-7-77
CR 150 West	CR 742 North	Four-way	-	8-8-94

Traffic Schedules

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<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 600 East	Teegarden		-	9-8-70
CR 100 North	CR 200 West	Four-way	-	9-28-70
CR 425 West	Orland Road		-	5-6-63
CR 200 North (westbound)	CR 500 West	Three-way	2076	5-3-99
CR 150 South	CR 500 South		2096	7-18-00
CR 935 East	Metz Road		-	5-6-63
Creek Bank	CR 25 South		-	9-8-70
Cronk Street	Ozark Street		2091	7-18-00
Danbury Street	Fox Lake Road		-	9-8-70
Dianne Drive	CR 300 West		-	7-3-78
Division Road	CR 700 East		-	9-8-70
Division Road	CR 475 East		-	9-8-70
Division Road	CR 600 East		-	5-6-63
Dunham	Old 1		-	9-8-70
Durham	CR 700 East		-	9-8-70
East Railroad Street	Ozark Street		2090	7-18-00
Feather Valley Road	CR 50 West		-	9-7-82
Fourth of July Avenue	CR 700 North		-	2-6-84
Fox Lake Road	CR 150 West		-	5-6-63
Fox Lake Road	Old 27		-	9-8-70
Fox Lake Road	West Fox Lake Road		-	10-6-69
Gilbert Street	Cronk Street		2092	7-18-00
Goodwin Street	CR 500 South		2087	7-18-00
Grapevine Road	CR 225 West		-	10-6-69

Steuben County - Traffic Code

<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Grapevine Road	CR 700 South		-	9-8-70
Grove Street	CR 500 South		2085	7-18-00
Hanselman Road, Shaughnis Road	CR 275 East	All-way	2128	12-1-03
Hanselman Road	Redding Road		-	2-3-75
Hanselman Road	Bill Deller Road		-	2-3-75
Heritage Drive	CR 300 North		-	2-6-84
Island Park Drive	Bellefountain		-	5-6-63
Jeffrey Drive	CR 300 West		-	7-3-78
Jimmerson Lake Lane 230 (southbound)	Jimmerson Lake Lane 230A		-	12-20-93
Jimmerson Lake Lane 150	Jimmerson Lake Lane 150A		2059	10-28-96
Jimmerson Lake Lane 101F	Jimmerson Lake Lane 101		2135	8-18-05
Kan Kamp	Old 27		-	9-8-70
Kimball Road	Orland Road		-	5-6-63
Knight Street	West Street		2093	7-18-00
Lake George Street	CR 150 West		-	8-5-68
Lake Valley Road	CR 600 West		-	5-6-63
Lake James Lane	Temporary Lake James		2079	9-2-99
Lake Farm Drive	Orland Road		-	8-7-78
Lake George Street	Jimtown Road		-	10-6-69
Lake Street	CR 150 West		2094	7-18-00
Lemmon Road	Bellefountain Road		-	5-6-63
Lime Lake Lane 175	Orlando Road		2064	12-16-96
Loon Lake Road (east end)	Buck Lake Road		-	8-5-68
Meadowview	CR 300 West		-	2-6-84
Menges	West Fox Lake Road		-	9-8-70

Traffic Schedules

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<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Meridian Road	Bellefountain Road		-	5-6-63
Mounts Road	CR 275 North		-	11-25-68
Nevada Mills Road	CR 300 West		-	5-6-63
Nevada Mills Road	CR 450 West		-	5-6-63
North Shore (Long Lake) Road	CR 150 West		-	9-8-70
Oak Street	Old 727 (Main Street)		-	6-20-83
Old State Road 27	Lake George Road	Four-way	-	9-8-70
Orland Road	Sycamore Beach Road	Three-way	2078	5-3-99
Orland Road	CR 275 North		-	5-6-63
Orland Road	CR 900 West		2152	7-18-16
Ozark Street	CR 150 West		2095	7-18-00
Parkway Drive	Old US 27		2099	7-18-00
Parkway Drive	Riley Square	All-way	2126	8-5-02
Penn Park Road	CR 300 East		-	5-6-63
Penn Park Road	Bellefountain Road		-	5-6-63
Pine Canyon (Lake Road)	CR 500 West		-	9-7-82
Pleasant Lake Street	Old 27		-	9-8-70
Ransburg Street	CR 500 South		2086	7-18-00
Ray Clear Lake Road	CR 925 East		-	11-25-68
Ray Road	CR 750 North	Three-way	2077	5-3-99
Ray Clark Road	CR 400 North		-	5-6-63
Ricky Lane	CR 300 West		-	7-3-78
Riley's Square (southbound)	Parkway Drive		-	12-20-93
Russels Point Road	CR 300 East		-	5-6-63
Sandman Drive (southbound)	Parkway Drive		-	12-20-93

Steuben County - Traffic Code

<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Sellers	CR 760 North		-	9-8-70
Shady Side Road	CR 400 West		-	5-6-63
Snow Lake Road	CR 150 West		-	10-6-69
South Shore Place (Old Vistula Road)	Lake George Road		-	5-6-84
South Drive	Old US 27		2097	7-18-00
Sowles Bay Road	CR 275 North		-	5-6-63
State Street	Defiance Road		-	6-20-83
State Road #1 (Mud Lake)	CR 650 North		-	9-8-70
State Road #8 (Mud Lake)	CR 650 North		-	9-8-70
State Street	CR 150 West		2082	7-18-00
Steubenville Road	CR 200 West		-	10-6-69
Street #4 (entrance to Penn Park)	CR 300 East		-	8-7-96
Sycamore Beach Road	CR 400 West		-	5-6-63
Sycamore Beach Road	CR 300 West		-	9-7-82
Teegarden	CR 675 East		-	9-8-70
Unnamed street, approximately 400 feet south of Ricky Lane	CR 300 West		-	7-3-78
Unnamed street, approximately 990 feet south of Ricky Lane	CR 300 West		-	7-3-78
Waymire Road	CR 150 West		-	5-6-63
West Railroad Street	Ozark Street		2089	7-18-00
West Street	CR 500 South		2088	7-18-00
West Railroad Street	CR 500 South		2089	7-18-00

<i>Intersecting Highway</i>	<i>Preferential Highway</i>	<i>Type of Stop</i>	<i>Ord. No.</i>	<i>Date Passed</i>
West Railroad Street	South Drive		2089	7-18-00
Wolf Street	South Drive		2098	7-18-00
Wolf Street in Pleasant Lake (northwesterly bound)	CR 150 West		-	12-20-93

Penalty, see § 10.99

SCHEDULE III. SPEED LIMITS.

It shall be unlawful for the driver of any motor vehicle to drive in a speed greater than as follows.

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
All other county roads and parts of roads		50 mph	-	12-3-73
Bachelor Road	From CR 450 West and Jimmerson Lake LN 275 to CR 500 West	30 mph	-	4-15-96
Ball Lake Road	From CR 175 East to Bellefountain Road	30 mph	-	3-17-88
Ball Lake Lane 201	From Bellefountain Road to CR 175 East	10 mph	2081	9-2-99
Ball Lake Road	From CR 175 East to Ball Lake Lane 201A	20 mph	-	9-7-93
Bellefountain	From Island Park Road to Road State Road 1	30 mph	-	3-10-69
Bellefountain	From the intersection with State Road 1 Road and State Road 427 to a point 1,000 feet east of CR 300 East	30 mph	-	10-1-84
Bellefountain	From Old U.S. Highway 27 to Road Meridian Road	40 mph	-	6-6-94
Bellefountain	From Old 27 to a distance of 1,450 feet east of S 100 E	40 mph	2156	6-3-19
Bellefountain	From CR 300 East to Road a point 1,000 feet East of CR 300 East	40 mph	-	5-1-61
Bellefountain	From CR 500 South to Road State Road 27	45 mph	-	5-6-63; 3- 10-69
Bellefountain	From CR 300 East to Road Island Park Road	45 mph	-	3-10-69
Big Turkey Lake Lane 275B		25 mph	2114	3-15-01
Big Turkey Lake Lane 275		25 mph	2114	3-15-01
Big Turkey Lake Lane 275A		25 mph	2114	3-15-01

Steuben County - Traffic Code

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Bill Deller Road	From CR 150 South to Hanselman Road	40 mph	2107	2-5-01
Blue Haven	All roads	20 mph	-	9-3-57
Buck Lake	From CR 200 West to CR 250 West	35 mph	-	4-15-96
Church Street	From State Street to CR 500 South	25 mph	2102	7-18-00
Circle Park Road	From the intersection of State Road 1 State Road 427 to the intersection with State Road 1	30 mph	-	7-6-59; 5-1-61
Colleen Street	From Old US 27 to CR 500 South	25 mph	2102	7-18-00
Country Club		25 mph	-	11-7-88
CR 75 West	From CR 275 North to CR 350 North	40 mph	2129	8-19-04
CR 275 North	From CR 300 West to Sowles Bay Road	30 mph	-	5-1-61
CR 150 West	From 1,700 feet south of CR 400 to SR 727	30 mph	-	5-1-61
CR 150 West	From CR 700 North to the Indiana–Michigan state line	35 mph	2117	5-7-01
CR 200 North	From State Road 127 to one-quarter mile east of SR 127	50 mph	-	6-5-72
CR 200 North	From State Road 127 to one-half mile east of SR 127	35 mph	-	9-7-82
CR 200 North	From State Road 127 to one mile east of SR 827	40 mph	-	9-4-90
CR 200 North	From one-quarter mile east of State Road 127 to SR 827	45 mph	-	9-7-82
CR 200 West	From CR 275 North to 1,000 feet north of CR 275 North	40 mph	-	5-1-61
CR 200 West	From 1000 feet North of CR 275 to CR 400 North	30 mph	-	5-1-61
CR 200 West	From State Road 20 to CR 275 North	50 mph	-	5-3-65
CR 200 West	From CR 100 North to 1,600 feet north of the intersection	40 mph	2155	5-21-18

Traffic Schedules

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<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 200 West	From State Road 20 to CR 100 North	40 mph	-	12-4-67
CR 275 North	From CR 300 West to Sowles Bay Road	30 mph	-	5-1-61
CR 275 North	From one mile in each direction from the bridge over I-69, while construction is occurring on the bridge	40 mph	-	4-2-92
CR 250 East	From CR 300 North to the dead end	40 mph	2127	12-19-02
CR 290 West	From CR 100 North to Shady Side Road	35 mph	-	3-21-88
CR 150 West	From CR 400 South to Fox Lake Road	40 mph	-	9-6-94
CR 150 West	From CR 400 South to a point 1,700 feet south of CR 400 South	30 mph	-	5-1-61
CR 275 North	From one mile in each direction from the bridge over I-69, while construction is occurring on the bridge	40 mph	-	4-20-92
CR 290 West	From CR 100 North to Shady Side Road	35 mph	-	3-21-88
CR 300 East	From CR 600 South to Bellefontaine Road	40 mph	-	3-21-88
CR 300 North	From SR 127 to SR 827	40 mph	-	4-15-96
CR 300 North	From Lake James Lane 200 to CR 75 West	30 mph	2130	8-18-05
CR 300 West	From 1,000 feet north of CR 400 to CR 500 North	45 mph	-	5-1-61; 9-7-82
CR 300 West	From CR 400 North to a point 1,000 feet north of CR 400 North	30 mph	-	5-1-61; 9-7-82
CR 300 West	From Orland Road to Bay View Road	40 mph	-	9-4-90
CR 300 West	From Bayview Road to Nevada Mills Road	30 mph	2122	7-1-02
CR 350 North	From Lake James Lane 200 to CR 75 West	30 mph	2130	8-18-05
CR 400 North	From SR 127 to Lake James Lane 150 and Lake James Lane 150A	30 mph	-	12-20-93
CR 400 North	From SR 127 to SR 827	40 mph	-	4-15-96
CR 150 West	From State Road 120 to CR 500 North	30 mph	-	9-7-93

Steuben County - Traffic Code

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 100 South	From CR 450 West to CR 500 West	25 mph	-	10-1-79
CR 425 West	From Orland Road to CR 450 West and Binkley Road	40 mph	-	4-15-96
CR 425 West	From Bachelor Road and Jimmerson Lake LN 275 to CR 425 West and Binkley Road	40 mph	-	4-15-96
CR 450 South (North Shore Drive)	From CR 150 West to a point 1.5 miles at the end of CR 450 South and the beginning of a private road	25 mph	-	9-7-82
CR 275 North	From SR 127 to Lake James Lane 200	40 mph	-	4-15-96
CR 450 West	From the Toll Bridge to the Michigan Line	35 mph	-	5-5-69; 9-7-82
CR 500 North	From State Road 127 to CR 150 West	30 mph	-	9-7-93
CR 550 North	On south corporation line of the Town of Fremont	30 mph	-	8-6-86
CR 150 South	From State Road 27 to three-quarters mile east of SR 27	30 mph	-	5-1-61
CR 600 North	From CR 300 West to Jimmerson Lake LN 650 and Jimmerson Lake LN 650A	40 mph	-	4-15-96
CR 600 North	From west county line to a point one-half mile east of the west county line	25 mph	-	11-7-88
CR 650 North	From SR 327 to a point one-quarter mile east of SR 327	30 mph	-	7-5-94
CR 650 South	From CR 1050 West to LaGrange County line	35 mph	-	9-4-90
CR 675 North	From CR 700 East to Clear Lake town limits	35 mph	-	4-7-86
CR 700 East	From CR 675 North to State Road 120	35 mph	-	4-7-86
CR 700 North	From CR 875 East to CR 925 East	30 mph	-	7-3-95
CR 700 West	From Lake Gage Road to Orland Road	25 mph	-	11-7-88
CR 700 North	From Old U.S. 27 to State Route 120	45 mph	2150	9-8-15
CR 750 North	From CR 925 East to the Michigan state line	30 mph	-	4-15-96

Traffic Schedules

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<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 800 East	From State Road 20 to State Road 427	50 mph	-	6-7-71
CR 800 East	From one-half mile north of Metz Road to one-half mile south of Metz Road	35 mph	-	6-7-71
CR 800 South	From Town of Hamilton limits to Homestead Drive	40 mph	-	9-4-90
CR 875 East	From CR 700 North to a point 1,000 feet south of CR 700 North	40 mph	-	5-1-61
CR 875 East	From CR 850 East to a point 1,000 feet south of CR 700 North	30 mph	-	5-1-61
CR 925 East	From SR 120 to CR 650 North	40 mph	-	4-15-96
CR 100 North	From CR 450 West to Flint Road	40 mph	-	7-23-93
CR 1000 West	From Lime Lake Road north to cul-de-sac	25 mph	-	4-15-96
CR 100 North	From CR 200 West to CR 450 West	40 mph	-	3-21-88
CR 100 North	From State Road 127 to CR 200 West	40 mph	-	8-4-74
CR 100 North	From State Road 27 to CR 200 West	50 mph	-	2-5-68
CR 100 East	From 1,300 feet north of US 20 to 2,600 feet south of US 20	30 mph	-	12-2-91
CR 50 North	From 1.35 miles east of CR 900 West to the intersection with Flint Road	30 mph	-	7-23-93
CR 50 North	From CR 900 west to 1.35 miles east of CR 900 West	40 mph	-	7-23-93
CR 37	From 1,000 feet north of CR 30 west to one mile north of Jimmerson Lake Road	30 mph	-	7-6-59
CR 37	From intersection with CR 30 west 1,000 feet north of that	40 mph	-	7-6-59
CR 33	From 1,700 feet south of CR 16 to State Road 727	30 mph	-	7-6-59
CR 33	From 700 feet south of CR 16 to State Road 727	40 mph	-	7-6-59

Steuben County - Traffic Code

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 30	From 1,700 feet west of CR 41 to CR 43A	30 mph	-	7-6-59
CR 450 West	From CR 100 South to CR 150 South	25 mph	-	10-1-79
CR 450 West	From 675 feet south of CR 775 North	30 mph	2163	7-20-20
CR 550 North	From Feather Valley Road to West Street	40 mph	-	10-17-94
CR 30	From CR 37A to Sowles Bay Road	30 mph	-	7-6-59
CR 150 West	From CR 500 South to South Drive	25 mph	2102	7-18-00
CR 28	All within Crooked Lake Park	15 mph	-	7-6-59
CR 28	From CR 37A to CR 39	30 mph	-	7-6-59
CR 10	From 1,000 feet east of CR 23 to business district of Hamilton	30 mph	-	7-6-59
CR 10	From CR 23 to 1000 feet east of CR 23	40 mph	-	7-6-59
CR 400 North	From one mile in each direction from the bridge over I-69, while construction is occurring on the bridge	40 mph	-	4-20-92
CR 400 West	From CR 175 North to Orland Road	40 mph	-	3-17-88
CR 925 East	From CR 650 North to CR 750 North	30 mph	-	4-15-96
CR Old 27	From SR 120 to Baker Road and Lake George Lane	40 mph	-	12-20-93
CR 650 North	From a point one-quarter mile west of SR 327	40 mph	2060	10-28-96
CR 300 South	Intersection with CR 1000 West, thence west to county line	35 mph	2061	12-16-96
CR Old 27	From Baker Road and Lake George Lane to the Michigan state line	45 mph	-	12-20-93
CR 200 North	From SR 827 to a point 1,000 feet east of CR 100 East	40 mph	2111	2-5-01
CR Old 27	From one-quarter mile south of CR 150 South to CR 350 South	55 mph	-	6-5-72
CR 1055 West	From CR 615 North to CR 625 North	25 mph	2073	10-22-98

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<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 750 North	Intersection with Depot Street in the Town of Ray	35 mph	2065	8-20-97
CR 760 North	From a point 1,000 feet west of Lake Pleasant Lane 250 to the dead end	30 mph	2123	7-1-02
CR 150 South	Intersection with Bill Deller Road	30 mph	2067	1-5-98
CR 625 North	From CR 1055 West to CR 1050 West	25 mph	2073	10-22-98
CR 1050 West	From CR 625 North to CR 650 North	25 mph	2073	10-22-98
CR 100 North	From CR 700 East to Old SR 1	40 mph	2071	7-16-98
CR 100 North	From CR 600 East to CR 700 East	40 mph	2080	9-2-99
CR 615 North	From CR 1100 West to CR 1055 West	25 mph	2073	10-22-98
CR 875 East	From Clear Lake town limits to CR 700 North	30 mph	2116	4-4-01
CR 775 North	Along Lane 301 Barton Lake	30 mph	2115	4-4-01
CR 500 South	From Old US 27 to 5,000 feet west of Old US 27	35 mph	2100	7-18-00
CR 01d 27	From 1,000 feet north of CR 500 South and Bellefontain Road to 1,000 feet south of that intersection	40 mph	-	3-21-88
CR 875 East	From CR 700 North to CR 800 North	40 mph	2072	8-3-98
CR 109West	Intersection with CR Old 27, thence west to CR 400 South	25 mph	2057	10-28-96
CR 50 North	From Angola city limits to CR 100 East	40 mph	2110	2-5-01
CR 20 North	From the Angola city limits to CR 100 East	40 mph	2109	2-5-01
CR 100 East	1,300 feet north of US 20 to CR 200 North	40 mph	2104	2-5-01
CR 300 West	1,000 feet north of intersection with Bay View Road and Jimmerson Lake Lane 101	35 mph	2068	1-5-98
CR 100 East	From a point 4,000 feet south of US 20 to Hanselman Road	40 mph	2106	2-5-01
CR 100 East	From US 20 to a point 4,000 feet south of US 20	30 mph	2105	2-5-01
Cranston's Reef	All public roads in subdivision	25 mph	-	9-7-93

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<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Creek Bank Road	Intersection with Flint Road, thence east and south .41 mile	30 mph	2062	12-16-96
Cronk Street	From West Railroad Street to Ozark Street	25 mph	2102	7-18-00
Crooked Lake	From the intersection of CR 200 West Park and CR 200 North running west and south in Crooked Lake Park	15 mph	-	5-1-61
Deerfield Entirety Drive		20 mph	-	6-4-84
E 750 N	From Penner Drive to N 700 E	40 mph	2165	11-2-20
East Parkway Drive	From West Parkway Drive to CR 500 South	25 mph	-	5-15-95
East Railroad Street	From Ozark Street to South Drive	25 mph	2102	7-18-00
Fairway Terrace		25 mph	-	11-7-88
Feather Valley	From CR 50 West to CR 550 North Road	40 mph	-	10-17-94
Flint Road	From CR 100 North to 270 feet north of Bridge #39	40 mph	-	7-23-93
Flint Road	Intersection with CR 50 North, thence south .44 mile	30 mph	2063	12-16-96
Flint Road	From CR 50 North to 270 feet North of Bridge #39	30 mph	-	7-23-93
Fox Lake Road	From US 27 to West Fox Lake Road	30 mph	-	5-6-63
Gilbert Street	From West Railroad Street to Cronk Street	25 mph	2102	7-18-00
Gilbert's First and	All roads original plat	20 mph	-	4-7-80
Golden Lake Road	From CR 400 West to one mile east and Northeast of CR 400 West	35 mph	-	9-8-70
Goodwin Street	From CR 500 South to Lake Street	25 mph	2102	7-18-00
Graydon Road	Entirety	25 mph	-	5-2-78
Grove Street	From State Street to CR 500 South	25 mph	2102	7-18-00
Hamilton Lake Lane 101	Intersection with SR1, thence west to Hamilton Lake Lane 101B	25 mph	2070	3-19-98
Hanselman Road	From Bill Deller Road to CR 275 East	40 mph	2108	2-5-01

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<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Jamestown Road	From CR 700 North to CR 742 North	35 mph	2117	5-7-01
Jimmerson Lake Lane	From Jimmerson Lake Lane 340E to Nevada Mills Road	30 mph	-	12-20-93
Knight Street	From West Railroad Street to West Street	25 mph	2102	7-18-00
Kopekanee Beach Road	From CR 800 North to Lake George Road, thence to CR Old 27	35 mph	-	10-1-84
Lake James Lane 100	From SR 727 to Lake James Lane 105	25 mph	-	12-20-93
Lake Street	From Oak Street to CR 150 West	25 mph	2102	7-18-00
Lake James Lane 200 East	Entirety	20 mph	-	6-6-94
Lake George Lane	From Old US 27 and Baker Road to CR 150 West	25 mph	-	12-20-93
Lake George Lane	From Lake George Lane 201, CR 742 North and Jamestown Road to the Michigan state line	20 mph	-	12-20-93
Lake James Lane 200 East	Entirety	20 mph	-	6-6-94
Lake Pleasant Lane 250 and 250C	From CR 760 North to the dead end	25 mph	2124 2157	7-1-02 6-3-19
Landis Road	From CR 100 North to CR 400 West	35 mph	-	3-21-88; 12-2-91
McClish Lake Lane 201	From 1,230 feet north of CR East 750 West to CR West 700 South	30 mph	2146	9-3-13
Metz Road	From a point one-half miles west of Town of Metz to a point one mile east of CR 800 West	35 mph	-	6-7-71; 9-6-94
Mitchell's Addition	All roads original plat	20 mph	-	4-7-80
Nevada Mills Road	From CR 300 West to a point .70 miles north and westerly of CR 300 West	35 mph	-	12-20-93
Niblack Court Estates		25 mph	-	11-7-88
North Show Bay Addition	All public roads, including Snow Lake Lanes 750, 755, 755A and 780	20 mph	-	9-7-93

Steuben County - Traffic Code

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Northwood Subdivision	All roads	20 mph	-	6-4-79
N 675 W	From SR 120 to a distance of 4,500 feet south	45 mph	2158	6-3-19
Oak Street	From CR 500 South to Lake Street	25 mph	2102	7-18-00
Old US 27	From Angola City Limits to a point 2,400 feet south of Glen Beatty Avenue	45 mph	2131	3-7-05
Old US 27	From a point 2,400 feet south of Glen Beatty Avenue to a point 1,000 feet north of CR 500 South	55 mph	2132	3-7-05
Old US 27	From a point 1,000 feet south of CR 500 South to the Steuben-DeKalb county line	55 mph	2133	3-7-05
Orland Road	From CR 675 West to CR 700 West	30 mph	-	9-7-82
Orland Road	From CR 300 West to 1,584 feet West of CR 550 West	40 mph	-	9-4-90
Orland Road	From a point 1,056 feet West of CR 550 West thence west approximately 1,000 feet	40 mph	-	5-6-63
Orland Road	Around Lake Gage	20 mph	-	8-3-64; 6-5-78; 12-7-81
Orland Road	From a point 1,584 feet west of CR 550 West to CR 700 West	30 mph	-	5-6-63
Orland Road	From CR 200 West to CR 300 West	30 mph	2137	7-3-06
Orland Road	From N 700 W to approximately 1,200 feet west of N 700 W	40 mph	2164	11-2-20
Ozark Street	From CR 150 West to West Street	25 mph	2102	7-18-00
Paradise View Subdivision	Entirety, including Lanes 230 and 230A	25 mph	-	12-20-93
Paradise View Subdivision	Entirety, including Lanes 230 and 230A	25 mph	-	12-20-93
Park Drive Road	From CR Sprinkle Road (#312) to CR 300 South	20 mph	-	8-7-67; 9-7-82
Penn Park Road	Entirety	15 mph	-	8-7-67; 9-7-82

Traffic Schedules

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<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Pleasant Lake	All roads original plat	20 mph	-	4-7-80
Pokagon Meadows	All public roads	25 mph	-	9-7-93
Ransburg Street	From CR 500 South to Lake Street	25 mph	2102	7-18-00
Ray Road and Clear Lake Road	From CR 925 East to a point one and one-half miles west of the intersection	30 mph	-	5-6-63
Redding Road	Intersection with Bill Deller Road; thence south to CR 150 South	30 mph	2066	10-6-97
Roseview Addition	All roads	25 mph	-	5-6-63
Russel's Point Road	All roads	30 mph	-	8-3-64
School zone	Along CR 500 South to Goodwin Street to Church Street	25 mph	2101	7-18-00
Scotty Acres Subdivision	All roads	30 mph	-	11-7-60
Second Additions	All roads original plat	20 mph	-	4-7-80
Shady Side Road	From CR 290 West and Crooked Lake LN150 to CR 400 West	25 mph	-	5-1-61; 4-15-96
Snow Lake Lane 650B and 650D	From W 600 N to Lane 650BA	25	2159	8-19-19
Snow Lake Lane 820B	From Snow Lake Lane 840 to Snow Lake Lane 820	25 mph	2141	8-2-10
Snow Lake Lane 852	Entirety	20 mph	-	9-7-93
Snow Lake Lane 890	Entirety	20 mph	-	9-7-93
South Drive	From Old US 27 to Dead End	25 mph	2102	7-18-00
South Shore Drive	All roads	35 mph	-	9-3-74
Sowles Bay Road	All roads	30 mph	-	5-3-65
Sprague's Addition, Lanes 880, 890, 890A and 890B	All public roads, including Snow Lake	20 mph	-	10-4-93
St. Andrews Court		25 mph	-	11-7-88
State Street	From Church Street to CR 150 West	25 mph	2102	7-18-00
Steubenville	All streets	20 mph	-	4-7-80

Steuben County - Traffic Code

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Sycamore Beach Road	From CR 400 West to a point 1.2 miles east of CR 400 West	25 mph	-	5-6-85
Van Guilder Road	From SR 120 to Baker Road	40 mph	-	12-20-93
West Street	From CR 500 South to Ozark Street	25 mph	2102	7-18-00
West Railroad Street	From CR 500 South to South Drive	25 mph	2102	7-18-00
West Fox Lake	From US 20 to Fox Lake Road	30 mph	-	1-20-94
West Otter Lake	Lanes 101, 102 and 103	20 mph	-	12-2-91
West Parkway Drive East	From Old SR 27 to Parkway Drive	25 mph	-	5-15-95
Wolf Street	From CR 150 West to South Drive	25 mph	2102	7-18-00

Penalty, see § 10.99

SCHEDULE IV. ONE-WAY STREETS.

It shall be unlawful for any driver of a motor vehicle to travel in the opposite direction than as follows on the specific streets below.

<i>Street</i>	<i>Location</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 200 East	Intersection with Bellfountain Road	West	2113	2-15-01
Lake Street	From CR 150 West to Ransburg Street	East	2103	8-17-00

Penalty, see § 10.99

CHAPTER 75: PARKING SCHEDULES

Schedule

I. No parking areas

SCHEDULE I. NO PARKING AREAS.

It shall be unlawful for any person to park in the following designated “no parking” areas.

<i>Street</i>	<i>Direction</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Baker Road		From Old SR 27 to Van Guilder Road	-	8-19-85
Bay View Road		From CR 275 North to CR 300 West	-	5-16-88
Circle View Road		From SR 1 West and Southerly to Hamilton Town limits	-	5-16-88
CR 200 West		From CR 275 North south to CR 100 North	-	5-20-91
CR 275 North		From the west entrance to the Lake James Country Club adjoining CR 275 North to a point approximately 2,900 feet east of CR 200 West	-	12-16-63
CR 290 West	Both	From US 20 northward to and including the cul-de-sac	-	4-15-96
CR 400 North		From a point approximately 3160 feet East of US Highway 27, thence east approximately 165 feet	-	12-16-63
CR 500 South (Main Street)		Beginning at State Street and proceeding westerly to approximately 265 feet	2144	8-5-13
CR 500 West	Both	From the intersection with Bachelor Road to a point 700 feet north of Bachelor Road	-	6-6-94

<i>Street</i>	<i>Direction</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 50 West		From Baker Road to Van Guilder Road	-	4-16-84
CR 200 North		From CR 200 West east to SR 127	-	5-20-91
CR 275 North		From CR 200 West east to SR 127	-	5-20-91
CR 675 North	Both	Beginning 500 feet north of Bridge #37 over Crooked Creek to 500 feet south of Bridge #37 over Crooked Creek	2160	7-20-20
Crooked Lane 101	Both	From CR 200 West to entrance of Steuben County Park	2118	5-24-01
Hogback Lake Lane	North	From CR 500 West west to the end of Hogback Lake Lane at the culvert that goes over the O.G. Barrett ditch	-	7-20-92
Jimmerson Lake Lane 340	Both	Intersection with Nevada Mills Road	2069	3-19-98
Nevada Mills Road	Both	From the intersection with CR 500 West to a point 160 feet east of CR 500 West	-	6-6-94
Old U.S. Road 27	Both	From State Road 120 to the Michigan State line	-	2-16-93
Old U.S. Road 27, Pleasant Lake School	South	From CR 150 West to CR Street #6 along Old SR 27	-	5-7-79
Orland Road		From CR 200 West east to CR 300 West	-	5-20-91
Orland Road	West	From the Jackson Township-Millgrove Township line to 200 feet north of that line	-	2-16-93

Penalty, see § 10.99

CHAPTER 76: OFF-ROAD VEHICLES

Section

- 76.01 Definitions
- 76.02 Operation of off-road vehicles

§ 76.01 DEFINITIONS.

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

COUNTY ROADS.

- (1) Includes all roads and adjacent rights-of-way within the county.
- (2) *Exceptions.*
 - (a) Federal and state roads.
 - (b) Federal and state rights-of-way.
 - (c) Roads and rights-of-way within an incorporated town's municipal boundaries.

OFF-ROAD VEHICLE (ORV).

- (1) Utility vehicle.
 - (2) Is 72 inches in width or less.
 - (3) Is designed to travel on four or more low-pressure or non-pneumatic tires.
 - (4) Has a steering wheel.
 - (5) Has two headlights, a taillight, and a brake light.
 - (6) Has a roll bar.
 - (7) Has a seat belt for the operator and each passenger.
- (Ord. 949, passed 9-7-21)

§ 76.02 OPERATION OF OFF-ROAD VEHICLES.

A person shall not operate an off-road vehicle (ORV):

(A) With disregard for traffic control signs and signals.

(B) At a rate of speed greater than is reasonable and proper for the type of off-road vehicle (ORV) and road condition.

(C) On any private property without consent of the landowner or tenant.

(D) At a speed exceeding five miles per hour on ice covering public waters within 100 feet of an individual on foot (not in or upon a vehicle) or within 100 feet of a fishing shanty or shelter.

(E) Without a valid motor vehicle driver's license.

(F) Without liability insurance for the off-road vehicle (ORV) consistent with the minimum requirements of the state for motor vehicle insurance.
(Ord. 949, passed 9-7-21)

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. LITTERING

92. HEALTH AND SANITATION

93. PARKS AND RECREATION

94. WILDLIFE

95. ABANDONED MOTOR VEHICLES

96. STREETS AND ROADS

97. FIREWORKS

CHAPTER 90: ANIMALS

Section

Cattle Testing

- 90.01 Title
- 90.02 Purpose
- 90.03 Area of responsibility

Dog Regulations

- 90.15 Definitions
- 90.16 Dogs barking and at large
- 90.17 Leash and muzzle
- 90.18 Signs
- 90.19 Dog fighting
- 90.20 Insurance
- 90.21 Penalties and enforcement procedures
- 90.22 Dog tag identifying owner required
- 90.23 Impoundment; destruction; redemption

Cross-reference:

County Option Dog Tax, see § 39.03

CATTLE TESTING

§ 90.01 TITLE.

This subchapter shall be known as the “Market Cattle Testing Program.”
(’84 Code, § 15-2.1-7-1) (Ord. 538, passed 8-3-70; Am. Ord. 662, passed 5-9-94)

§ 90.02 PURPOSE.

(A) The purpose of this subchapter is to facilitate the cooperation needed to make the Market Cattle Testing Program (MCT) effective. The MCT Program replaces the brucellosis and tuberculosis control

program, which was paid for by tax funds and consisted of testing all eligible cattle in the county once every six years.

(B) The MCT Program provides for the collection of blood for tests and the examination of the carcasses of all slaughtered animals for evidence of brucellosis or tuberculosis. Infected animals can be traced to the herd of origin by identification through back tags. The entire herd can then be tested. Negative animals shall be credited to the county of origin, until all of the state has qualified as a certified brucellosis-free area and as an accredited tuberculosis-free area.

(`84 Code, § 15-2.1-7-1) (Ord. 538, passed 8-3-70; Am. Ord. 662, passed 5-9-94)

§ 90.03 AREA OF RESPONSIBILITY.

(A) Every herd owner and livestock dealer shall allow an official back tag to be applied to:

- (1) All female bovine animals two years of age or over;
- (2) Any heifer showing udder development; and
- (3) All bulls over six months of age that are going to slaughter.

(B) Any public livestock marketing facility within the county shall identify and apply official tags to all bovine animals, as described in division (A) above. Identifying back tags shall be applied free from charge to the auction markets to identify all species of animals for their convenience.

(C) Every slaughtering establishment within the county that buys identified animals from a market or direct or untagged animals shall collect and identify all blood samples from those animals described in division (A) above and send them to the Purdue Diagnostic Laboratory for testing. The county shall supply all necessary equipment and postage.

(D) Any livestock dealer purchasing untagged livestock within the county shall identify and apply official tags to all animals, described in division (A) above, 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.

(E) All persons required to identify animals in accordance with this subchapter shall file reports of that identification on forms supplied by the State Board of Animal Health.

(F) If the market cattle test discloses any reactor animal, the herd of origin shall be tested within 15 days under the supervision of the State Board of Animal Health.

(G) If the owner fails to comply, a quarantine shall be enforced with attending restrictions and penalties.

(84 Code, § 15-2.1-7-1) (Ord. 538, passed 8-3-70; Am. Ord. 662, passed 5-9-94) Penalty, see § 10.99

DOG REGULATIONS

§ 90.15 DEFINITIONS.

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

OWNER. Any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.

UNCONFINED. A vicious dog is ***UNCONFINED*** if it is not securely confined indoors or not confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure does not have a bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

VICIOUS DOG.

(1) Any dog with a known vicious propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or any dog that, after examination by a panel of one veterinarian, one member of the County Health Board and one member of the staff at the County Animal Shelter, is found to be vicious in a written report, showing that the panel did physically observe the dog and find the dog to exhibit a vicious propensity. No portion of this subchapter is applicable to dogs owned or utilized by law enforcement agencies; or

(2) Any dog that, because of its vicious propensity, is capable of inflicting serious physical harm or death to humans, and that would constitute a danger of life or property if it were not kept in the manner required by this subchapter; or

(3) Any dog that, without provocation, attacks or bites, or has attacked or bitten, a human or domestic animal; or

(4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
(Ord. 821, passed 12-27-11)

§ 90.16 DOGS BARKING AND AT LARGE.

It is unlawful for any person owning, keeping, harboring or having the care, custody or control of a dog to allow, suffer or permit it to bark, howl, growl, yelp or whine to the annoyance of other persons or the disturbance of the peace and quiet of the neighborhood, or to allow, suffer or permit a dog owned by him or in his care, custody, or control to be at large upon the streets or other public places or upon the premises of other persons without permission. Any violation of this section is per se a public nuisance.

(Ord. 821, passed 12-27-11)

§ 90.17 LEASH AND MUZZLE.

The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(Ord. 821, passed 12-27-11)

§ 90.18 SIGNS.

The owner of a vicious dog shall display, in a prominent place on his or her premises, a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal. Failure to post the notice as provided shall be deemed to be a violation of this subchapter and subject to a civil penalty as provided herein.

(Ord. 821, passed 12-27-11)

§ 90.19 DOG FIGHTING.

No person, firm, corporation, organization or department shall possess, harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging it to attack human beings or domestic animals.

(Ord. 821, passed 12-27-11)

§ 90.20 INSURANCE.

The owner of a vicious dog must provide proof of public liability insurance in the amount of at least \$100,000, insuring the owner for any personal injuries inflicted by his or her vicious dog. Any person

found to be in possession of such a dog without such insurance shall be in violation of this subchapter and be subject to a civil penalty as provided herein.

(Ord. 821, passed 12-27-11)

§ 90.21 PENALTIES AND ENFORCEMENT PROCEDURES.

(A) Enforcement of this subchapter shall be in any court of general jurisdiction in Steuben County, Indiana.

(B) Any person found in violation of §§ 90.17, 90.18, 90.19 or 90.20 shall be subject to a civil penalty of \$100 per day. Upon delivery of notice to the owner of such violation by any law enforcement officer, the continued violation of this subchapter by the owner shall be a separate violation for each calendar day that the owner allows such violation to continue.

(C) In the event that a law enforcement officer of this state, including any city, county or state policeman, shall show probable cause to any court of general jurisdiction of Steuben County, that there is a continuing, day-to-day violation of this subchapter by any owner, the court may issue an order directing that the officer be authorized to proceed onto the premises where the dog is located and that such dog be seized and taken to the County Animal Shelter, to be retained there for ten days. The order shall also allow the owner to show proof of compliance with the law to the County Sheriff, and pay the shelter \$50 per day for the care and boarding of such dog to obtain its release. In the event that it is not redeemed as provided, the dog shall be euthanized and disposed of at the owner's expense. This expense shall be collectable in the Steuben Circuit or Superior Court, by an action brought in the name of Steuben County by the County Attorney for the account due, court costs, and a reasonable legal fee. Any such judgment that would result shall be enforceable as all judgments are provided to be enforced by the laws of Indiana.

(D) In the event that such dog shall attempt to attack a humane officer or law enforcement officer attempting to enforce any portion of this subchapter, the officer shall be authorized to destroy the dog at the site of attack. The owner shall have no redress for the destruction of the dog against Steuben County or the officer attacked, or any officials or agencies of Steuben County or the State of Indiana, or any political subdivision thereof.

(Ord. 821, passed 12-27-11)

§ 90.22 DOG TAG IDENTIFYING OWNER REQUIRED.

Every owner of every dog harbored in Steuben County shall affix to the dog a tag to be worn by the dog at all times, showing the owner's name and address.

(Ord. 821, passed 12-27-11)

§ 90.23 IMPOUNDMENT; DESTRUCTION; REDEMPTION.

(A) Any dog found to be off of the premises of the owner without an identifying dog tag shall be taken into custody by any humane officer, dog officer or law enforcement officer of any political

subdivision of the State of Indiana. The dog shall be deposited at the County Animal Shelter. Thereafter, the dog may be destroyed within ten days as a dog with owner unknown.

(B) Every dog found off of the premises of the owner with a tag identifying the name and address of the owner affixed to the dog shall be seized by any humane officer, dog officer or law enforcement officer of any political subdivision of Indiana. The dog shall be taken to the County Animal Shelter. The dog shall be held there for ten days. Thereafter, the dog shall be destroyed if it not redeemed by the owner by payment of \$50 per day for the keep of the dog at the shelter, to be paid by the owner to the County Animal Shelter. The cost of the dog's keep and destruction shall be collectable as an account due by the county in the County Circuit or Superior Court, in an action brought by the county for the total amount of charges, plus court costs and a reasonable legal fee. Such judgment shall be enforced as provided for in the Statutes of Indiana. The destruction of such dog shall be without recourse by the owner against the county, the County Animal Shelter or any officer or political subdivision of the State of Indiana, if the owner, as shown on the identification tag affixed to the dog, was served with a notice in writing of the seizure and detention, served either by affixing the notice to the door of the addressed premises shown on the tag, or by United States mail sent to that address, postage prepaid. No dogs shall be released by the shelter until claimant furnishes valid proof of rabies immunization.

(C) In the event that a law enforcement officer of this state, including city, county or state policeman, shall show probable cause to any court of general jurisdiction of the county, that a person is harboring any domestic animal without adequate food, water or shelter, the court may issue an order that such officer be authorized to proceed onto the premises where such domestic animal is kept, and there seize such animal to be placed into protective custody, with the aid and assistance of the County Humane Shelter.

(D) The County Humane Shelter shall have authority to care for such animal for ten days to allow the owner to show proof of his or her ability to provide adequate food, water and humane shelter for such animal. The owner shall pay the shelter \$50 dollars per day for the care of such seized animal. After ten days, should the owner of such animal fail to show provision for such animal, the County Humane Shelter staff may dispose of such animal, if the owner thereof was served with written notice of its seizure and detention, served either by affixing the notice to the door of the owner's premises, or by United States mail sent to that address, postage prepaid.

(E) The disposition of such domestic animal shall be without recourse by the owner against the county, the County Humane Shelter, or any officer or political subdivision of the State of Indiana.

(F) All expenses associated with the seizure, care, recovery or disposition of such domestic animal by the County Humane Shelter may be recovered in the County Circuit or Superior Court, from and against the owner as an account due. Such action shall be brought in the name of the county for the account due, court costs and reasonable costs of collection, including attorney fees. Any such judgment that should result therefrom may be enforced pursuant to Indiana law.
(Ord. 821, passed 12-27-11)

CHAPTER 91: LITTERING

Section

- 91.01 Littering on county property
- 91.02 Residing and the like on rights-of-way; interference
- 91.03 Enforcement
- 91.04 Remedies

§ 91.01 LITTERING ON COUNTY PROPERTY.

A person shall not put, throw, dump, dispose or leave any refuse, trash or litter of any type upon or within any roadway, easement, right-of-way, path, bridge or passage owned or controlled by the county.

(`84 Code, § 13-7-4-1) (Ord. 618, passed 7-2-90; Am. Ord. 662, passed 5-9-94) Penalty, see § 10.99

§ 91.02 RESIDING AND THE LIKE ON RIGHTS-OF-WAY; INTERFERENCE.

(A) A person shall not reside, picnic, cook, camp upon, litter or in any other similar way use any roadway, easement, right-of-way, path, bridge or passage owned or controlled by the county, other than for purposes of travel or ingress and egress.

(B) A person, except a person who is authorized by the county to do so, shall not:

(1) Post, affix or place any paper, notice or sign;

(2) Block, impede or interfere with any travel or ingress or egress, including to and from bodies of water, upon any roadway, easement, right-of-way, path, bridge or passage owned or controlled by the county.

(`84 Code, § 13-7-4-1) (Ord. 618, passed 7-2-90; Am. Ord. 662, passed 5-9-94) Penalty, see § 10.99

§ 91.03 ENFORCEMENT.

This chapter may be prosecuted and enforced in any court of general jurisdiction in the county, including the Circuit and Superior Courts of the county.

(`84 Code, § 13-7-4-1) (Ord. 618, passed 7-2-90; Am. Ord. 662, passed 5-9-94)

§ 91.04 REMEDIES.

The Board of Commissioners may authorize the County Highway Department to correct any acts prohibited in this chapter at the violator's expense. Any expense incurred by the county is collectible in any court of jurisdiction in the name of the county from and against the violator of the prohibited act. The action may be brought for correction of any violation by an attorney on behalf of the county, for the expenses incurred, court costs and reasonable attorney and legal fees. Any judgment so obtained is enforceable as all judgments are provided to be enforced in the state.

(`84 Code, § 13-7-4-1) (Ord. 618, passed 7-2-90; Am. Ord. 662, passed 5-9-94)

CHAPTER 92: HEALTH AND SANITATION

Section

Communicable Diseases

- 92.01 Intent
- 92.02 Application
- 92.03 Notice of policy
- 92.04 Infection control
- 92.05 Methods of compliance
- 92.06 Personal protective equipment
- 92.07 Housekeeping
- 92.08 Disposal procedures
- 92.09 Laundry
- 92.10 Hepatitis B vaccination
- 92.11 Post-exposure evaluation
- 92.12 Biohazard warnings
- 92.13 Conditions of employment

Environmental Nuisances

- 92.25 Purpose and intent
- 92.26 Definitions
- 92.27 Applicability
- 92.28 Prohibited activity
- 92.29 Procedures
- 92.30 Enforcement
- 92.31 Right to object to complaint
- 92.32 Banning fertilizer containing phosphorus

Fee Schedule for Services Performed by Health Department

- 92.40 License fees for food establishments
- 92.41 Vital records services
- 92.42 Soil investigations
- 92.43 Letter of non-objection
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- 92.47 License fees for tattoo and piercing establishments
- 92.48 Refundable/transferable

Immunization Code

- 92.50 Definitions
- 92.51 General provisions; fees
- 92.52 Hardship exemption policy
- 92.53 County Public Vaccine Fund
- 92.54 Violations

- 92.99 Penalty

Cross-reference:

Animals at large, see § 90.15
Health department, see § 35.01
Littering on county property, see § 91.01
Wildlife, see Chapter 94

Statutory reference:

Personnel policy, see I.C. 16-41-11-6
Removal of weeds and rank vegetation, see I.C. 36-7-10.1

COMMUNICABLE DISEASES

§ 92.01 INTENT.

It is the intent of the County Commissioners to establish a policy for all county employees whose occupation exposes the employee to blood or other potentially infectious materials, including but not limited to hepatitis B virus and human immunodeficiency virus.

(`84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94)

§ 92.02 APPLICATION.

(A) This policy applies to all county employees whose occupation brings the employee into contact with liquid or semi-liquid blood, human blood components and products made from human blood, pathogenic microorganisms, human body fluids, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood and all body fluids in situations where it is difficult or impossible to differentiate between body fluids and any unfixed tissue or organ, other than intact skin, from a human individual, living or dead.

(B) This policy also applies to all county employees whose occupation exposes them to the hepatitis B virus and the human immunodeficiency virus.

(C) Only employees whose occupation exposes the employee, who has been trained and certified within the preceding 12 months by the County Board of Health may perform occupational tasks exposing the employee to human blood, hepatitis B virus or the human immunodeficiency virus. ('84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94)

§ 92.03 NOTICE OF POLICY.

The elected officials and appointed department heads shall be furnished with a copy of this policy and shall be responsible for distribution of a copy of this policy to all county employees in their department and to furnish a certification to the County Auditor listing by name each employee who has received a copy of this policy. This practice shall continue with each new employee hired as a county employee whose occupation exposes the employee to human blood, hepatitis B virus or the human immunodeficiency virus.

('84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94)

§ 92.04 INFECTION CONTROL.

(A) Each county elected official or appointed department head who has employees with occupational exposure shall identify and document tasks and procedures where occupational exposure may take place.

(B) Each county elected official or appointed department head that has employees whose reasonably anticipated duties may result in occupational exposure shall establish a written infection control plan designed to minimize or eliminate employee exposure.

(C) The list of occupations, number of employees affected and copies of the infection control plan for each position shall be filed quarterly with the County Auditor.
(84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94)

§ 92.05 METHODS OF COMPLIANCE.

(A) Universal precautions shall be observed to prevent contact with blood or other potential infectious materials.

(B) All mechanical controls shall be examined by the County Board of Health.

(C) All mechanical controls shall be maintained or replaced on a regular schedule to ensure their effectiveness by the County Health Department.

(D) Employees shall wash their hands immediately, or as soon as possible, after removal of protective gloves or other personal protection equipment and after hand contact with blood or other potentially infectious materials.

(E) All personal protective equipment shall be removed immediately upon leaving the work area or as soon as possible if overly contaminated and placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

(F) Used needles and other sharps shall be sheared, bent, broken, recapped or resheathed by hand. Used needles shall not be removed from disposable syringes.

(G) Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses are prohibited in work areas where there is a potential for occupational exposure.

(H) Food and drink shall not be stored in refrigerators, freezers or cabinets where blood or other potentially infectious materials are stored or in other areas of possible contamination.

(I) All procedures involving blood or other potentially infectious materials shall be performed in a manner as to minimize splashing, spraying and aerosolizations of these substances.

(J) Mouth pipetting/suctioning is prohibited.

('84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94) Penalty, see § 10.99

§ 92.06 PERSONAL PROTECTIVE EQUIPMENT.

(A) When there is potential for occupational exposure, the Health Department shall provide and assure that the employee uses appropriate personal protective equipment.

(B) The Health Department shall assure that appropriate personal protective equipment in the appropriate sizes is readily accessible at the worksite or issued to employees.

(C) The Health Department shall provide for the cleaning, laundering or disposal of required personal protective equipment.

(D) The Health Department shall repair or replace personal protective equipment as needed to maintain its effectiveness.

(E) Protective gloves shall be worn when the employee has the potential for the hands to have contact with blood, potentially infectious materials, mucous membranes, non-intact skin and when handling items or surfaces soiled with blood or other potential infectious materials.

(F) Masks and eye protection or chin-length shields shall be worn whenever splashes, spray, splatter, droplets or aerosols or blood or other potentially infectious materials may be generated and there is a potential for eye, nose or mouth contamination.

(G) (1) Appropriate protective clothing shall be worn when the employee has a potential for occupational exposure. The type and characteristics will depend upon the task and degree of exposure anticipated.

(2) The clothing selected shall form an effective barrier.

('84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94)

§ 92.07 HOUSEKEEPING.

(A) The Health Department shall assure that every county worksite is maintained in a clean and sanitary condition. The Health Department shall determine and implement the appropriate written schedule for cleaning and method of disinfection of worksites. All equipment and environmental and working surfaces shall be properly cleaned and disinfected after contact with blood or other potentially infectious materials.

(B) Work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures. When surfaces are overtly contaminated, immediately after any spill of blood or infectious materials and at the end of the working shift, surfaces shall be decontaminated.

(C) (1) Protective coverings such as plastic wrap, aluminum foil or imperviously backed absorbent paper may be used to cover equipment and environmental surfaces.

(2) These coverings shall be removed and replaced at the end of the working shift or before if they are overly contaminated.

(D) Equipment, which may become contaminated with blood or other potentially infectious materials, shall be checked routinely and prior to servicing or shipping and shall be decontaminated.

(E) All bins, pails, cans and similar receptacles intended for reuse which have a potential for becoming contaminated with blood or other potentially infectious materials shall be inspected, cleaned, disinfected and documented on a regularly scheduled basis and cleaned and disinfected immediately upon visible contamination.

(F) Broken glassware that may be contaminated shall not be picked up directly with the hands. It shall be cleaned up by using mechanical means, such as a brush and dust pan, a vacuum cleaner, tongs, cotton swabs or forceps.

(G) Specimens of blood or other potentially infectious materials shall be placed in a closable, leakproof container, labeled and color-coded. If outside contamination of the primary container is likely, a secondary leakproof container shall be placed over the outside of the first and closed to prevent leaking during handling, storage or transport.

(H) Reusable items contaminated with blood or other potentially infectious materials shall be decontaminated prior to washing, reprocessing or both.

(`84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94)

§ 92.08 DISPOSAL PROCEDURES.

(A) All infectious wastes destined for disposal shall be placed in closable, leakproof containers or bags that are color-coded and labeled.

(B) If outside contamination of the container or bag is likely to occur, then a second leakproof container or bag that is closable, labeled and color-coded shall be placed over the outside of the first and closed to prevent leakage during handling, storage and transport.

(C) Disposal of all infectious waste shall be in accordance with applicable federal, state and local regulations.

(D) (1) Immediately after use, sharps shall be disposed of in a closable, puncture resistant, disposable container, which is leakproof on the sides and bottom. The container shall be labeled and color-coded.

(2) These containers shall be easily accessible to employees and located in the immediate area of use. Containers shall be replaced routinely and not allowed to overfill.
(`84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94)

§ 92.09 LAUNDRY.

(A) Laundry from workplaces from employees that is contaminated with blood or other potentially infectious materials or may contain contaminated sharps shall be treated as if it were contaminated and shall be handled as little as possible, and with a minimum of agitation.

(B) Contaminated laundry shall be bagged at the location where it was used, and shall not be sorted or rinsed in any area where uncontaminated laundry is processed.

(C) Contaminated laundry shall be placed and transported in bags that are labeled and color-coded. Whenever this laundry is wet and presents the potential for soak-through or leakage from the bag, it shall be placed and transported in leakproof bags.

(D) Each department head shall ensure that laundry workers cleaning the contaminated or potentially infectious materials are notified of the nature of the hazard. The department head shall ensure that laundry workers are notified that protective gloves and other appropriate personal protective equipment are required to prevent occupational exposure during handling and sorting.
(`84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94)

§ 92.10 HEPATITIS B VACCINATION.

(A) The County Commissioners shall make available hepatitis B vaccination to all employees who have occupational exposure on average one or more times per month and post-exposure follow-up treatment for all employees with an occupational exposure incident.

(B) The medical evaluation, immunization and any other procedures shall be administered as directed by the County Board of Health.

(C) The County Board of Health shall ensure that all evaluations, procedures, vaccinations and post-exposure management are provided to the employee at a reasonable time and place, and according to standard recommendations for medical practice.

(D) (1) The hepatitis B vaccination shall be offered to all employees occupationally exposed on an average of one or more times per month to blood or other potentially infectious materials unless the employee has a previous hepatitis B vaccination or antibody testing has revealed that the employee is immune. If the employee initially declines a hepatitis B vaccination but at a later date, while still covered under this policy, decides to accept the hepatitis B vaccine, the vaccine shall be provided upon that notification.

(2) Should a booster dose or doses be recommended at a future date, the boosters shall be provided according to standard recommendations for medical practice.

(^84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94)

§ 92.11 POST-EXPOSURE EVALUATION.

Post-exposure evaluation and follow-up shall be provided.

(A) The exposed employee shall complete a report documenting the following:

(1) The route of exposure;

(2) The hepatitis B status, human immunodeficiency virus status, or both, of the source patient, if known; and

(3) The circumstances under which the exposure occurred.

(B) If the source patient can be determined and permission is obtained, collection of and testing of the source patient's blood shall be examined to determine the presence of the hepatitis B or human immunodeficiency virus.

(C) Collection of blood from the exposed employee as soon as possible after the exposure incident shall be conducted. A determination for hepatitis B and human immunodeficiency virus status shall be made. Actual antibody or antigen testing of the blood or serum sample shall be done at this time or at a later date if the employee so requests in writing.

(D) Follow-up of the exposed employee including antibody or antigen testing, counseling, illness reporting and safe and effective post-exposure prophylaxis, according to standards recommendations for medical practice, shall be provided.

(E) The Health Department shall provide a description of the affected employee's duties as they relate to the employee's occupational exposure.

(F) For each evaluation, the evaluator shall provide the employee with a copy of the evaluating physician's written opinion.

(G) Medical record keeping shall be maintained by the County Board of Health.
(`84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94)

§ 92.12 BIOHAZARD WARNINGS.

(A) Elected officials and appointed department heads who maintain work areas where diagnostic or other screening procedures are performed on blood or other potentially infectious materials shall post signs at the entrance to work areas.

(B) The signs must bear the "biohazard" legend.

(1) Biohazard signage must state the following:

(a) The infectious agent present;

(b) Special requirements for entering the area; and

(c) The name and telephone number of the County Board of Health.

(2) Warning labels shall be affixed to all containers of infectious waste, refrigerators and freezers containing blood or other potentially infectious materials and other containers used to store or transport blood and other potentially infectious materials.

(`84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94)

§ 92.13 CONDITIONS OF EMPLOYMENT.

(A) Employees identified by an elected official or appointed department head to the County Board of Health shall successfully complete the blood borne pathogens training program.

(B) Department heads shall submit names of newly hired employees for training.

(C) Department heads shall submit a list of names, positions and last certification date of all employees whose reasonably anticipated duties may result in occupational exposure.
(`84 Code, § 16-31-5-1) (Res. passed 11-2-92; Am. Ord. 662, passed 5-9-94)

ENVIRONMENTAL NUISANCES

§ 92.25 PURPOSE AND INTENT.

It is the purpose of this subchapter to protect the public safety, health and welfare and enhance the environment of the people of the county by making it unlawful to allow a public environmental nuisance to exist.

(`84 Code, § 36-7-10-3) (Ord. 658, passed 11-1-93; Am. Ord. 662, passed 5-9-94)

§ 92.26 DEFINITIONS.

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

AUTHORIZED EMPLOYEE. An individual designated by the County Plan Director/Zoning Administrator or by the Chief Sanitarian/Administrative Assistant of the County Health Department, to make public environmental nuisance inspections.

COUNTY. Steuben County, Indiana, excluding the corporate boundaries of the communities of Angola, Ashley, Clear Lake, Fremont, Hamilton, Hudson and Orland.

EXCLUDED PROPERTY.

- (1) Land cultivated for gross profit;

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(2) A natural or developed forest, wildlife habitat or conservation easement that:

- (a) Does not create a health or safety hazard; and
- (b) Conforms to the requirements of the State Department of Natural Resources.

(3) Vacant and open lands, fields or wooded areas more than 300 feet from a residence or more than 300 feet from the center line of a public way.

INSPECTOR. An employee of the County Plan Commission, the County Health Department or any other governmental department of the county, so designated by the Board of Commissioners having law enforcement powers to issue county ordinance violation citations to enforce the provisions of this subchapter.

OWNER. Any one or more of the following:

- (1) The owner or owners in fee simple of a parcel of real estate, including the life tenant or tenants;
- (2) The owner or owners of record as reflected by the most current records of the County Auditor; and/or
- (3) The purchaser or purchasers of the real estate under any contract for the conditional sale of the real estate.

PRIVATE PROPERTY. All real estate within the county, excluding the corporate boundaries of the communities of Angola, Ashley, Clear Lake, Fremont, Hamilton, Hudson and Orland, that is owned by a person, group, corporation or other entity, not a governmental body.

PUBLIC ENVIRONMENTAL NUISANCE.

- (1) Property that has been allowed to become a health hazard, safety hazard or both;
- (2) Property that has accumulated junk, debris or waste products unless specifically authorized under existing laws and regulations;
- (3) To institute, permit or maintain any conditions whatever that transmit, generate or promote disease;

(4) Any growth of weeds, grass or other rank vegetation:

(a) On private property located in R-1, R-2, MH, LR, AB, LB and GB zoning districts;

(b) In platted residential subdivisions; or

(c) On parcels of two acres or less in A and EC zoning districts, which is neglected, disregarded or not cut, mown or otherwise removed, or which has attained a height of 12 inches or more.

(5) Any accumulation of dead weeds, grass or other rank vegetation:

(a) On private property located in R-1, R-2, MH, LR, AB, LB and GB zoning districts;

(b) In platted residential subdivisions; or

(c) On parcels of two acres or less in A and EC zoning districts, within view from a public way.

TRAFFIC HAZARD. A public environmental nuisance that is potentially dangerous to the existing traffic on any public way, as it may block or prohibit the view or flow of any oncoming traffic. If the inspector finds a violation pursuant to this definition, the inspector may find it necessary to waive the ten-day grace period and abate the problem as soon as possible.

(`84 Code, § 36-7-10-3) (Ord. 658, passed 11-1-93; Am. Ord. 662, passed 5-9-94)

§ 92.27 APPLICABILITY.

Each owner of private property shall be required to keep the owner's respective property free from public environmental nuisances.

(`84 Code, § 36-7-10-3) (Ord. 658, passed 11-1-93; Am. Ord. 662, passed 5-9-94)

§ 92.28 PROHIBITED ACTIVITY.

It is unlawful for any owner of private property to allow a public environmental nuisance to exist on the owner's property, except when property is considered "excluded."

(`84 Code, § 36-7-10-3) (Ord. 658, passed 11-1-93; Am. Ord. 662, passed 5-9-94) Penalty, see § 10.99

§ 92.29 PROCEDURES.

(A) (1) Violations under this subchapter shall be cited by any department of the county that receives a complaint regarding a public environmental nuisance on any property within the county.

(2) The Department shall forward the complaint to the County Plan Director or Chief Sanitarian.

(B) When a complaint addresses private property, the inspector shall cause written notice to abate to be served upon the owner of the property in question, granting the owner a minimum of ten calendar days in which to remove the public environmental nuisance.

(C) (1) This notice shall be served by an inspector or authorized employee directly by personal service to the owner or by certified mail to the owner. This notice shall contain the following information:

(a) The address of the property in violation;

(b) The date of the notice;

(c) The name of the inspector or authorized employee posting the placard;

(d) The address and telephone number of the issuing County Department; and

(e) A warning that if the public environmental nuisance is not removed within a specified number of calendar days, the county will abate the nuisance and seek recovery of the actual costs involved in the removal of the nuisance.

(2) Any failure to give the written notice does not constitute a defense to any action to enforce § 92.28.

(D) In lieu of the notice required hereby, the county, through the Plan Commission Office, may publish a notice in a newspaper of general circulation in the county, on two separate occasions during March, that weeds not cut by June 1 of that year will be cut by the county, and the owner of the property will be charged with the costs hereunder. The publication shall contain all of the information required of the "notice to abate."

(E) Following the expiration of the notice to abate, an inspector shall visually inspect the property to determine whether a public environmental nuisance still exists. If a public environmental nuisance exists, action shall be taken to abate that nuisance in accordance with this subchapter.

(`84 Code, § 36-7-10-3) (Ord. 658, passed 11-1-93; Am. Ord. 662, passed 5-9-94)

§ 92.30 ENFORCEMENT.

(A) If the inspector determines that a public environmental nuisance exists on private property and has not been abated as directed in the written notice to abate hereof, the inspector may cause a citation for violation of a county ordinance to be issued to the offending property owner by personal service of the County Sheriff's Department.

(B) In addition to the issuance of a citation for violation of a county ordinance hereunder, the Plan Director or the Chief Sanitarian, in the name of the County Auditor, may issue a request to the county to abate the public environmental nuisance, and shall thereafter furnish the Auditor with a statement of the actual cost involved in the removal of the nuisance. The actual abatement may be assigned to a county department or contracted out through standard procedures.

(C) (1) The County Plan Director or Chief Sanitarian shall make a statement of the actual cost incurred in eliminating the nuisance. The costs shall include the following:

- (a) Costs of removal of the public nuisance;
- (b) Administration fees equal to 25% of the costs of elimination of the nuisance or \$50, whichever is greater; and
- (c) All costs associated with the collection of the balance.

(2) The statement shall be delivered to the property owner by first class mail. The owner shall pay the amount noted the county within 30 days after receipt. The amount shall be deposited in the County General Fund.

(D) If the owner fails to pay the amount within 30 days after receiving a statement, a copy of all costs shall be filed in the Office of the County Auditor for the purpose of placing the amount claimed on the tax duplicate against the property so that the amount claimed can be collected as taxes are collected, subject to the limitations above.

(`84 Code, § 36-7-10-3) (Ord. 658, passed 11-1-93; Am. Ord. 662, passed 5-9-94)

§ 92.31 RIGHT TO OBJECT TO COMPLAINT.

(A) Upon receipt of a notice to abate, the property owner or occupant served, or the owner or occupant's duly authorized representative, may notify the issuing county department of an intent to object to any notice to abate. This correspondence shall be in writing, and specify the address and legal description of the property involved. Any correspondence must be received by the issuing county department within ten days of receipt of the notice to abate.

(B) Upon receipt of the correspondence, the issuing county department shall provide copies of the correspondence to the inspector involved, who shall cause the objection to be investigated. No further action shall be pursued against the owner to abate the public environmental nuisance until investigation of the objection has been completed.

(C) If the property owner objects to the notice to abate, the property owner may request a public hearing of appeal before the County Board of Commissioners.

(`84 Code, § 36-7-10-3) (Ord. 658, passed 11-1-93; Am. Ord. 662, passed 5-9-94)

§ 92.32 BANNING FERTILIZER CONTAINING PHOSPHORUS.

(A) *Purpose and intent.* The County Commissioners find that the lakes, rivers, and streams within the county are a natural asset and are an environmental, recreational, cultural, and economic resource of the area which contributes to the general public health and public welfare. County Commissioners further find that regulating the phosphorus contained in fertilizer, which may enter the lakes, rivers, and streams within the county, will improve and maintain the water quality.

(B) *Applicability.* This chapter applies to all areas in the county lying outside of the corporate boundaries of municipalities within county.

(C) *Definitions.* The following definitions shall apply to this section:

AGRICULTURAL USES. Beekeeping, dairying, egg production, floriculture, fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, berries, sod farming and vegetable raising.

FERTILIZER. A substance containing one or more recognized plant nutrients, which substance is used for its plant nutrient content and which is designed for use, or claimed to have value, in promoting plant growth. **FERTILIZER** does not include, unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and other materials exempted by this section.

LAWN FERTILIZER. Any fertilizer, whether distributed by property owner, renter or commercial entity, distributed for nonagricultural use, such as for lawns, golf courses, parks and cemeteries. **LAWN FERTILIZER** does not include fertilizer products intended primarily for garden or indoor use.

(D) *Regulation of the use and application of lawn fertilizer.*

(1) No person shall apply any lawn fertilizer within the county, labeled as containing any phosphorus or other compound containing phosphorus, such as phosphate, except as provided below.

(2) No lawn fertilizer shall be applied when the ground is frozen.

(3) No person shall apply fertilizer to any impervious surface. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.

(E) *Exemptions.* The prohibition against the use of fertilizer shall not apply to:

(1) Newly established turf or lawn areas during their first growing season.

(2) Agricultural uses, vegetable and flower gardens, or application to trees or shrubs.

(3) Yard waste compost, bio-solids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

(F) *Enforcement.* Violation of this section will be enforced by the County Commissioners through any means allowed by law.
(Ord. 765, passed 7-16-07)

FEE SCHEDULE FOR SERVICES PERFORMED BY HEALTH DEPARTMENT

§ 92.40 LICENSE FEES FOR FOOD ESTABLISHMENTS.

(A) An annual license fee shall be levied upon each food establishment for the purpose of enforcing and paying the expense of the inspection program.

(B) *Schedule of fees.* License fees shall be paid annually, or for such lesser period as hereafter specified in accordance with the following classifications:

(1) Limited food establishment, \$40 per year. Includes those establishments serving *ONLY* popcorn, fountain pop, and other non-potentially hazardous pre-packaged foods.

(2) Food establishment, \$100 per year. Includes all other establishments not falling under the limited food establishment definition.

(3) Bed and breakfast establishment, \$50 per year. Includes any operator occupied residence that:

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- (a) Provides sleeping accommodations to the public for a fee;
- (b) Has no more than 14 guest rooms;
- (c) Provides breakfast to its guests as part of the fee; and
- (d) Provides sleeping accommodations for no more than 30 consecutive days to a particular guest.

(4) Annual mobile unit (food service or retail), \$50 per year. Includes food service establishments operating from a vehicle or watercraft in which all operations are carried out within the unit and which have access to a licensed commissary as specified in the “Operational Criteria for Mobile Food Establishments” in Steuben County.

(5) Temporary food establishment, \$20 per day (not to exceed \$80 for any one continuous event). Includes food establishments that operate at a fixed location for a period of time not to exceed 14 consecutive days in conjunction with a single event or celebration, and with the approval of the organizers of the event or celebration, as specified in the “Operational Criteria for Mobile Food Establishments” for Steuben County.

(6) Vending operations, \$5 per machine. Includes any self-service device which, upon insertion of coin, coins or tokens, or by other similar means, dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation.

(7) Late fees, \$20 per day. All annual license or permit fees are due upon application for renewal received and/or postmarked no later than December 31 of the year of expiration of the current license or permit. Payments and/or applications postmarked after that date are subject to late fees. Beginning from January 1 of the year after expiration of the license, not to exceed 30 days, after which the establishment permit shall be suspended and operations ceased pending a hearing as described in § 113.24 of this Code.

(C) License fees and late fees are not refundable and permits are not transferable. The Health Department must be contacted if any remodeling, changes of ownership, or changes in menu or equipment occur.

(Ord. 745, passed 4-4-05; Am. Ord. 768, passed 9-4-07; Am. Ord. 929, passed 10-21-19)

§ 92.41 VITAL RECORDS SERVICES.

- (A) Certified birth certificate: \$10.00 for each copy.

(B) Certified death certificate: \$10.00 each.

(C) Genealogical search: \$10.00 per three names; \$5.00 each name thereafter without a copy.

(D) Affidavit of paternity: \$20.00 each.

(E) Affidavit requesting amendment to birth certificate: \$20.00 each (includes one certified copy of birth certificate).

(F) Report of legal change of name: \$10.00 each (includes one certified copy of certificate).

(G) Copy of affidavit of paternity - uncertified copy: \$1.00.

(H) Home birth registration: \$25.00.

(Ord. 745, passed 4-4-05; Am. Ord. 768, passed 9-4-07; Am. Ord. 929, passed 10-21-19)

§ 92.42 SOIL INVESTIGATIONS.

Thirty dollars per lot, payable in advance of investigation.

(Ord. 745, passed 4-4-05; Am. Ord. 768, passed 9-4-07)

§ 92.43 LETTER OF NON-OBJECTION.

Twenty dollars per letter written, letter is valid for one year from issue date.

(Ord. 745, passed 4-4-05; Am. Ord. 768, passed 9-4-07; Am. Ord. 929, passed 10-21-19)

§ 92.44 SEPTIC SYSTEM.

Sixty dollars per permit, valid for one year from issue date.

(Ord. 745, passed 4-4-05; Am. Ord. 768, passed 9-4-07; Am. Ord. 929, passed 10-21-19)

§ 92.45 WELLS.

Forty dollars per permit, valid for one year from issue date.

(Ord. 745, passed 4-4-05; Am. Ord. 768, passed 9-4-07; Am. Ord. 929, passed 10-21-19)

§ 92.46 PLAN REVIEWS.

All plan reviews, \$50 per plan review, as required by § 113.20 of this Code for the extensive remodeling of an existing food establishment, or the construction of a new establishment. (Ord. 745, passed 4-4-05; Am. Ord. 768, passed 9-4-07; Am. Ord. 929, passed 10-21-19)

§ 92.47 LICENSE FEES FOR TATTOO AND PIERCING ESTABLISHMENTS.

An annual license fee shall be levied upon each tattoo establishment, and upon each artist employed by the establishment, for the purpose of enforcing and paying the expense of the inspection program.

(A) Tattoo and/or piercing establishment, \$250 per year. Includes any establishment, facility or property at which is offered services of:

(1) Any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments;

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

(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.

(B) Artist, \$100 per year. Includes any person conducting or performing the services as defined in division (A) above.

(C) Guest artist, \$25 for each 30 days. Includes any person conducting or performing the services as defined in division (A)(1) of this section who is not a permanent employee of a licensed establishment. (Permit void after 30 days and new application must be filed in advance with the Health Department for each 30 day period.)

(D) Late fees, \$20 per day. All annual license or permit fees are due upon application for renewal received and/or postmarked no later than December 31 of the year of expiration of the current license or permit. Payments and/or applications postmarked after that date are subject to late fees. Beginning from January 1 of the year after expiration of the license, not to exceed 30 days, after which the establishment permit shall be suspended and operations ceased pending a hearing as described in Chapter 114 of this Code.

(Ord. 745, passed 4-4-05; Am. Ord. 768, passed 9-4-07; Am. Ord. 929, passed 10-21-19)

§ 92.48 REFUNDABLE/TRANSFERABLE.

(A) All fees are not refundable.

(B) All permits and/or fees are not transferable.

(Ord. 745, passed 4-4-05; Am. Ord. 768, passed 9-4-07; Am. Ord. 929, passed 10-21-19)

IMMUNIZATION CODE

§ 92.50 DEFINITIONS.

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

BOARD OF HEALTH. The County Board of Health, as provided in I.C. 16-20 and having jurisdiction in the county.

CASE MANAGEMENT SERVICES. Requires that those individuals authorized within their county to be providing case management services for children with elevated blood lead levels are to be provided training by ISDH on case management protocols and procedures within the first six months of hire, as provided in 410 IAC 29-1-5.

CONFLICT OF INTEREST. Derived from 68 IAC 9-1-1(b)(2), a situation in which the private financial interests of county official, county official's spouse, ex-spouse, siblings, in-laws, children and/or unemancipated child may influence the county official's judgment in the performance of a public duty.

HEALTH OFFICER. The local health officer as provided for and required under I.C. 16-20-2-2.

IHCP FEE SCHEDULES. The Indiana Health Coverage Programs (IHCP) publishes reimbursement information regarding all Common Procedural Terminology (CPT), Healthcare Common Procedure Coding Systems (HCPCS), and current dental terminology codes (CPT2), as well as NUBC Official UB-04 specifications, recognized by the IHCP through the published fee schedules.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate or municipality, or his, her or its legal representative or agent.

STEBEN COUNTY HEALTH DEPARTMENT. A local health department in Steuben County or authorized representative(s) having jurisdiction over nursing case management and immunizations.

VFC/VACCINES FOR CHILDREN. A program provided by Indiana State Department of Health that provides vaccine to local health departments at no cost to the person for children under age 19 who are eligible.

(Ord. 932, passed 11-4-19)

§ 92.51 GENERAL PROVISIONS; FEES.

(A) *Title.* This subchapter and all ordinances supplemental or amendatory hereto shall be known as the "Immunization Code," and may be cited as such.

(B) *Purpose.* The purpose of this subchapter is to establish and collect fees for all services provided by the Board of Health.

(C) *Authority.*

(1) The health officer of the county, or his representative(s), is hereby authorized to establish and collect fees for specific services and records pursuant to I.C. 16-20-1-27.

(2) The Board of Health shall collect the fees for all services it provides in accordance with this section. The fee shall not exceed the cost of the Board of Health for providing the service. Those who are unable to pay the fee will be allowed to utilize the financial hardship policy.

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

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

(F) *Disposition of fees.* All fees collected by the Board of Health shall be transferred to the County Public Vaccine Fund, through the County Auditor. The monies collected in accordance with this section shall be used only for the maintenance, inventory, safety compliance, community outreach and education of employees within the immunization clinic upon proper appropriation action being taken and approved by the Board of Health.

(1) All private stock pediatric/adolescent and adult vaccines will be charged at a rate that is at the cost of the Board of Health rounded to the nearest dollar, in addition to the administration price as set by IHCP plus the cost of vaccine. Vaccine prices change on a regular basis, so vaccines fees will be adjusted accordingly.

(2) The (VFC) Vaccines for Children Program provide vaccines to uninsured, underinsured and/or those pediatric/adolescent patients who have Medicaid, the administrative cost as set by IHCP and will be billed to insurance providers under Medicaid.

(3) Adults who are underinsured/uninsured and qualify for the 317 Program may receive vaccines for an administration fee as set by IHCP and will be billed to insurance providers under Medicaid if applicable.

(4) Mantoux Tuberculin Skin Tests (TST) will be administered and will be charged at a rate that is at the cost and administration to the Board of Health rounded to the nearest dollar. The testing solution price change on a regular basis, so the fee will be adjusted accordingly.

(5) TB testing solution will be ordered and purchased for companies who request at a charge that is rounded up to the nearest dollar amount.

(6) Case management services for individuals with elevated blood lead levels will be billed to Medicaid in 15-minute increments with a maximum of six and one-half hours at set reimbursement price authorized by Medicaid.
(Ord. 932, passed 11-4-19)

§ 92.52 HARDSHIP EXEMPTION POLICY.

(A) *Purpose.* To allow those individuals to receive vaccinations regardless of their current financial status.

(B) *Authority.*

(1) The Health Officer, or his representative(s), is hereby authorized to determine the need to issue a hardship exemption for an individual.

(2) In the case where the individual is unable to pay the administration fee per the fee schedule the Health Officer, or his agents, refer to financial hardship policy.
(Ord. 932, passed 11-4-19)

§ 92.53 COUNTY PUBLIC VACCINE FUND.

(A) The purpose of this section is to establish a vaccine fund for Health Department, which will receive and disburse monies for vaccine storage and safety, education/training, and equipment.

(B) The Board of Health shall charge an administration fee per immunization from individuals and/or if applicable Medicaid which will be deposited into the County Public Vaccine Fund.

(C) The County Public Vaccine Fund shall be used to purchase educational material, provide training to staff and patients, supplies, promotional items needed for events including booth rental, and supply the money for clinic improvements or any other equipment needed to provide exceptional service to the community.

(Ord. 932, passed 11-4-19)

§ 92.54 VIOLATIONS.

Any person violating any of the provisions of this subchapter shall be liable to the County Health Department for the expenses, loss or damage occasioned by reason of such violation including reasonable attorney fees and cost.

(Ord. 932, passed 11-4-19)

§ 92.99 PENALTY.

Any person who violates § 92.32 commits a “Class C Infraction” and shall be subject to a civil penalty of \$100.

(Ord. 765, passed 7-16-07)

CHAPTER 93: PARKS AND RECREATION

Section

- 93.01 Rules
- 93.02 Rules and regulations for Steuben County Park
- 93.03 Rules and regulations for Clear Lake Public Beach

Statutory reference:

Parks and recreation, see I.C. 36-10-3-10

§ 93.01 RULES.

(A) The following rules are established for the use of county park facilities. All campers will receive a copy of these rules and will be asked to sign an acceptance of the rules.

(B) Camping and visiting.

(1) By securing a permit to camp, one may consider himself or herself a guest of the people of the county. Observing and obeying the following rules will assure continued use. Disregarding of rules or destruction of any property in the park could mean cancellation of permit and barment from the park in the future. The park is operated under the jurisdiction of the County Commissioners and the County Sanitation Officer and directed by their appointed Superintendent.

(2) A fee set by the County Commissioners shall be charged to camp. The fee to camp will be issued on a permit by the Park Superintendent by the day or any fraction of a day. Four p.m. is the check out time. Any lot not paid for in advance may be rented to another party. The daily fee may be charged for each family unit with one unit to a camp site. A family unit consists of an adult, his or her spouse and unmarried dependent children under 18 years of age. Any other individuals at the site shall be charged accordingly.

(3) When the capacity of the campground is reached, it will be closed by the Park Superintendent.

(4) The beach will remain closed until after church services on Sunday mornings.

(5) Quiet hours are 11:00 p.m. to 7:00 a.m.

(6) Curfew is 10:00 p.m.

(7) All campers are responsible for the conduct of their children and of their visitors and guests. Single children without parents may not be present. Minor children must stay within the confines of the park campground. All children under 18 years of age are not permitted in the county park unless accompanied by one of their parents.

(8) Firearms or fireworks are prohibited in the park.

(9) Throwing tin cans, bottles, papers, junk or other refuse of any kind on the ground or in the lake or stream, or the misuse and abuse of seats, tables and other park equipment is prohibited.

(10) All fish and fish particles must be put in double bags and placed in bins provided.

(11) The beach closes from dusk to dawn. No lifeguard is on duty at any time. No glass containers or coolers are permitted on the beach.

(12) No bike riding or swimming is permitted after dusk.

(13) No wheeled unlicensed motorized vehicles permitted in the park, except if mode of transportation to work, then once in and once out of the park per day, or for transportation of the disabled and by written permit.

(14) All campfires shall be extinguished before retiring or leaving your campsite.

(15) Disorderly conduct in the way of abusive or vile language, fighting, personal exposure in automobiles, woods, park or any other place where person is not properly sheltered is prohibited.

(16) There shall be no violations of the alcoholic beverage laws of the state.

(17) Speed limits on the roads and the campground is 11 mph.

(18) Holding tanks shall be treated according to the campground and State Department of Health guidelines and regulations. Drain water may not run on the ground or into buckets. All grey water must be held in holding tanks or portable johns and taken to the dump station.

(19) Pets are prohibited.

(20) Camper, by execution of the permit, agrees to all the terms and conditions of this agreement and agrees to hold harmless and defend the county, together with all of its agents and officials, from any and all claims of loss or damage to the person or property of the camper, any family member of the camper or any guests or invitee of the camper.

(C) A person shall not camp in the county park between October 1 and May 1.

(D) A person or group using the kitchen in the 4-H building shall clean the kitchen before leaving the park.

(E) This section applies to seasonal campers as long as the Board of Commissioners authorize seasonal camping at the county park and the camper has abided by all terms of the seasonal camper agreement. A seasonal camper will be permitted to reserve their present campsite for the following year by paying a nonrefundable deposit fee no later than October 15. The fee will be applied to the next year's seasonal camping fee if the seasonal camper has not been issued a notice of termination. If the camper leaves any personal property at their site after the season, a storage fee will be charged that will not be applied to next year's seasonal fee.

(F) The fees charged for the use of county park facilities are as set from time to time by the Board of County Commissioners.

(`84 Code, § 36-10-3-10) Penalty, see § 10.99

§ 93.02 RULES AND REGULATIONS FOR STEUBEN COUNTY PARK.

(A) The following rules and regulations are established for the use of Steuben County Park.

(1) The beach will be closed from 8:30 a.m. to 9:00 a.m. on each Sunday from May 1 to October 1.

(2) Littering is prohibited on county grounds.

(3) No alcohol shall be permitted in the beach area, boat ramp, parking lot, entire 76 park and 76 parking lot.

(4) Property damage or vandalism on county grounds is prohibited.

(5) If a person is not a seasonal camper, camper guest or a person renting a campsite for the night, they must vacate the park from sunset to sunrise.

(6) No metal detecting is allowed on county grounds.

(7) No one shall be permitted to use modern restroom houses except campers and guests.

(8) The speed limit within the Steuben County Park is 11 mph.

(9) No disrespectful, vulgar or non-compliant conduct will be permitted.

(10) No pets are permitted in the campground.

Steuben County - General Regulations

- (11) There shall be no dumping of garbage, refuse, or similar materials on county grounds.
- (12) Lewd conduct and indecent exposure is prohibited.
- (13) No swimming is permitted outside of the designated beach area.
- (14) There shall be no fires outside of the designated fire rings.
- (15) No loitering is permitted.
- (16) No mooring of watercraft is permitted on the beach or in designated beach swimming areas.
- (17) There shall be no parking on the south side of the boat ramp parking lot between the no parking emergency area signs.
- (18) There shall be no mooring outside of designated areas.
- (19) No grills or similar type of cooking devices are allowed on the beach.
- (20) No mopeds are allowed in the county park.
- (21) There shall be no parking outside of the designated parking lot.
- (22) No golf carts shall be allowed on county grounds.
- (23) No three or four wheeled ATV's shall be permitted on county grounds.
- (24) No firearms or bows and arrows are allowed in the Steuben County Park.
- (25) Quiet hours shall be from 11:00 p.m. to 7:00 a.m.
- (26) Any camper registering for a campsite must be at least 18 years of age.
- (27) There shall be no vulgar language permitted on the Steuben County Park grounds.
- (28) No loud or explicit music shall be played on the Steuben County Park grounds.
- (29) No altering or hanging on the beach buoys shall be permitted.
- (30) No kegs of alcohol are permitted in the county campground.
- (31) No removal or damaging of living or downed vegetation, trees, branches, limbs, sticks, or shrubs shall be permitted.

(32) No one other than seasonal campers, guests, non-seasonal campers, and park personnel shall use the dumpsters.

(33) All campers and belonging must vacate the campsite by 4:00 p.m. or reregister by 4:00 p.m.

(34) Anyone violating any of the terms or terms of this section shall be subject to a civil penalty of \$100 for each separate violation and shall further be responsible for all costs, including attorney fees, in the enforcement of this section.

(B) Upon the violation of any term of this section, the Park Superintendent may cause the ejection of any violator from the Steuben County Park for a period of one year from the date of the ejection. Violation of the ejection notice is considered trespassing.
(Ord. 732, passed 1-22-04) Penalty, see § 10.99

§ 93.03 RULES AND REGULATIONS FOR CLEAR LAKE PUBLIC BEACH.

(A) Rules and regulations for Clear Lake Public Beach:

(1) The public is permitted to be present at the beach daily from 8:00 a.m. to sunset and at no other time.

(2) No alcoholic beverages are permitted.

(3) No fireworks or explosives of any grade or type are permitted.

(4) No pets are permitted.

(5) Children under 12 must be accompanied by an adult.

(B) Violation of this section is a Class C civil infraction with a penalty of \$100.
(Ord. 746, passed 8-18-05)

CHAPTER 94: WILDLIFE

Section

94.01 Prohibited activities

Statutory reference:

Dangerous conduct on property, see I.C. 36-8-2-4

§ 94.01 PROHIBITED ACTIVITIES.

(A) A person shall not knowingly do any of the following:

(1) Bring into the county, own, keep, harbor or otherwise possess in this county, an animal of any species that is not native wildlife to the state, for the purpose of hunting the animal or offering the animal for hunting by another person;

(2) Offer an animal of any species that is not native wildlife to the state for hunting by another person;

(3) Operate an enclosed area of land as a hunting preserve for the purpose of offering an animal of any species that is not native wildlife to the state for hunting by another person, or receive money for the admission of another person to an area;

(4) Hunt an animal that is not native wildlife to the state; and/or

(5) Purchase admission to, visit or otherwise be in attendance at an area described herein for the purpose of hunting or witnessing the hunting of an animal of any species that is not native wildlife to the state.

(B) The violation of this chapter is a public nuisance.

(`84 Code, § 36-8-2-4) (Ord. 629, passed 8-19-91; Am. Ord. 662, passed 5-9-94) Penalty, see § 10.99

CHAPTER 95: ABANDONED MOTOR VEHICLES

Section

95.01	Definitions
95.02	Responsible public agencies; powers
95.03	Abandoned Vehicle Fund
95.04	Procedure
95.05	Notice of impoundment
95.06	Disposal
95.07	Towing, storage and disposition charges
95.08	Measurement of time
95.09	Liability for loss or damage

§ 95.01 DEFINITIONS.

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

ABANDONED MOTOR VEHICLE.

- (1) A vehicle located on public property illegally or left on public property continuously without being moved for three days;
- (2) A vehicle located on public property in a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;
- (3) A vehicle that has remained on private property without the consent of the property owner or person in control of that property, for more than 48 hours;
- (4) A vehicle from which the engine, transmission or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property;
- (5) A vehicle that has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than this chapter, if the impounded vehicle is not claimed or redeemed by the owner or his agent within 30 days of the removal of the vehicle; or

(6) A vehicle that is at least three years old, mechanically inoperable, not property licensed, and has been left on private property continuously in a location visible from a private or public way for more than ten days.

(7) Such vehicles are not considered abandoned if stored in a garage or other accessory building or behind a fenced area not visible from a private or public way. The vehicles are also not considered abandoned if they are:

(a) A vehicle in operable condition specifically adapted or constructed for operation on privately-owned raceways;

(b) A vehicle stored inside or behind a fence, as the property of a member of the armed forces of the United States who is on active duty assignment, proof of ownership of the active military member is required;

(c) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility;

(d) A vehicle located on property licensed or zoned as an automobile storage or impound yard; or

(e) A vehicle registered and licensed under I.C. 9-18-12 as an antique vehicle.

BUREAU. The State Bureau of Motor Vehicles.

COUNTY FISCAL BODY. The County Council.

INOPERABLE. In the case of a vehicle which has an engine, unable to move under its own power. In the case of a vehicle which needs a tow vehicle, such as a semitrailer, incapable of being towed on the public highways by a tow vehicle in compliance with the laws of the state.

MOTOR VEHICLE. An automobile, motorcycle, truck, trailer, semitrailer, truck tractor, bus, school bus, recreational vehicle, watercraft, motorized bicycle or other form of transportation which requires registration and/or licensing by the state.

OFFICER.

(1) A regular member of the County Sheriff's Department; or

(2) The County Plan Director and/or his or her deputy or designee.

PARTS. Motor vehicle parts.

PUBLIC AGENCY.

(1) The County Sheriff's Department; and/or

(2) The Office of the County Plan Commission.

(Ord. 677, passed 7-9-96; Am. Ord. 771, passed 2-4-08)

Editor's note:

I.C. 9-18 expired 12-31-2016 by P.L. 198-2016, Sec. 262

§ 95.02 RESPONSIBLE PUBLIC AGENCIES; POWERS.

The County Sheriff's Department and the County Plan Commission are hereby designated and assigned as the agencies responsible for the removal, storage and disposal of abandoned motor vehicles and abandoned motor vehicle parts within the unincorporated areas of the county, pursuant to I.C. 9-22-1-2, as now or hereafter amended, and the agencies are hereby granted all powers reasonable and necessary for the performance of their responsibilities under this chapter. The Plan Commission shall be responsible for the overall coordination and administration of this chapter.

(Ord. 677, passed 7-9-96; Am. Ord. 771, passed 2-4-08)

§ 95.03 ABANDONED VEHICLE FUND.

(A) There is hereby created the Abandoned Motor Vehicle Fund which shall be used to pay for the costs of removal and storage of abandoned motor vehicles or parts not claimed by the person who owns or holds a lien on the vehicle or parts. In addition, the proceeds from the sale of the abandoned motor vehicles or abandoned motor vehicle parts received by the county shall be placed in this account. The costs incurred by the county in administering this chapter shall be paid from this fund.

(B) The fund shall also have added to it monies, if necessary, as may be appropriated by the County Council. The proceeds of sale of an abandoned motor vehicle or parts by the agency in accordance with § 95.06 shall be credited against all costs and incident to the removal, storage and disposal of the vehicle. All monies remaining in the Fund at the end of each year shall remain in the Fund and not revert to the General Fund pursuant to the authority of I.C. 9-22-1-27. The monies in the Fund shall be expended and used only for the purposes enumerated in I.C. 9-22-1-26 *et seq.*, providing for the disposal of abandoned motor vehicles.

(C) A separate accounting of each sale shall be maintained. The agencies may seek payment of any abatement expenses not covered by the proceeds from the sale of the abandoned motor vehicle as provided by law.

(Ord. 677, passed 7-9-96; Am. Ord. 771, passed 2-4-08)

§ 95.04 PROCEDURE.

(A) When an officer, as defined § 95.01, finds a motor vehicle or motor vehicle parts believed to be abandoned, he or she shall attach, in a prominent place on the vehicle, a notice tag containing the following information:

(1) Identity of vehicle or parts to be removed and classify the vehicle or parts as:

- (a) Abandoned;
- (b) A traffic hazard; or
- (c) A vehicle parked in violation of a traffic ordinance.

(2) The notice to abate served on the owner shall contain the following information:

(a) The date, time, officer's name, public agency and the address and telephone number to contact for information;

(b) The date that the vehicle was first observed, the private property, private way, or public way from which the vehicle was observed and the officer who observed the vehicle; and

(c) The vehicle or parts are considered abandoned.

(d) The vehicle or parts will be removed after 72 hours if located on public property or private property without the consent of property owner or after 240 hours if located on private property.

(e) The person who owns the vehicle or parts will be held responsible for all costs incidental to the removal, storage and disposal of the vehicle or parts.

(f) The person who owns the vehicle or parts may avoid costs by removal of the vehicle or parts within the time periods outlined in division (d).

(g) The notice shall contain information notifying the owner of the vehicle or parts that they may appeal the decision of the officer to the County Board of Zoning Appeals at: Steuben County Board of Zoning Appeals, Steuben County Community Center, 317 S. Wayne St, Suite 3L, Angola, IN 46703.

(h) The owner of the vehicle or parts may avoid impoundment of the cited vehicle and/or parts by removing the vehicle or parts within the time frame established on the citation and notifying the appropriate agency of the removal. If the owner petitions for an appeal to the Board of Zoning Appeals, no further action on the abatement notice will occur until after the hearing date, unless the abandoned motor vehicle poses an immediate safety concern.

(B) If the cited owner wishes to appeal the decision of the Plan Director, he or she must file an appeal in accordance with Chapter 156 herewith within ten days after receipt of the notice to abate. The appeal will be scheduled on the next available agenda of the County Board of Zoning Appeals.

(C) If the owner is duly served with notice to abate, and fails to petition for an appeal to the Board of Zoning Appeals, or appears and the appeal is denied, the following will occur:

(1) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is less than \$500, the officer shall prepare a written abandoned vehicle report of the vehicle or parts including information on the condition, missing parts and other facts that might substantiate the market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts. The officer shall immediately dispose of the vehicle to an automobile salvage yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle or parts shall be forwarded to the Bureau. The public agency disposing of the vehicle or parts shall retain the original records and photographs for at least two years.

(2) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is \$500 or more, the officer shall require the vehicle or parts to be towed to a storage area.
(Ord. 677, passed 7-9-96; Am. Ord. 771, passed 2-4-08)

§ 95.05 NOTICE OF IMPOUNDMENT.

Vehicles or parts with market value of more than \$500. After removal of abandoned motor vehicle or parts to a storage area under § 95.04(C)(2), the agency shall prepare and forward to the Bureau an abandoned vehicle report containing a description of the vehicle including the make, model, engine number, if any, readily available vehicle identification number, if any, and the number of the license plate, if any. The agency shall request that the Bureau advise the agency of the name and most recent mailing address of the owner and any lienholder of the abandoned motor vehicle or parts.
(Ord. 677, passed 7-9-96; Am. Ord. 771, passed 2-4-08)

§ 95.06 DISPOSAL.

(A) *Unidentifiable vehicles.* If the vehicle or parts are in a condition that the vehicle identification numbers or other means of identification are not available to determine the owner or lienholder, and the owner of the vehicle or parts is not the property owner where the vehicle or parts are located, the vehicle or parts may be disposed of without notice.

(B) If the person who owns or holds a lien upon a vehicle or parts does not appear within 15 days after the mailing of a notice hereunder, the agency may sell the vehicle or parts by either of the following methods:

(1) The agency may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under I.C. 5-3-1, except that only one newspaper insertion ten days prior to the sale is required.

(2) The agency may sell the vehicle or parts as unclaimed property under I.C. 36-1-11. The 15-day period for the property to remain unclaimed is sufficient for a sale.
(Ord. 677, passed 7-9-96; Am. Ord. 771, passed 2-4-08)

§ 95.07 TOWING, STORAGE AND DISPOSITION CHARGES.

(A) The costs for removal and storage of an abandoned motor vehicle or parts not claimed by the owners or lienholders shall be paid from the Abandoned Motor Vehicle Fund established § 95.03. The charges for towing, storage and removal of abandoned motor vehicles or parts may not exceed the limits established by ordinance of the fiscal body.

(B) Charges are established for towing, storage and disposition of abandoned motor vehicles and parts. These services shall be let out for bid annually.
(Ord. 677, passed 7-9-96; Am. Ord. 771, passed 2-4-08)

§ 95.08 MEASUREMENT OF TIME.

In computing any period of time prescribed in this chapter, the day of the act, tagging or mailing shall not be included. The time computation shall commence on the next day and shall conclude on midnight of the last day of the period that is not a Saturday, Sunday or legal holiday.
(Ord. 677, passed 7-9-96; Am. Ord. 771, passed 2-4-08)

§ 95.09 LIABILITY FOR LOSS OR DAMAGE.

The following are not liable for loss or damage to a vehicle, vehicle parts and/or the real estate on which they are located during the removal, storage or disposition of abandoned motor vehicles or parts under this chapter:

(A) A person who owns, leases or occupies property from which an abandoned motor vehicle or parts are removed;

(B) A public agency;

(C) A towing service: registered with the state and properly licensed; or

(D) An automobile salvage yard.

(Ord. 677, passed 7-9-96; Am. Ord. 771, passed 2-4-08)

CHAPTER 96: STREETS AND ROADS

Section

- 96.01 Concrete regulations
- 96.02 Road patch regulations
- 96.03 Snow emergency

- 96.99 Penalty

§ 96.01 CONCRETE REGULATIONS.

The following improvements shall not be permitted in the county road right-of-way where the Steuben Lakes Regional Waste District currently has authority to provide sewer service:

- (A) Concrete with rebar; and
 - (B) Concrete with wire mesh.
- (Res. passed 8-21-03)

§ 96.02 ROAD PATCH REGULATIONS.

(A) Any surveyor or professional engineer making holes in the roadways of the county shall have 30 days from the date of creation to properly patch the holes in the roadway.

(B) Upon failure to do so, they shall be civilly liable in the sum of \$100 for each hole they have created and failed to patch within 30 days of creation.

(Ord. 748, passed 11-17-05)

§ 96.03 SNOW EMERGENCY.

(A) This section shall be known as the Snow Emergency Ordinance Of Steuben County, Indiana, and shall apply to all roads, highways, or right-of-way located in Steuben County, Indiana.

(B) (1) The Steuben County Commissioners, after consultation with the Steuben County Sheriff, the Emergency Management/Department Homeland Security Director, and the Steuben County Highway

Director, if available, or the respective representative designated by each as the person to consult in his/her absence for the purpose or recommending a snow emergency declaration, may declare a snow emergency by executive order when, in the Steuben County Commissioners' judgment, such order would be in the best interest of the public safety and welfare of the residents of Steuben County, Indiana.

(2) If only one member of the Steuben County Commissioners 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 Steuben County Commissioners 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.

(3) The above-mentioned board members and/or officials or their respective designees who declare a snow emergency shall designate whether it is a Level Red (Warning) Snow Emergency or a Level Orange (Watch) Snow Emergency or a Level Yellow (Advisory) Snow Emergency based on the criteria set forth in the section below.

(C) A snow emergency declaration pursuant to this section shall consist of three levels in order to keep the residents of Steuben County, Indiana, informed of the weather and county road conditions, and to assist County Highway Department in the clearing of the county roadways by eliminating stranded vehicles:

(1) A Red Warning Snow Emergency is the highest level of local travel advisory, and may be declared when travel should be restricted to emergency management workers only. When an emergency warning is declared local travel advisory, individuals are directed to refrain from all travel; comply with necessary emergency measures; cooperate with public officials and disaster services in executing emergency operations plans; and obey and comply with the laws and directions of properly identified officers. Further restrictions the Steuben County Commissioners deems necessary may be enacted at this time.

(2) An Orange Watch Snow Emergency may be declared when conditions are threatening to the safety of the public. During the watch, local travel advisory, only essential travel such as to and from work or emergency situations is recommended, and emergency action plans should be implemented by businesses, schools, governmental agencies and other organizations.

(3) A Yellow Advisory Snow Emergency is the lowest level of local travel advisory and may be declared so that routine travel or activities may be restricted in areas because of a hazardous situation, and individuals should use caution or avoid those areas.

(D) Publication and broadcast of a Yellow, Orange, or Red Snow Emergency Watch or Warning declaration order/activation shall be made or caused to be made by the Board or other official 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 Steuben County Emergency

Management/Department Of Homeland Security, State Department Of Homeland Security, Steuben County Clerk and Steuben County Auditor.

(E) Those vehicles exempt from this section shall include medical assistance, law enforcement, fire department, emergency management, public utility, snow removal vehicles under contract, fuel hauling vehicles, and employees of any of the above exempt services, if engaged in performing their respective duties. Any other vehicle violating this section are subject to removal by towing or other means at the expense of the owner of the vehicle, when such towing and/or removal is deemed necessary by any one or more of the following: the County Highway Department, the County Sheriff's Department, the State Conservation Officer, or the Indiana State Police.
(Ord. 856, passed 4-21-14) Penalty, see § 96.99

§ 96.99 PENALTY.

Any person violating any provisions of § 96.03 shall be guilty of the commission of an infraction and may be penalized 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 penalty the court shall be authorized to direct the violator to repay the county any monetary losses or expenses incurred in the incident.
(Ord. 856, passed 4-21-14)

CHAPTER 97: FIREWORKS

Section

- 97.01 Definitions
- 97.02 Use of consumer fireworks
- 97.03 Enforcement

- 97.99 Penalty

§ 97.01 DEFINITIONS.

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

CONSUMER FIREWORKS. A small firework that is designed primarily to produce visible or audible effects by combustion, and that is required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507. The term also includes some small devices designed to produce an audible effect, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition, and aerial devices containing 130 milligrams or less of explosive composition. Propelling and expelling charges consisting of a mixture of charcoal, sulfur, and potassium nitrate are not considered to be designed to produce an audible effect. Consumer fireworks include:

- (1) Aerial devices, which include, but are not limited to, sky rockets, missile type rockets, helicopter and aerial spinners, roman candles, mines, and shells;
- (2) Ground audible devices, which include, but are not limited to, firecrackers, salutes and chasers; and
- (3) Firework devices containing combinations of the effects described in divisions (1) and (2).
- (4) Consumer fireworks do not include the following fireworks as referenced in I.C. 22-11-4-8(a):
 - (a) Dipped sticks or wire sparklers. However, the total pyrotechnic composition may not exceed 100 grams per item; and, devices containing chlorate or per chlorate salts may not exceed five grams per item;

- (b) Cylindrical fountains;
- (c) Cone fountains;
- (d) Illuminating torches;
- (e) Wheels;
- (f) Ground spinners;
- (g) Flitter sparklers;
- (h) Snakes or glows worms;
- (I) Smoke devices; and

(j) Trick noisemakers that include party poppers, booby traps, snappers, trick matches, cigarette loads and auto burglar alarms.
(Ord. 763, passed 8-6-07)

§ 97.02 USE OF CONSUMER FIREWORKS.

No person within the county, and outside the corporate limits of any municipality, shall use, ignite, or discharge or permit to be used, ignited, or discharges any type of consumer fireworks on any day of time other than the following:

(A) Between 5:00 p.m. and two hours after sunset on June 29 through 30, July 1 through 3, July 5 through 9.

(B) Between 10:00 a.m. and midnight on July 4.

(C) Between 10:00 a.m. on December 31 and 1:00 a.m. on January 1.
(Ord. 763, passed 8-6-07)

Editor's note:

I.C. 22-11 was repealed by Acts 1971, P.L. 356, Sec. 2

§ 97.03 ENFORCEMENT.

The Sheriff's Department shall be charged with enforcing the provisions of this chapter.
(Ord. 763, passed 8-6-07)

§ 97.99 PENALTY.

Any person, firm, or corporation violating the terms of this chapter commits a Class C infraction and shall be fined in an amount of \$100 for each violation. Violations of this chapter shall be prosecuted through the County Courts.
(Ord. 763, passed 8-6-07)

TITLE XI: BUSINESS REGULATIONS

Chapter

110.GENERAL PROVISIONS

111.FAIR HOUSING

112.(RESERVED)

113.RETAIL FOOD ESTABLISHMENTS

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CHAPTER 110: GENERAL PROVISIONS

Section

General Provisions

110.01 Unemployment tax

Nondiscrimination Policy

- 110.15 Policy adopted
- 110.16 Compliance with state and federal law
- 110.17 Consultants
- 110.18 Grievance procedures
- 110.19 ADA Policy; coordinators
- 110.20 New construction
- 110.21 Communication standards
- 110.22 Notice
- 110.23 Comments
- 110.24 Cooperation
- 110.25 Removal of barriers

Cross-reference:

Consultants, see Chapter 33

County officials and employees, see Chapter 34

Statutory reference:

Election to become an “employer;” time limits and the like, see I.C. 22-4-9-4

Local nondiscrimination policies, see I.C. 22-9-1-12.1

GENERAL PROVISIONS

§ 110.01 UNEMPLOYMENT TAX.

The county elects to become an employer subject to the State Employment Security Act. ('84 Code, § 22-4-9-4) (Order passed 4-3-78; Am. Ord. 589, passed 10-1-84; Am. Ord. 662, passed 5-9-94)

NONDISCRIMINATION POLICY**§ 110.15 POLICY ADOPTED.**

It is the policy of the county not to discriminate against any employee or applicant for employment due to the race, color, religion, sex, national origin, age or disability of that individual. This policy extends to all phases of employment and includes the following:

- (A) Employment, upgrading, demotion or transfer;
- (B) Recruitment or recruitment advertising;
- (C) Lay-off or termination;
- (D) Rates of pay or other forms of compensation; and
- (E) Selection for training, including apprenticeship.

(`84 Code, § 22-9-1-12.1) (Ord. 589, passed 10-1-84; Am. Res. passed 7-14-92; Am. Ord. 662, passed 5-9-94)

§ 110.16 COMPLIANCE WITH STATE AND FEDERAL LAW.

The county pledges complete cooperation and conformance with all provisions of the Americans with Disabilities Act of 1990 (ADA) and all rules and regulations promulgated to enforce the Act. (`84 Code, § 22-9-1-12.1) (Ord. 589, passed 10-1-84; Am. Res. passed 7-14-92; Am. Ord. 662, passed 5-9-94)

§ 110.17 CONSULTANTS.

The County Commissioners shall employ the specialists, consultants, engineers and advisors necessary to meet the requirements of the law after application to the County Council for approval of appropriations of the funds to complete that purpose. (`84 Code, § 22-9-1-12.1) (Ord. 589, passed 10-1-84; Am. Res. passed 7-14-92; Am. Ord. 662, passed 5-9-94)

§ 110.18 GRIEVANCE PROCEDURES.

The County Attorney shall formulate grievance procedures for adoption by the Commissioners, which shall conform with CFR Part 35, as promulgated by the U.S. Department of Justice. ('84 Code, § 22-9-1-12.1) (Ord. 589, passed 10-1-84; Am. Res. passed 7-14-92; Am. Ord. 662, passed 5-9-94)

§ 110.19 ADA POLICY; COORDINATORS.

(A) The President of the County Commissioners and the President of the County Council are the county's ADA coordinators.

(B) (1) No qualified person with a disability, as defined in ADA and as modified in the regulations, shall, on the basis of that disability, be excluded from or denied the benefits of the services, programs, activities or assistance of the county.

(2) The county shall require all public contractors doing business with the county to furnish affidavits with all public contracts certifying compliance with these nondiscrimination requirements. ('84 Code, § 22-9-1-12.1) (Ord. 589, passed 10-1-84; Am. Res. passed 7-14-92; Am. Ord. 662, passed 5-9-94)

§ 110.20 NEW CONSTRUCTION.

All construction by the county shall be in conformance with the ADA and the regulations. ('84 Code, § 22-9-1-12.1) (Ord. 589, passed 10-1-84; Am. Res. passed 7-14-92; Am. Ord. 662, passed 5-9-94)

§ 110.21 COMMUNICATION STANDARDS.

All communications between the county and all disabled persons shall be as effective as communications with non-disabled persons. ('84 Code, § 22-9-1-12.1) (Ord. 589, passed 10-1-84; Am. Res. passed 7-14-92; Am. Ord. 662, passed 5-9-94)

§ 110.22 NOTICE.

A copy of the resolution codified herein shall be distributed to each officeholder and department head for publication by posting in a prominent place where the resolution can be observed by all persons employed in or using the services of the Department.

(`84 Code, § 22-9-1-12.1) (Ord. 589, passed 10-1-84; Am. Res. passed 7-14-92; Am. Ord. 662, passed 5-9-94)

§ 110.23 COMMENTS.

(A) Comments about this subchapter should be submitted in writing to the President of the Board of Commissioners.

(B) The President is designated as the intake person for all comments and complaints concerning ADA enforcement or noncompliance within the governmental operations of the county.

(`84 Code, § 22-9-1-12.1) (Ord. 589, passed 10-1-84; Am. Res. passed 7-14-92; Am. Ord. 662, passed 5-9-94)

§ 110.24 COOPERATION.

All elected officials and department heads are urged to cooperate in this federally mandated effort.

(`84 Code, § 22-9-1-12.1) (Ord. 589, passed 10-1-84; Am. Res. passed 7-14-92; Am. Ord. 662, passed 5-9-94)

§ 110.25 REMOVAL OF BARRIERS.

The county pledges to proceed with the removal of all physical barriers in all structures under the control of the county, providing a reasonable accommodation to all persons within the time frame provided by the ADA and the regulations.

(`84 Code, § 22-9-1-12.1) (Ord. 589, passed 10-1-84; Am. Res. passed 7-14-92; Am. Ord. 662, passed 5-9-94)

CHAPTER 111: FAIR HOUSING

Section

- 111.01 Policy statement
- 111.02 Definitions
- 111.03 Unlawful practices
- 111.04 Discrimination in the sale and rental of housing
- 111.05 Discrimination in residential real estate-related transactions
- 111.06 Discrimination in the provision of brokerage services
- 111.07 Interference, coercion or intimidation
- 111.08 Prevention of intimidation in fair housing cases
- 111.09 Equal access to housing in HUD programs
- 111.10 Exemptions
- 111.11 Administrative enforcement

Statutory reference:

Administration of fair housing, see I.C. 22-9.5-4-1 et seq.

§ 111.01 POLICY STATEMENT.

It shall be the policy of the County of Steuben to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under:

(A) The Federal Civil Rights Act of 1968, as amended;

(B) The Federal Housing and Community Development Act of 1974, as amended; and

(C) I.C. 22-9.5-1 *et seq.*

(‘84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94; Am. Ord. 873, passed 9-8-15)

§ 111.02 DEFINITIONS.

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

AGGRIEVED PERSON. Includes 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. The Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, *et seq.* (See I.C. 22-9.5-2-3)

COMPLAINANT. A person, including the Civil Rights Commission, who files a complaint under I.C. 22-9.5-6. (See I.C. 22-9.5-2-4)

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 111.04, 111.05, 111.06, 111.07, and 111.08 of 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 (See also I.C. 22-9.5-2-8).

FAMILIAL STATUS.

(1) One or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.

(2) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FAMILY. Includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined under **FAMILIAL STATUS**.

HANDICAP.

(1) With respect to a person:

(a) A physical or mental impairment which substantially limits one or more of such person's major life activities;

(b) A record of having such an impairment;

(c) Being regarded as having such an impairment;

(d) An impairment described or defined pursuant to the Federal Americans with Disabilities Act of 1990; or

(e) Any other impairment defined in 910 I.A.C. 2-3.

(2) The term **HANDICAP** shall not include current illegal use of or addictions to a controlled substance as defined in 21 USC 802 and 910 I.A.C. 2-3-2(14); nor does the term **HANDICAP** include an individual solely because that individual is a transvestite 910 I.A.C. 2-3-2(14).

PERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries. (See also I.C. 22-9.5-2-11)

TO RENT. Includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant. (See also I.C. 22-9.5-2-13) ('84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94; Am. Ord. 873, passed 9-8-15)

§ 111.03 UNLAWFUL PRACTICES.

Subject to the provisions of division (B) of this section, § 111.09 of this chapter, 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 § 111.04 shall apply to:

(A) All dwellings except as exempted by division (B) and I.C. 22-9.5-3.

(B) Other than the provisions of division (C) of this section, nothing in § 111.04 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 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 exempted 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 salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of § 111.04(C) of this chapter, 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.

(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 residence.

(C) For the purposes of division (B), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) They have, 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;

(2) They have, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

(`84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94; Am. Ord. 873, passed 9-8-15)

§ 111.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

(A) As made applicable by § 111.03 and except as exempted by §§ 111.03(B) and 111.09, it shall be unlawful:

(1) 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, handicap, familial status or national origin.

(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 therewith, because of race, color, religion, sex, handicap, familial status or national origin.

(3) 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, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.

(4) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

(6) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap 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.

(7) 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 handicap of:

(a) That person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(c) Any person associated with that person.

(8) For purposes of this section, discrimination includes:

(a) A refusal to permit, at the expense of the handicapped 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 September 13, 1998, 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 handicapped persons;
2. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
3. All premises within such dwellings contain the following features of adaptive design:
 - a. An accessible route into and through the dwelling;
 - b. Light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - c. Reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

(B) Compliance with the appropriate requirement of the Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of division (A)(8)(c)3.c.

(C) Nothing in this section 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 or whose tenancy would result in substantial physical damage to the property of others.

(`84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94; Am. Ord. 873, passed 9-8-15)

§ 111.05 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, handicap, 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, handicap, or familial status.

(`84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94; Am. Ord. 873, passed 9-8-15) Penalty, see § 10.99

§ 111.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

(`84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94; Am. Ord. 873, passed 9-8-15) Penalty, see § 10.99

§ 111.07 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 having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 111.03, 111.04, 111.05 or 111.06 of this chapter.

(`84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94; Am. Ord. 873, passed 9-8-15) Penalty, see § 10.99

§ 111.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with the following, 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:

(A) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he 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; or

(B) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in division (A), or affording another person or class of persons opportunity or protection so to participate; or

(C) Any citizen because he 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, handicap, 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.
(`84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94; Am. Ord. 873, passed 9-8-15)

§ 111.09 EQUAL ACCESS TO HOUSING IN HUD PROGRAMS.

Pursuant to 24 CFR Part 5.403 and 24 CFR Part 574.3 the definition of "family" is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.
(Ord. 873, passed 9-8-15)

§ 111.10 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 it 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) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons. As used in this section, ***HOUSING FOR OLDER PERSONS*** means housing:

(1) 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); or

(2) Intended for, and solely occupied by, persons 62 years of age or older; or

(3) Intended and operated for occupancy by at least one person 55 years of age or older per unit.
(`84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94; Am. Ord. 873, passed 9-8-15)

§ 111.11 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) hereof shall be vested in the Chief Elected Official of the county.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, the county because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the chapter, herein elects to refer all formal complaints of violation of 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 the county shall refer all said complaints to the Commission as provided for under division (A) of this section to said 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 the county 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 or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.
(`84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94; Am. Ord. 873, passed 9-8-15)

CHAPTER 112: (RESERVED)

[Chapter 113 begins on Page 29]

CHAPTER 113: RETAIL FOOD ESTABLISHMENTS

Section

General Provisions

- 113.01 Definitions
- 113.02 Permits
- 113.03 Licenses
- 113.04 Minimum requirements
- 113.05 Unwholesome, adulterated or misbranded food
- 113.06 Inspections
- 113.07 Approval of plans

Retail Food and Bed and Breakfast Establishments

- 113.20 Permits
- 113.21 Permit fees
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- 113.23 Compliance and enforcement
- 113.24 Appeals
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- 113.26 Cumulative
- 113.27 Conflict of interest
- 113.28 Unconstitutionality clause

Cross-reference:

Fee schedule for services performed by Health Department, see §§ 92.40 et seq.

GENERAL PROVISIONS

§ 113.01 DEFINITIONS.

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

BED AND BREAKFAST ESTABLISHMENT, (as defined in 410 I.A.C. 5-15.5), means any operator occupied residence that:

- (a) Provides sleeping accommodations to the public for a fee;
- (b) Has no more than 14 guest rooms;
- (c) Provides breakfast to its guests as part of the fee; and
- (d) Provides sleeping accommodations for no more than 30 consecutive days to a particular guest.

CONFLICT OF INTEREST, (derived from 68 I.A.C. 9-1-1(b)(2)), means a situation in which the private financial interest of a County Official, County Official's spouse, ex-spouse, siblings, in-laws, children and/or unemancipated child, may influence the County Official's judgement in the performance of a public duty. (Note: The County Officials should follow the code of ethics if a code of ethics was established for County Officials.)

H.A.C.C.P. PLAN, (as defined in 410 I.A.C. 7-24), means a written document that delineates formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory on Microbiological Criteria for Foods.

HEALTH OFFICER. The Health Officer having jurisdiction in Steuben County, and/or his or her authorized representative. (As authorized by the Health Officer and Health Department.)

HEARING OFFICER. An individual or panel of individuals acting in the capacity of a Hearing Officer in proceedings. The Hearing Officer is not the Health Officer or any other employee of the Health Department. (Examples of the Hearing Officer could be the Health Board, a subcommittee of the Health Board, a subcommittee of health professionals from the community or other non-bias third party appointed by the Health Board.)

IMMINENT HEALTH HAZARD. Any circumstance or situation, which in the opinion of the Health Officer, based upon criteria established by National Advisory on Microbiological Criteria for Foods, Center for Disease Control and Prevention (CDC), American Medical Association (AMA), Indiana State Department of Health, or other such reputable and/or scientifically accredited organization with knowledge of illness, illness prevention, food and public safety; presents a serious health risk to the public; such as the presence of pests, pest harborage conditions, sewage and/or plumbing breakage or failures, contamination of food and/or water supply, or other such unsanitary conditions that could result in public exposure to an unsafe environment.

INSPECTION REPORT. The document prepared by the Health Department that is completed as the result of the inspection and provided to the operator.

LIMITED FOOD ESTABLISHMENT. Establishments serving only popcorn, fountain pop and other non-potentially hazardous pre-packaged foods.

OPERATOR. The person who has primary oversight responsibility for operation of the establishment through ownership, or lease or contractual agreement, and who is responsible for the storage, preparation, display, transportation or serving of food to the public.

ORDER, (derived from I.C. 4-21.5-1-9), means a Health Department action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more specific persons. The term includes a permit.

PERMIT. The document issued by the Health Department that authorizes a person to operate a bed and breakfast establishment, retail food establishment, and/or temporary food establishment.

PERSON. An association; a corporation; an individual; partnership; or other legal entity, government, or governmental subdivision or agency.

RETAIL FOOD ESTABLISHMENT, (as defined by 410 I.A.C. 7-24), means an operation as follows that:

(a) Stores, prepares, serves, packages, vends, or otherwise provides food for human consumption, such as the following:

1. A restaurant;
2. A satellite or catered feeding location;
3. A catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people;
4. A market;
5. A grocery store;
6. A convenience store;
7. A vending location;
8. A conveyance used to transport people;
9. An institution;
10. A food bank;
11. A commissary;
12. A cottage industry;

13. A hospice facility as defined in I.C. 16-25-11;
14. A health care facility as defined in I.C. 16-21-2;
15. A health facility as defined in I.C. 16-18-2;
16. A child care facility as defined in I.C. 12-13-5, such as the following:
 - A. Licensed child care centers licensed under 470 I.A.C. 3-4.7;
 - B. Licensed child care institutions licensed in accordance with 470 I.A.C. 3-11, 470 I.A.C. 3-12, and 470 I.A.C. 3-13; and
 - C. Registered child care ministries registered under 40 I.A.C. 3-4.5;
17. An assisted living facility as defined in I.C. 12-10-15.

(b) Relinquishes possession of food to a consumer directly or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(c) The term includes the following:

1. An element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.
2. An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location, where consumption is on or off the premises, and regardless of whether there is a charge for the food.

STEUBEN COUNTY HEALTH DEPARTMENT. The local Health Department in Steuben County or authorized representative having jurisdiction over a bed and breakfast establishment, retail food establishment and/or temporary food establishment.

STEUBEN COUNTY OFFICIAL. Any official of Steuben County, Indiana.

TEMPORARY FOOD ESTABLISHMENT, (as defined in 410 I.A.C. 7-24), means a retail food establishment that operates for a period of not more than 14 consecutive days in conjunction with a single event or celebration with the approval of the organizers of the event or celebration.

(B) The sanitation requirements and definitions for food service establishments, retail food stores and vending machines shall be incorporated for reference as provided in 410 I.A.C. 7-15.1, 410 I.A.C. 7-16.1, 410 I.A.C. 7-17 and 410 I.A.C. 7-15.5, as amended from time to time.
(Ord. 698, passed 11-18-99; Am. Ord. 767, passed 9-4-07)

§ 113.02 PERMITS.

(A) It shall be unlawful for any person to operate a food service establishment, retail food store, temporary food establishment, mobile food establishment or any other applicable food establishment, or to act as a vending operator in the county, who does not possess a valid permit for each operation from the health officer.

(B) The provisions of this chapter shall not apply to fruit and vegetable stands maintained and operated by a person who sells direct to consumers, fresh fruits or vegetables, obtained therefrom, grown and sold on land owned or controlled by the person. The permit shall be posted in a conspicuous place capable of being viewed by the public, in all food establishments.

(C) Only persons who comply with the applicable requirements as specified by the State Department of Health laws and rules, as amended from time to time, shall be entitled to receive and retain a permit.

(D) A permit for a food establishment shall be for a term of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually. The permit for a temporary food establishment shall be for a term of one continuous operation, not to exceed 14 consecutive calendar days. Any permit issued by the health officer shall contain the name and address of the person to whom the permit is granted, the address of the premises for which the same is issued and other pertinent data as may be required by the health officer or an authorized representative.

(E) A separate permit shall be required for each food establishment operated or to be operated by any person.

(F) A permit issued under this chapter 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, provided the food establishment complies with all applicable requirements.

(H) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.
(Ord. 698, passed 11-18-99) Penalty, see § 10.99

§ 113.03 LICENSES.

(A) (1) It shall be unlawful for any person to operate a retail food establishment in the county, who does not possess a valid license for the operation of the establishment. The license shall be for a term

of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually. The license shall be posted in a conspicuous place capable of being viewed by the public in all food establishments.

(2) The license shall be provided by the County Health Department if a valid permit from the health officer is presented together with the appropriate license fee.

(3) Any person who desires to operate a temporary food establishment in the county, shall, after receiving a permit from the health officer, obtain from the County Health Department a license for a temporary food establishment. The license shall be provided if presented together with the appropriate license fee.

(4) A separate license shall be required for each food establishment or temporary food establishment operated or to be operated by any person.

(5) A license issued under this chapter is not transferable.

(6) If a license fee as prescribed is not received by the County Health Department on or before the date it is due, a penalty per day past the due date, not to exceed 30 days, shall be imposed. If the license fee has not been paid after the 30 day, the establishment will be closed and will not re-open until prescribed fee plus the late penalty fee is paid in full and the application is processed. For all annual renewals, the fee must be postmarked on or before January 1 to avoid the late penalty. License fees are not refunded.

(B) No license shall be required and no license fee shall be paid for food establishments operated by religious, educational or charitable organizations. However, establishments shall comply with the other provisions of this chapter, provided that these organizations are not exempted hereby.

(C) (1) An organization that is exempt from the State Gross Income tax under I.C. 6-2.1-3-20 through I.C. 6-2.1-3 -22 and that offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from complying with the requirements of this chapter that may be imposed upon the sale of food at that event if:

(a) Members of the organization prepare the food that will be sold;

(b) Events conducted by the organization under this section take place no more than 30 days in any calendar year; and

(c) The name of each member who has prepared a food item is attached to the container in which the food item has been placed.

(2) This section does not prohibit an exempted organization from waiving the exemption and applying for a permit and license under this chapter. Only persons who comply with the applicable

requirements as specified by the State Department of Health laws and rules, shall be entitled to receive and retain a permit and license.

(D) Establishments which shall sell or offer for sale only pre-packaged confections such as candy, chewing gum, nut meats, potato chips, pretzels, popcorn and soft drink beverages or vending machines which dispense only pre-packaged, pre-bottled, non-potentially hazardous food and beverages shall be exempt from the provisions of obtaining a permit and license, but shall adhere to all other requirements of this chapter.

(Ord. 698, passed 11-18-99) Penalty, see § 10.99

Editor's note:

I.C. 6-2.1-3 was repealed by P.L. 192-2002(ss), Sec. 191

§ 113.04 MINIMUM REQUIREMENTS.

(A) All food service establishments, retail food stores and vending machines shall comply with the minimum requirements specified by the State Department of Health in Rules 410 I.A.C. 7-15.1, 410 I.A.C. 7-16.1 and 410 I.A.C. 7-17 as amended from time to time, two copies of each which are on file in the Office of the County Clerk for public inspection. The same being made a part hereof.

(B) All mobile units and temporary food establishments that offer for sale frozen or refrigerated meat, meat products, seafood or other similar products must have a truck or similar unit with a permanent self-contained refrigeration controlling mechanism that is designed for and installed for the intent of maintaining a product temperature in that unit. Domestic freezers or refrigerators, portable generators, dry ice or a combination of any of these will not be considered as an acceptable alternative to a self-contained mechanically refrigerated unit.

(Ord. 698, passed 11-18-99)

§ 113.05 UNWHOLESOME, ADULTERATED OR MISBRANDED FOOD.

(A) It shall be unlawful for any person to sell through a food establishment, any food which is unwholesome, adulterated or misbranded as provided in the State Food, Drug and Cosmetic Act, I.C. 16-42-1 through 16-42-24.

(B) Samples of food may be taken and examined by the health officer or an authorized representative as often as may be necessary to determine freedom from contamination, adulteration or misbranding. The health officer or an authorized representative may, on written notice to the owner or operator, impound and forbid the sale of any food which is unwholesome, adulterated or misbranded, or which there is probable cause to believe the food is unfit for human consumption, unwholesome, adulterated or misbranded, however 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 or an authorized representative. The health officer or an authorized representative 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 his or her opinion

are unsound, contain any filthy, decomposed or putrid substance or that may be poisonous or deleterious to health or otherwise unsafe.

(Ord. 698, passed 11-18-99) Penalty, see § 10.99

§ 113.06 INSPECTIONS.

(A) (1) At least once each six months the health officer or an authorized representative shall inspect each food establishment for which a permit is required under the provisions of this chapter.

(2) If during the inspection of any food establishment the health officer or an authorized representative discovers the violation of any of the requirements herein, he or she shall issue a written order listing the violations to the proprietor or, in the absence, to the person in charge, and fixing a time within which the proprietor of the food establishment shall abate and remedy the violations. A copy of the written order shall be filed with the records of the County Health Department.

(3) (a) Any permit issued under this chapter may be, after an inspection by the health officer or an authorized representative, placed on probationary status by the health officer or an authorized representative, without notice or hearing for a period not to exceed days, for any of the following reasons:

1. When a new establishment opens: 30-day probation.
2. Existing establishment changes ownership of business: 30-day probation.
3. After extensive remodeling: 30-day probation.
4. Unsanitary conditions as determined by the health officer or an authorized representative: 15- or 30-day probation.
5. Failure to submit plans prior to remodeling, or purchase and installation of non-acceptable equipment: 15- or 30-day probation.

(b) Upon expiration of the probationary permit, an inspection will be conducted by the health officer or an authorized representative to determine compliance with the written order and this chapter. A regular operating permit will not be granted until the food establishment has satisfactorily complied with the requirements or the written order and this chapter.

(4) If upon a second and final inspection, the health officer or an authorized representative finds that a food operation, person or employee is violating any of the provisions of this chapter which were in violation on the previous inspection, and concerning which a written order was issued, the health officer or an authorized representative may furnish evidence of the violation to the prosecutor having jurisdiction in the county, and he or she shall prosecute all persons violating the provisions of this chapter; or the health officer may promptly issue a written order to the permittee of the food operation

to appear at a certain time, no later than ten days from the date of final inspection, and at a place in the county fixed in the order to show cause why the permit issued under the provisions hereof should not be revoked.

(5) The health officer upon a hearing, if the permittee should fail to show cause, may revoke the permit and promptly give written notice of the action to the permittee. The health officer shall maintain a permanent record of his or her proceedings filed in the office of the County Health Department.

(6) Any permit issued under this chapter may be temporarily suspended and immediate cessation of operation ordered by the health officer without notice or hearing for a period of not to exceed 30 days, for any of the following reasons:

(a) Unsanitary or other conditions which in the health officer's opinion endanger the public's health; and

(b) Interference with the health officer or any of his or her authorized representatives in the performance of their duties. 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 thereof to the suspended permittee. Any suspension order shall be issued by the health officer in writing and served upon the permittee by leaving a copy at the usual place of business or by delivery of Registered or Certified Mail.

(7) Any person whose permit has been suspended may, at any time, make written application to the health officer for the reinstatement of his or her permit. If reinstated, the establishment will re-open with a 30-day probationary permit and the same criteria will be followed as stated herein.

(B) (1) At least once in each continuous operation period the health officer or an authorized representative shall inspect each temporary food establishment for which a permit is required under the provisions of this chapter. At least once in each 24-hour period of the same continuous operation period, the health officer or an authorized representative shall spot check each temporary food establishment referred to.

(2) If during the inspection of any temporary food establishment the health officer or an authorized representative discovers the violation of any of the requirements of this chapter, he or she may order the immediate correction of the violation.

(3) Upon failure of any person maintaining or operating a temporary food establishment to comply with any order of the health officer or an authorized representative, it shall be the duty of the health officer or an authorized representative summarily to revoke the permit of the person and establishment and to forbid the further sale or serving of food therein.

(C) The food establishment operator shall, upon request of the health officer or an authorized representative, allow access to all parts of the food establishment and shall allow the health officer or an authorized representative to collect evidence and/or exhibits and to copy any or all records relative to the enforcement of this chapter.

(Ord. 698, passed 11-18-99)

§ 113.07 APPROVAL OF PLANS.

All food establishments which are hereafter constructed, remodeled or altered shall conform with the applicable requirements of the State Department of Health and by the State Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted to and approved by the health officer or an authorized representative, or in the absence of a local plan review program by the Division of Retail and Manufactured Foods, State Department of Health, as shall be required before starting any construction work. A stop work order may be issued by the County Health Department for starting construction without a plan review. If stop work order issued by County Health Department is not complied with within seven days after issuance by the County Health Department, the County Health Department may seek injunctive relief from the County Circuit Court.

(Ord. 698, passed 11-18-99)

RETAIL FOOD AND BED AND BREAKFAST ESTABLISHMENTS

§ 113.20 PERMITS.

(A) General.

(1) It is unlawful for a person to operate any bed and breakfast establishment, retail food establishment and/or temporary food establishment in the county, without first obtaining a valid permit from the health officer. The valid permit must be posted in a conspicuous location in the bed and breakfast establishment, retail food establishment and/or temporary food establishment.

(2) Only persons who comply with the applicable requirements of 410 I.A.C. 715.5 and/or 410 I.A.C. 7-24 will be entitled to obtain and keep a permit.

(3) A separate permit shall be required for each bed and breakfast establishment, retail food establishment and/or temporary food establishment operated or to be operated by any person.

(4) A permit issued under this section is not transferable.

(5) A bed and breakfast establishment, retail food establishment and/or temporary food establishment permitted by the Health Department shall be considered registered as required in I.C. 16-42-1-6.

(B) *Permit period.*

(1) A permit for a bed and breakfast establishment and/or retail food establishment shall be issued for a term beginning January 1, and/or before commencement of the operation, and expiring December 31, of that same year and shall be applied for by the person and/or operator annually. A permit applied for after January 1 shall expire December 31, of that same year.

(2) A permit for a temporary food establishment shall be for the term of one continuous operation, and expire at 12:00 midnight on the last day scheduled for the continuous operation.

(C) *Permit content.* Any permit issued by the Health Officer shall contain:

(1) The name and address of the person, operator and/or owner to whom the permit is granted;

(2) The location of the establishment for which the permit is issued;

(3) The issuance and expiration date(s); and

(4) Other such pertinent data as may be required by the Health Officer.

(D) *Probationary statue.* Any permit issued under this subchapter may be, after inspection by the Health Officer, placed on probationary status beginning at the stated time for the stated time period for any of the following reasons:

(1) When a new establishment opens, upon completion of the final pre-operational inspection: 30 day probation;

(2) When an existing establishment changes ownership, upon completion of final interview and inspection by the Health Department: 30 day probation;

(3) After remodeling of an establishment that affects any area in which food or food equipment is prepared, served, stored, or maintained, upon completion of final inspection after completion of said remodeling: 30 day probation;

(4) Unsanitary or other conditions which, in the opinion of the Health Officer, presents an imminent health hazard as defined by this chapter, upon completion of inspection discovering these conditions: for a period not less than 15 days but not greater than 30 days until said conditions are remedied;

(5) After subsequent inspections show failure to remedy violations of any of the sections of this subchapter, 410- I.A.C. 7-24, 410 I.A.C. 7-22, or other laws and rules adopted by reference herein, as described in § 113.23, upon completion of the third inspection: 15 day probation.

(6) Failure to submit plans prior to remodeling, or purchase and installation of equipment determined to be non-acceptable in the opinion of the Health Department according to 410 I.A.C 7-24 or other such applicable rules and regulations, upon final interview and inspection by the County Health Department: 30 day probation.

(E) *Obtaining a regular permit to operate.* Upon expiration of the probationary status, an inspection shall be conducted by the Health Department to determine compliance with all written orders issued by the Health Department, this subchapter, and other laws and rules adopted by reference herein. After such inspection, providing all pertinent items are in compliance, the probationary status shall end and a regular operating permit shall be issued.

(F) *Application.* A person desiring to operate a bed and breakfast establishment, retail food establishment and/or temporary food establishment shall submit to the Health Department a written application for a permit on a form provided by the Health Department.

(G) *Application content.* The application shall include:

(1) The name, mailing address, telephone number, and original signature of the person, operator and/or owner applying for the permit and the name, mailing address, and location of the bed and breakfast establishment, retail food establishment and/or temporary food establishment;

(2) Information specifying whether the bed and breakfast establishment, retail food establishment and/or temporary food establishment is owned by an association, corporation, individual, partnership or other legal entity;

(3) A statement specifying whether the bed and breakfast establishment, retail food establishment and/or temporary food establishment;

(a) If not permanent, is mobile and/or temporary; and

(b) The operation includes one or more of the following:

1. Prepared, offers for sale, or serves potentially hazardous food:

a. Only to order upon a customer's request;

b. In advance in quantities based on projected consumer demand and discards food that is not sold or served at an approved frequency; or

c. Using time rather than temperature, as the public health control as specified in accordance with 410 I.A.C. 7-24.

d. Prepares acidified foods as defined in 410 I.A.C. 7-213.

2. Prepares potentially hazardous food in advance using a food preparation method that involves two or more steps which may include combining potentially hazardous ingredients, cooking; cooling; reheating; hot or cold handling; freezing; or thawing;

3. Prepares food as specified under division (3)(b)1.a. of this section for delivery to and consumption at a location off the premises of the bed and breakfast establishment and/or retail food establishment where it is prepared;

4. Prepared food as specified under division (3)(b)1.a. of this section for service to a highly susceptible population, as defined in 410 I.A.C. 7-24;

5. Prepares food that is not potentially hazardous; or

6. Does not prepare, but offers for sale only prepackaged food that is not potentially hazardous.

(4) The name, title, address, and telephone number of the operator directly responsible for the bed and breakfast establishment, retail food establishment and/or temporary food establishment.

(5) The name, title, address, and telephone number of the person who functions as the immediate supervisor of the person specified under division (4) such as the zone, district, or regional supervisor.

(6) The names, titles, and addresses of:

(a) The persons comprising the legal ownership as specified under division (2) of including the owners and operations, and

(b) The local resident agent if one is required based on the type of legal ownership;

(7) A statement signed by the applicant that:

(a) Attests to the accuracy of the information provided in the application, and

(b) Affirms that the applicant will:

1. Comply with this section; and

2. Allow the Health Department access of the bed and breakfast establishment, retail food establishment and/or temporary food establishment and records specified in 410 I.A.C. 7-15.5 and 410 I.A.C. 7-24.

(8) The name of the certified food handler as defined in 410 I.A.C. 7-22 employed by the bed and breakfast establishment, retail food establishment and/or temporary food establishment, and the name of the approved certifying organization with date of certification and/or expiration of same; and

(9) Other pertinent information required by the Health Department.

(H) *Qualification.* To qualify for a permit, the applicant must:

(1) Be an owner/operator of the bed and breakfast establishment, retail food establishment and/or temporary food establishment;

(2) Comply with the requirements of this chapter;

(3) Agree to allow access to the bed and breakfast establishment, retail food establishment and/or temporary food establishment and provide required information; and

(4) Pay the applicable permit fees at the time the application is submitted.

(I) *Plans requirements.*

(1) The owner or other authorized agent of an existing or proposed bed and breakfast establishment and/or retail food establishment shall submit to the Health Department properly prepared plans and specifications for review and approval before:

(a) The construction of a bed and breakfast establishment and/or retail food establishment;

(b) The conversion of an existing structure for use as a bed and breakfast establishment and/or retail food establishment; or

(c) The remodeling of a bed and breakfast establishment and/or retail food establishment or a change of type of bed and breakfast establishment and/or retail food establishment or food operation if the Health Department determines that plans are necessary to ensure compliance with this section.

(2) The plans and specifications for a bed and breakfast establishment and/or retail food establishment shall include:

(a) The type of operation, the type of food preparation (as specified in Appendix B of the published version of 410 I.A.C. 7-24), and the menu.

(b) The type of food preparation and service equipment and type and size of cleaning equipment to be installed and/or used in the bed and breakfast establishment and/or retail food establishment.

(c) A set of scaled blueprint detailing the location of equipment specified in division (5)(b) as well as restrooms, ware washing and hand washing facilities, service and/or utility sinks, and dining and/or food preparation and serving areas.

(3) The plans and specifications shall be deemed satisfactory and approved by the County Health Department before construction/remodeling can begin and/or a permit can be issued.

(4) The Health Department may issue a stop work order to any facility not in compliance with the plans requirements of this subchapter that will remain in effect upon issuance until the Health Officer determines that compliance has been met.

(5) A pre-operational inspection shows that the bed and breakfast establishment and/or retail food establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this section, 410 I.A.C. 7-24, and/or 410 I.A.C. 7-15.5.

(J) *Change of ownership.* The Health Department may issue a permit to a new owner of an existing bed and breakfast establishment and/or retail food establishment after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in compliance with this subchapter.

(K) *Responsibilities of the operator.* Upon acceptance of the permit issued by the Health Department, the operator shall:

(1) Comply with the provisions of this subchapter and all laws and rules adopted by reference herein and the conditions of any variances granted by the State Department of Health;

(2) Immediately discontinue affected operations and notify the Health Department if an imminent health hazard may exist;

(3) Allow representatives of the Health Department access to the bed and breakfast establishment and/or retail food establishment at all reasonable times (including, but not limited to, all hours of operation and all times when food preparation and/or food service takes place);

(4) Comply with the directives of the Health Department including time frames for corrective actions specified in inspection reports, notices, orders, warning, and other directives issued by the County Health Department in regard to the operator's bed and breakfast establishment and/or retail food establishment or in response to community emergencies;

(5) Accept notices issued and served by the Health Department; and

(6) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law (such as 410 I.A.C. 7-23) for failure to comply with this subchapter or a directive of the Health Department.

(7) Post the permit in a location in the bed and breakfast establishment and/or retail food establishment that is conspicuous to consumers.
(Ord. 767, passed 9-4-07)

§ 113.21 PERMIT FEES.

(A) *Requirement of fee.* It shall be unlawful for a person to operate any bed and breakfast establishment, retail food establishment and/or temporary food establishment in county, who has not paid the permit fee, and any applicable outstanding fees, required to be paid for the operation of such an establishment.

(B) *Fee term.* The fee for a bed and breakfast establishment and/or retail food establishment shall be paid for a term beginning January 1, and/or before commencement of the operation, and expiring December 31, of that same year and shall be paid by the person and/or operator annually. A fee paid for a term beginning January 1, shall expire December 31, of that same year. The fee term for a temporary food establishment shall be paid for a term beginning the date of set-up to the event before commencement of the operation, and shall expire at midnight on the last scheduled day of the permit period.

(C) *Establishment of fees.* Permit fees for the issuance of a permit under this subchapter to a bed and breakfast establishment, retail food establishment and/or temporary food establishment shall be set by the Health Department, as provided by the statutes of the state. (See I.C. 16-20-1-27.)

(1) Permit fees for the issuance of a permit to any bed and breakfast establishment, retail food establishment and/or temporary food establishment in the county shall be assessed according to §§ 92.40 through 92.48 and applicable amendments thereof.

(2) A receipt for the payment of such fees shall be provided by the Health Department.

(3) The payment of such fees shall be a requirement for each bed and breakfast establishment, retail food establishment and/or temporary food establishment operated or to be operated by any person.

(D) *Exemption from permit fees.* An organization that is exempt from the Indiana Gross Income Tax under I.C. 6-2.1-3-20 through 6-2.1-3-22 and offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from the payment of permit fees. The Health Officer shall be provided, upon request, proof of an organization's tax exemption.

(E) *Late fees.* A late fee for failure to pay the permit fee prior to the operation of the bed and breakfast establishment and/or retail food establishment or the late fee for failure to renew a permit after the expiration of the permit to operate a bed and breakfast establishment, retail food establishment and/or temporary food establishment shall be assessed as set by the Health Board.

(F) The payment of fees under this subchapter is not transferable or refundable.

(7) The payment of late fees is in addition to the applicable permit fees.
(Ord. 767, passed 9-4-07)

Editor's note:

I.C. 6-2.1-3 was repealed by P.L. 192-2002(ss), Sec. 191

§ 113.22 INSPECTION.

(A) *General.* The Health Department is authorized to fully inspect any bed and breakfast establishment, retail food establishment and/or temporary food establishment operating in the county immediately upon presentation of official credentials and declaration of intent to conduct said inspection.

(1) The Health Department shall inspect each permit holding establishment a minimum of once each permit period, and may increase the interval between and frequency of inspections if:

(a) The bed and breakfast establishment and/or retail food establishment is fully operating under an approved and validated HACCP plan(s);

(b) The bed and breakfast establishment and/or retail food establishment is/was observed by the Health Officer or his or her authorized representative to be in violation of this subchapter, 410 I.A.C. 7-24, 410 I.A.C. 7-22, or other laws and rules adopted by reference herein.

(2) The Health Department may contact the operator to determine that the nature of the food operation has not changes.

(B) *Temporary food establishment.* The Health Department shall periodically inspect throughout its permit period a temporary food establishment that prepares, sells or serves unpackaged potentially hazardous food and may inspect a temporary food establishment that prepares, sells or serves unpackaged, non-potentially hazardous food that:

(1) Has improvised rather than permanent facilities or equipment for accomplishing functions such as hand washing, food preparation and protection, food temperature control, ware washing, providing drinking water, waste retention and disposal, and insect and rodent control; or

(2) Has untrained food employees.

(B) *Performed and risk based inspections.* Within the parameters specified in the above inspection sections of this subchapter, the Health Department shall prioritize, and conduct more frequent inspections based upon its assessment of a bed and breakfast establishment's and/or retail food establishment's history of compliance with this subchapter and the bed and breakfast establishment's and/or retail food establishment's potential as a vector for food-borne illness by evaluating:

(1) Past performance, for violations of 410 I.A.C. 7-15.5, 410 I.A.C. 7-24 and/or 410 I.A.C. 7-22 and/or HACCP plan requirements that are critical or noncritical;

(2) Past performance, for numerous or repeat violation of 410 I.A.C. 7-15.5, 410 I.A.C. 7-24 and/or HACCP plan requirements that are non-critical;

(3) Past performance, for complaints investigated and found to be valid;

(4) The hazards associated with the particular foods that are prepared, stored, or served;

(5) The type of operation including the methods and extent of food storage, preparation, and service;

(6) The number of people served; and

(7) Whether the population served is a highly susceptible population.

(D) *Access allowed at reasonable times and after due notice.*

(1) After the Health Department presents its official credentials and provides notice of the purpose and intent to conduct an inspection, the operator shall allow the Health Department to determine if the bed and breakfast establishment and/or retail food establishment is in compliance with this subchapter by allowing access to the establishment, allowing inspection, and providing information and records specified in this subchapter. The Health Department is entitled the information and records according to I.C. 16-42-1-13 and I.C. 16-42-5-23, during the bed and breakfast establishment's and/or retail food establishment's hours of operation and other reasonable times (including, but not limited to, all hours of operation and all times when food preparation and/or food service takes place).

(2) Access is a condition of the acceptance and retention of a food establishment permit to operate.

(3) If access is denied, an order issued by the appropriate authority allowing access may be obtained according to law. (See I.C. 16-20-1-26.)

(E) *Inspection reports.* At the conclusion of the inspection, the Health Department shall provide a copy of the completed inspection report and the notice to correct violations to the operator or to the person in charge, as required under I.C. 16-20-8-5.

(F) *Timely correction of critical violations.*

(1) Except as specified in the next paragraph, an operator shall at the time of inspection, correct a critical violation of 410 I.A.C. 7-15.5, 410 I.A.C. 7-24, and/or 410 I.A.C. 7-22 and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

(2) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Health Department may agree to or specify a longer time frame after the inspection, for the operator to correct critical code violations or HACCP plan deviations.

(3) After receiving notification that the operator has corrected a critical violation or HACCP plan deviation, or at the end of a specified period of time, the Health Department shall verify the correction of the violation, document the information on an Inspection Report, and enter the report in the County Health Department's records.

(G) *Refusal to sign acknowledgment.*

(1) Refusal to sign an acknowledgment of receipt will not affect the operator's obligation the violations noted in the inspection report within the time frames specified. Refusal to sign an acknowledgment of receipt is noted in this inspection report and conveyed to the Health Department historical record for the bed and breakfast establishment, retail food establishment and/or temporary food establishment.

(2) The operator is not necessarily in agreement with the findings of the County Health Department by acknowledgment of receipt.

(H) *Public information.* Except as specified in Section 194 (Trade Secrets) of 410 I.A.C.7-24, the County Health Department shall treat the inspection report as a public document and make it available to a person who requests it as provided in law (such as I.C. 16-20-8.) (Ord. 767, passed 9-4-07)

§ 113.23 COMPLIANCE AND ENFORCEMENT.

(A) *Application denial.* If an application for a plan review and/or permit to operate a bed and breakfast establishment, retail food establishment and/or temporary food establishment is denied, the Health Department shall provide the applicant with a notice that includes:

- (1) The specific reasons and rule citations for the application and/or permit denial;
- (2) The actions, if any, that the applicant must take to qualify for the application and/or permit; and
- (3) Advisement of the applicant's right to appeal and the process and time frames for appeal that are provided in law.

(B) *Ceasing operation and contacting the Health Department.*

(1) An operator of a bed and breakfast establishment, retail food establishment and/or temporary food establishment shall immediately discontinue operations and notify the Health Department if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service (interruption of electrical or water service lasting four hours or more), sewage backup, misuse of poisonous or toxic materials, onset of an apparent food-borne illness outbreak, gross insanity occurrence or condition, or other circumstance that may endanger public health.

(2) An operator need not discontinue operation in an area of an establishment that is unaffected by the imminent health hazard.

(C) *Resuming operation.* If a bed and breakfast establishment, retail food establishment and/or temporary food establishment has discontinued operations for the reasons stated above, or for otherwise according to law, the operator must obtain approval from the Health Department before resuming operations, including a pre-operational inspection and completed inspection report documenting that the establishment is in compliance with this subchapter, 410 I.A.C. 7-24, 410 I.A.C. 722, or other laws and rules adopted by the reference herein.

(D) *Outstanding fees.* Any outstanding fees may be a condition upon which a permit may not be issued.

(E) *Enforcement.*

(1) If through inspection, or examination of employee, food, records, or other means as specified in this subchapter, the Health Officer discovers the violation of any of the sections of this

subchapter, 410 I.A.C. 7-24, 410 I.A.C. 7-22, or other laws and rules adopted by reference herein, the Health Officer or his or her authorized representative shall:

(a) Issue an inspection report and the notice to correct violations to the operator or to the person in charge, as required under I.C. 16-20-8-5;

(b) Declare the intent to conduct a second inspection after a specified time frame as described in this subchapter; and

(c) Conduct a secondary inspection no earlier than the specified time frame as described in the inspection report.

(2) If during the second inspection, the Health Officer discovers the violation of any of the sections of this subchapter, 410 I.A.C. 7-24, 410 I.A.C. 7-22, or other laws and rules adopted by reference herein, which were in violation on the previous inspection, the Health Officer, or his or her authorized representative shall:

(a) Issue a second inspection report and the notice to correct violations to the operator or to the person in charge, as required under I.C. 16-20-8-5;

(b) Issue a written order listing the violations, and fixing a time within which the operator shall remedy such violations to the owner, operator, and/or person in charge; and

(c) Declare intent to and conduct a third inspection no earlier than the specified time frame prescribed in the second inspection report.

(3) If after the period of time as specified in the written order, the Health Officer discovers the violation of any of the sections of this subchapter, 410 I.A.C. 7-24, 410 I.A.C. 7-22, or other laws and rules adopted by reference herein, which were in violation on the previous inspection have not been remedied, the Health Department shall:

(a) Issue a third inspection report and the notice to correct violations to the operator or to the person in charge, as required under I.C. 16-20-8-5;

(b) Issue a final written order listing the violations, and fixing a time within which the operator shall remedy such violations, not to exceed 15 days, to the owner, operator, and/or person in charge.

(c) Issue a probationary permit for not more than 15 days:

(d) Declare intent to and conduct a final inspection at the end of the probationary period; and may

(E) Begin assessing finds in accordance with 410 I.A.C. 7-23 for all applicable violations beginning the date of the start of the probationary status.

(4) If after the probationary period, the Health Officer discovers the continuing violation of any of the sections of this subchapter, 410 I.A.C. 7-24, 410 I.A.C. 7-22, or other laws and rules adopted by reference herein, which were in violation on the previous inspections, the Health Officer or his or her authorized representative shall:

(a) Suspend the permit to operate and cease operations of the establishment pending an administrative proceeding for revocation of the permit to operate before the Hearing Officer;

(b) Issue a written order of cessation of operations and suspension of permit to operate to the owner, operator, and/or person in charge;

(c) Issue a written notice of intent to conduct an administrative proceeding before the Hearing Officer and the right and procedure of appeal or orders issued under this subchapter.

(4) Attend an administrative proceeding conducted by the Hearing Officer no later than ten days from the date of the final inspection during which time the operator may present evidence to show cause why the permit should not be revoked.

(F) *Revocation of permit and administration of fines.* The Health Officer upon a hearing, if the operator and/or owner shall fail to show cause, may:

(1) Revoke the permit and give written notice of the action thereof; or

(2) Administer fines assessed from the start of the probationary status in accordance with 410 I.A.C. 7-23 based upon the seriousness of each of the violations as determined by considering, but not limiting to, the following criteria:

(a) The potential for harm or imminent threat to the public health;

(b) The extent of deviation from statutory or regulatory requirements;

(c) Degree of willfulness or negligence;

(d) History of non-compliance;

(3) The total amount of the fines assessed by the Health Officer shall be collected and deposited in the Health Department General Fund prior to the reinstatement of any establishment's permit to operate:

(a) The establishment may be allowed by the Health Officer to operate without having paid in full the total amount of the fines assessed the provided:

1. A reasonable time for payment of these fines has been determined and set by the Hearing Officer;

a. A copy of the written agreement signed and dated by the Hearing Officer and the owner and/or operator denoting the fine payment deadline shall be maintained at the Health Department.

b. A copy of the written agreement signed and dated by the Hearing Officer and the owner and/or operator denoting the fine payment deadline shall be maintained by the owner and/or operator at the establishment until fines are paid in full.

2. A reasonable portion of the total outstanding finds as determined by the Hearing Officer has been collected and deposited in the County Health Department General Fund:

a. A receipt of payment indicating outstanding balance shall be issued by the Health Department to the owner and/or operator.

b. A copy of this receipt shall be maintained on record at the Health Department.

3. The establishment operates under probationary status and is subject to that status until all fines are paid in full; and

4. The Health Officer conducts at least one inspection during the probationary period.

(b) If the owner and/or operator should fail to make payment in full by the appointed deadline established by the Hearing Officer, they shall be considered in violation of this subchapter and the Health Officer shall;

1. Bring an action for an injunction in the Circuit or Superior Court of Steuben County, Indiana, to restrain any person from violating the provisions of this subchapter, to cause such violation(s) to be prevented, abated or removed; and

2. Suspend the permit to operate until the determination of the court; or

3. Suspend the permit to operate until such time as the Hearing Officer can determine a reasonable time frame for repayment to allow operations per division (F)(3)(a), including a second reasonable portion of the outstanding finds to be paid; and

4. Allow the operation to resume as per division (F)(3)(a).

(c) If the owner and/or operator should fail to make payment in full by the appointed deadline established by the Hearing Officer after this second assessment, they shall be considered in violation of this subchapter and the Health Officer shall:

1. Bring an action for an injunction in the Circuit or Superior Court of Steuben County, Indiana, to restrain any person from violating the provisions of this subchapter, to cause such violation(s) to be prevented, abated or removed; and

2. Suspend the permit to operate pending determination of the courts.

(4) The Health Officer shall maintain a permanent record of these proceedings on file in the office of the County Health Department.

(G) *Suspension of permit.* The County Health Department may suspend a permit to operate a bed and breakfast establishment, retail food establishment and/or temporary food establishment and other immediate cessation of operation if it determines, through inspection, or examination of employee, food, records, or other means as specified in this subchapter pending an administrative proceeding before a Hearing Officer to be conducted within ten days of the final inspection prior to the suspension for any of the following reasons:

(1) Unsanitary or other conditions which in the opinion of the Health Officer presents an imminent health hazard as defined by this subchapter that endangers the public health; or

(2) Interference with the Health Officer in the performance of his or her duties;

(3) The Health Officer shall issue a written order of suspension to the operator/owner served upon the operator/owner by leaving a copy of the order at the place of business or by delivery of registered or certified mail.

(H) *Reinstatement of permit.* Any person(s) whose permit has been suspended may at any time make written application to the Health Officer for reinstatement of his or her permit, provided.

(1) A pre-operational inspection resulting in the discovery of full compliance with this subchapter, 410 I.A.C. 7-24, 410 I.A.C. 7-22, and other laws and rules adopted by reference herein shall be conducted before consideration for reinstatement; and

(2) All applicable fees and fines have been paid.

(3) If reinstated, the establishment will open with a 30 day probationary permit and the same criteria for obtaining a regular permit to operate as stated in § 113.20(E) shall be followed.

(4) If an owner and/or operator makes written application for reinstatement of his/her permit which has been suspended under division (F)(4), the Health Department shall conduct a pre-operational inspection resulting in the discovery of full compliance with this subchapter, 410 I.A.C. 7-24, 410 I.A.C. 7-22, and other laws and rules adopted by reference herein, prior to consideration for reinstatement.

(5) If reinstated, the fines assessed shall be paid in full prior to reinstatement.
(Ord. 767, passed 9-4-07)

§ 113.24 APPEALS.

(A) *Appeals.* Any person(s) aggrieved by orders issued under this subchapter shall be entitled to a review of the final order before a Hearing Officer by filing a written request therefore with the Health Officer.

(1) The request shall be mailed or hand delivered to the Health Officer, (Addressed to Steuben County Health Officer, 317 South Wayne Street, Suite 3A, Angola, Indiana 46703), and must be received within 15 days after such final order is issued. The appeal shall be prepared on a form provided by the Health Officer, and shall specify the grounds for such appeal, noting therein all facts involved which the appellant believes make the final order issued by the County Health Department unlawful, unfair, or otherwise incorrect.

(2) The filing fee of such an appeal shall be \$50 payable to the Health Department for deposit in the General Fund. This fee is not refundable or transferable.

(3) Upon the Health Officer receipt of such a request, the Hearing Officer shall hear the matter again in an open hearing after at least days written notice to the appellant of the time, place and nature thereof. The time shall be measured pursuant to the rules of the court of the jurisdiction.

(4) The County Health Department shall, upon request of the Hearing Officer, submit to the Hearing Officer the complete record, including all pertinent inspection reports, written orders and documentation, leading to the final order under appeal.

(B) *Notice of hearing.*

(1) A public hearing shall be held on all appeals from orders issued by the Health Department, and upon further conditions required by this subchapter.

(2) In all appeals of written orders issued by these means, legal notice shall be prepared to advertise in a newspaper of general circulation in the county. Such notice shall be published at least ten days prior to any such hearing.

(C) *Hearing procedure.* At the public hearing, the appellant shall first present evidence, exhibits, and arguments in support of his or her case. The Hearing Officer, after such presentation, may cross-examine the appellant and/or his/her witnesses, and may review documents filed.

(1) Those persons for or against the action proposed by the final order being appealed, including, but not limited to the Health Officer and/or his or her authorized representative(s), after presentation of the case in chief, shall present evidence, exhibits, and arguments in support of the order. The Hearing Officer, after such presentation, may cross-examine the Health Officer and/or his or her witnesses, and may review documents files.

(2) The Hearing Officer shall keep all exhibits presented in evidence until such time as *Writ of Certiorari* can no longer issue.

(3) The Hearing Officer shall maintain order at all hearings, and may require parliamentary protocol. Further, the Hearing Officer may limit each speaker at such a hearing to a reasonable and equal period of time for presentation of evidence. Regardless, every person appearing before the Hearing Officer shall abide by the orders and directions of the Hearing Officer. Discourteous, disorderly or contemptuous conduct shall be breach of order, which shall cause the speaker or attendee to lose their right to appear at the hearing, or shall cause such other discipline as responsible under the circumstances.

(D) *Burden of proof.* In presentation of a case, the burden of proof shall be upon the appellant to supply all information and evidence necessary for a clear understanding of the nature of the proposed action. The Hearing Officer may continue the hearing when, in its discretion, the appellant has not provided sufficient evidence on which to make proper determination. Further, the Hearing Officer, at its discretion, may continue or postpone a hearing of any case on the affirmative vote of a majority of the members present, regardless of the state of the proceedings to that point in time.

(E) *Independent and unbiased thought and action.* With regard for the quasi-judicial nature of the Hearing Officer actions, each member shall be and remain independent and unbiased until final presentation of all evidence by all parties concerned. No member shall therefore hold conversation with any person(s), except members acting in official capacity to the Hearing Officer, concerning the merits of any case or matter to be heard by the Hearing Office at any time before the final official action thereon, including final court action, except in open meetings of the Hearing Officer. Any person(s) attempting to engage in such conversation shall be warned that such action shall result in their inability

to present evidence at such a hearing. Any member who believes he/she has been influenced by such attempt at conversation in such fashion that he/she is no longer independent and unbiased shall disqualify himself or herself pursuant to conflict of interest as defined by this subchapter. This provision is not intended to stop or prevent members from viewing or examining at any time any property subject to the matter of the hearing, and in fact the viewing and examining of such is encouraged hereby prior to action at any hearing.

(F) *Written appearance.* The Hearing Officer may require any party adverse to any pending action to enter a written appearance specifying the party's full legal name and address.

(G) *Powers and duties.* The Hearing Officer shall hear and determine appeals from and may review order, requirement, decision or determination made by the Health Officer or his or her authorized representative(s) in the enforcement of this subchapter.

(1) In exercising its duties hereunder, the Health Officer may reverse, modify, grant, deny, or make conditional, in whole or in part, any relief requested and make recommendations therefrom.

(2) The final disposition of any appeal before the Hearing Officer shall be in the form of an order reversing or modifying the request, granting the same, or denying the same. Further, the Hearing Officer may in writing make approval conditional upon the completion or deletion of certain acts or activities. The Hearing Officer may also dismiss an action for lack of prosecution.

(3) All decisions of the Hearing Officer made on matters heard and decided upon through the public hearing procedure described above shall be made by record vote.

(4) A matter may not be withdrawn by the appellant after it has been ordered (i.e. a request for a motion) by the Hearing Officer, except as called for by burden of proof requirements. If withdrawn before ordered, it shall not be considered for hearing for at least three months thereafter, except upon the motion of a member, and thereafter, upon the unanimous vote of all members.

(5) An action, which has been decided against an appellant, shall not be considered for rehearing again for at least six months. No such hearing can result in a different finding from that originally made unless the participant shows in his presentation that conditions or evidence is new or changed since his or her original presentation.

(6) When the Hearing Officer hears any matter, it shall thereby waive any requirement as to form of appeal, unless otherwise stated at said hearing.
(Ord. 767, passed 9-4-07)

§ 113.25 EXPENSE.

Any person violating any of the provisions of this subchapter shall be liable to the Health Department for the expense, loss or damage occasioned by reason of such violation, including reasonable attorney fees and costs.

(Ord. 743, passed 9-4-07)

§ 113.26 CUMULATIVE.

The remedies provided in this subchapter shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

(Ord. 743, passed 9-4-07)

§ 113.27 CONFLICT OF INTEREST.

No County Official shall conduct himself or herself in a manner that is or could have the appearance of conflict of interest as defined by this subchapter.

(Ord. 743, passed 9-4-07)

§ 113.28 UNCONSTITUTIONALITY CLAUSE.

Should any section, division, sentence, clause, or phrase of this subchapter be declared unconstitutional or invalid for any reason, the remainder of this subchapter shall not be affected thereby.

(Ord. 743, passed 9-4-07)

CHAPTER 114: TATTOO AND BODY-PIERCING

Section

- 114.01 Sanitary operations of tattoo and/or body-piercing facilities
- 114.02 Definitions
- 114.03 General requirements
- 114.04 Age limitation and consent
- 114.05 Consent and identification
- 114.06 Permit and plans requirements
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- 114.13 Artist Indiana OSHA training-facility responsibility
- 114.14 Patron records
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- 114.16 Hand washing
- 114.17 Personal protective equipment
- 114.18 Tattooing and/or body-piercing equipment
- 114.19 Needles
- 114.20 Reusable equipment
- 114.21 Dyes or pigments or other objects placed under the skin
- 114.22 Infectious waste containment
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- 114.24 Post tattoo and/or body-piercing infection prevention
- 114.25 Operator requirements and professional standards
- 114.26 Body modification
- 114.27 Exemptions
- 114.28 Inspections
- 114.29 Procedures when violations are noted
- 114.30 Revocation of permit
- 114.31 Violations
- 114.32 Appeals
- 114.33 Expense
- 114.34 Remedies cumulative

114.99 Penalty

Cross-reference:

Fee schedule for services performed by Health Department, see §§ 92.40 et seq.

§ 114.01 SANITARY OPERATIONS OF TATTOO AND/OR BODY-PIERCING FACILITIES.

All places, individuals, and facilities that offer body-piercing or affix any type of permanent tattoo to a person shall be regulated by this chapter and shall maintain the premises in which tattoos and/or body-piercing are performed and maintain equipment used in the tattoo and/or body-piercing process in a sanitary manner.

(Ord. 742, passed 3-7-05)

§ 114.02 DEFINITIONS.

The following definitions apply throughout this chapter.

BLOOD. Human blood.

BLOOD-BORNE PATHOGENS. Pathogenic microorganisms that are present in human blood and cause disease in humans. These pathogens include, but are not limited to:

- (1) HBV;
- (2) HCV; and
- (3) HIV.

BODY-PIERCING. The perforation of any human body part, other than the earlobe, for the purpose of inserting jewelry or other form of decoration, or for some other non-medical purpose.

BRANDING. The burning of the skin.

CLEANED. The removal of all visible dust, soil, or other foreign material.

CONTAMINATED. The presence or reasonably anticipated presence blood or other potentially infectious materials (OPIM).

DECONTAMINATED. The use of physical or chemical means to remove, inactivate, and/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 County Health Department.

FACILITY. A tattoo and/or body-piercing facility, which is any room, space, or location in which tattooing and/or body-piercing is provided, or in which the business of tattooing and/or body-piercing is conducted and which is not a mobile facility.

GUEST TATTOO ARTIST. An artist not affiliated with any one specific tattooing and/or body-piercing facility.

HBV. The Hepatitis B Virus.

HCV. The Hepatitis C Virus.

HEALTH OFFICER. The Health Officer having jurisdiction in the county, and/or his or her authorized representative. (As authorized by the Health Officer and Health Department.)

HEARING OFFICER. An individual or panel of individuals acting in the capacity of a Hearing Officer in proceedings. The Hearing Officer is not the Health Officer or any other employee of the Health Department. (Examples of the Hearing Officer could be the Health Board, a subcommittee of the Health Board, a subcommittee of health professionals from the community or other non-bias third party appointed by the Health Board.)

HIGH LEVEL DISINFECTIONS. A process that destroys all microorganisms, with the exceptions of high numbers of bacterial spores.

HIV. The Human Immuno-deficiency Virus.

HOT WATER. Water, which attains and maintains a temperature of at least 110° F.

IMMINENT HEALTH HAZARD. Any circumstance or situation, which in the opinion of the Health Officer, based upon criteria established by the Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), Center for Disease Control and Prevention (CDC), American Medical Association (AMA), Indiana State Department of Health, or other such reputable and/or scientifically accredited organization with knowledge of illness, illness prevention, blood-borne pathogens and public safety; presents a serious health risk to the public.

INSPECTION REPORT. The document prepared by the Health Department that is completed as the result of the inspection and provided to the operator.

INFECTIOUS WASTE. Waste that epidemiological evidence indicates is capable of transmitting a dangerous communicable disease. **INFECTIOUS WASTE** includes, but is not limited to:

(1) Contaminated sharps or contaminated objects that potentially become contaminated sharps;

- (2) Infectious biological cultures, infectious associate biological, and infectious agent stock;
- (3) Pathological waste;
- (4) Blood and/or blood products in a liquid and semi-liquid form;
- (5) Carcasses, body parts, blood and/or body fluids in liquid and/or semi-liquid form, and bedding of laboratory animals; and/or
- (6) Other waste that has been intermingled with infectious waste.

INTERMEDIATE LEVEL DISINFECTIONS. A process that inactivates:

- (1) Mycobacterium tuberculosis;
- (2) Vegetative bacteria;
- (3) Most viruses; and
- (4) Most fungi.

OPERATOR. Any person who controls, operates, manages or owns any facility.

ORDER, (derived from I.C. 4-21.5-1-9), means a Health Department action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more specific persons. The term includes a permit.

OPIM means the following:

- (1) Human bodily fluids as follows:
 - (a) Semen;
 - (b) Vaginal secretions;
 - (c) Cerebrospinal fluid;
 - (d) Synovial fluid;
 - (e) Pleural fluid;
 - (f) Pericardial fluid;
 - (g) Peritoneal fluid;

- (h) Amniotic fluid;
- (I) Saliva, as in dental procedures;
- (j) Any body fluid that is visibly contaminated with blood; and
- (k) All body fluids where it is difficult or impossible to differentiate between types of fluids;

(2) Any unfixed tissue or organ, other than intact skin, from human, living or dead; and

(3) HIV containing cell and/or tissue cultures, and HIV or HBV containing culture medium or other solutions, and blood, organs, or other tissues from experimental animals infected with HIV and/or HBV.

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

PERMIT. The document issued by the Health Department that authorizes a person to operate a bed and breakfast establishment, retail food establishment, and/or temporary food establishment.

PERSONAL PROTECTIVE EQUIPMENT. Specialized clothing or equipment worn for protection against contact with blood and/or OPIM.

PIERCING ARTIST or BODY-PIERCING ARTIST. A person who performs boring, penetration or tunneling through the skin or organ of a client, in order to make a space to hold jewelry, ornaments, or decorative items in that space.

SCARIFICATION. Scarring that includes, but is not limited to laying the skin wide open, via a needle; saturating the area; and the placing of autoclave sand or other substance in the area to build up a scar.

SECURE AREA. An area designated and maintained to prevent the entry of unauthorized persons.

SEMI-LIQUID BLOOD, BLOOD PRODUCTS. Blood, blood products that have intermediated 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 a secure area, in such a manner as not to constitute collection, treatment, transport or disposal.

TATTOO means the following:

- (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; or
- (3) Scarring or branding.

TATTOO ARTIST. Any person who provides a tattoo to an individual, including a guest tattoo artist.

UNIVERSAL PRECAUTIONS. An approach to infection control in which all human blood and certain bodily fluids are treated as if known to be infectious for HBV, HCV, HIV, and other blood-borne pathogens.

(Ord. 742, passed 3-7-05)

§ 114.03 GENERAL REQUIREMENTS.

(A) It shall be unlawful for any person to:

- (1) Operate a facility that offers tattooing and/or body-piercing with the knowledge and approval of the Health Department based on criteria established in Rule 5, 410 I.A.C. 1-5 and this chapter;
- (2) Perform a tattooing and/or body-piercing, in a manner that does not meet the safety and sanitation standards established under Rule 5, 410 I.A.C. 1-5 and this chapter; and
- (3) Perform a tattooing and/or body-piercing procedure in a manner that does not meet the standards for appropriate disinfection and sterilization of invasive equipment or parts of equipment used in performing the procedures established by Rule 5, 410 I.A.C. 1-5 and this chapter.

(B) A copy of this chapter shall be maintained at each facility and be readily accessible to all operators and artists during all hours of operations.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.04 AGE LIMITATION AND CONSENT.

(A) No person shall perform a tattooing procedure on an individual who is under 16 years of age, with or without parental consent, and no person shall perform a body-piercing procedure on an individual who is under 14 years of age, with or without parental consent. Parental consent is required in writing to perform a tattooing procedure on any individual between 16 and 18 years of age, and parental consent

is required in writing to perform a body-piercing procedure on any individual between 14 and 18 years of age. Tattooing and/or body-piercing procedures may be performed on any individual 18 years of age or older without parental consent.

(B) A parent or guardian, or custodian of an individual who is under 18 but over age 16, who desires to give consent to a facility to perform a tattooing procedure on the individual, and/or a parent, guardian or custodian of an individual who is under age 18 but over age 14, who desires to give consent to a facility to perform a body-piercing procedure on the individual, shall do the following prior to said procedure(s):

(1) Appear in person at the facility at the time the procedure is to be performed, and remain throughout the entire procedure;

(2) Provide appropriate documentation, as described in § 114.05(C), as to his or her identification and age of greater than 18 years;

(3) Sign a document provided by the facility that explains the manner in which the procedure will be performed and the methods for proper care of the affected body area following the performance of the procedure; and

(4) Sign a consent form provided by that facility consenting to any tattooing and/or body-piercing procedure.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.05 CONSENT AND IDENTIFICATION.

(A) Unless requisite consent has been given in accordance with this chapter, no individual who is under 16 years of age shall obtain or attempt to obtain a tattoo. Unless requisite consent has been given in accordance with this chapter, no individual who is under 14 years of age shall obtain or attempt to obtain a body-piercing.

(B) No individual who is under 16 years of age shall knowingly show or give false information concerning his or her name, age, or other identification for the purpose of obtaining a tattooing service for himself or herself. No individual who is under 16 years of age shall knowingly show or give false information concerning his or her name, age, or other identification for the purpose of obtaining a body-piercing service for himself or herself.

(C) Tattoo and/or body-piercing facilities shall require a certified birth certificate or government issued picture ID with birth date of any individual receiving tattooing and/or body-piercing for the purposes of identification and for their own records. Tattoo and/or body-piercing facilities shall require a certified birth certificate or government issued picture ID with birth date of any individual providing consent for another individual to receive a tattooing and/or body-piercing as described in § 114.04(B), for the purposes of identification and for their own records.

(D) WARNING: False application, altering, mutilation or counterfeiting Indiana Birth Certificates is a criminal offense under I.C. 16-37-1-12; such false application, altering, mutilation or counterfeiting is a Class A misdemeanor, carrying a sentence of up to one year imprisonment and a fine of up to \$5,000.

(E) No individual shall impersonate the parent, guardian or legal custodian of an individual who is under 18 years of age for the purpose of obtaining for the individual under age 18 a tattoo and/or body-piercing.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.06 PERMIT AND PLANS REQUIREMENTS.

(A) Facility permit.

(1) No person, firm, partnership, joint venture, association, business trust, corporation or organized group of persons may operate a tattoo and/or body-piercing facility unless it has received a facility permit from the Health Department.

(2) Any person operating a tattooing and/or body-piercing facility shall obtain a permit from the department annually, valid from January 1, and expiring December 31, of each permit year.

(3) The applicant shall pay all fees, fines and costs as set forth by the Department prior to obtaining the permit.

(4) A facility permit shall not be transferable from one facility or from one person to another.

(5) A current facility permit shall be posted in a conspicuous location at the facility where it may be readily viewed by all patrons and clients of the facility.

(B) Operator permit.

(1) No person shall perform tattooing and/or body-piercing without first making application to and obtaining a permit from the Department.

(2) Application for operator permits shall include:

(a) Name;

(b) Date of birth;

(c) Gender;

- (d) Residence;
- (e) Mailing address;
- (f) Phone number;
- (g) Places of employment as an operator;
- (h) Training and/or experience;
- (i) Proof of attendance of an approved blood-borne pathogen training program (or equivalent); and
- (j) Any other such pertinent information as required by the Department.

(3) Demonstration of knowledge of infectious disease control including waste disposal, washing techniques, sterilizing equipment operation and methods, and sanitation/disinfection methods and techniques; facility safety and sanitation knowledge of the above subjects may also be demonstrated through the submission or documentation of attendance and completion of courses or successful completion of an examination approved or administered by the Department with a passing grade of 70, attained prior to the issuance of the operator permit. (Examples of courses approved by the Department include American Red Cross "Preventing Disease Transmission" and US OSHA "Blood-borne Pathogen Training." Training courses provided by professional body art organizations/associations or by equipment manufacturers may also be submitted for consideration.)

(4) No operator permit shall be issued unless, following reasonable investigation by the Department, the operator has demonstrated compliance with the provisions of this section and all other provisions of this chapter.

(5) All operator permits shall be conditioned upon continued compliance with the provisions of this section and with all other provisions of this chapter.

(6) All current operator permits shall be posted in a conspicuous location at the facility where they may be readily viewed by all patrons and clients of the facility.

(7) Any person performing tattooing and/or body-piercing services in a tattooing and/or body-piercing facility shall obtain an operator permit from the Department annually, valid from January 1, and expiring December 31, of each permit year.

(8) An operator permit shall not be transferable from one person to another.

(C) *Plans requirements.*

(1) The owner or other authorized agent of an existing or proposed tattoo and/or body-piercing facility shall submit to the Health Department properly prepared plans and specifications for review and approval before:

- (a) The construction of a tattoo and/or body-piercing facility;
- (b) The conversion of an existing structure for use as a tattoo and/or body-piercing facility; or
- (c) The remodeling of a bed and tattoo and/or body-piercing facility or a change of type of tattoo and/or body-piercing facility if the Health Department determines that plans are necessary to ensure compliance with this section.

(2) The plans and specifications for a tattoo and/or body-piercing facility shall include:

- (a) The type of operation, the type of services performed, and number of intended artists to be employed;
- (b) The type of tattooing and/or body-piercing and service equipment, and type and size of cleaning equipment to be installed and/or used in the tattoo and/or body-piercing facility;
- (c) A set of scaled blueprints detailing the location of equipment specified in division (C)(2)(b) of this section as well as restrooms, and hand washing facilities, and tattoo and/or body-piercing areas.

(3) The plans and specifications shall be deemed satisfactory and approved by the Health Department before a permit can be issued and/or construction/remodeling can begin.

(4) The Health Department may issue a stop work order to any facility not in compliance with the plans and requirements of this chapter that will remain in effect upon issuance until the Health Officer determines that compliance has been met.

(5) A pre-operational inspection showing that the tattoo and/or body-piercing facility is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this chapter, 410 I.A.C. 1-5, and other laws and rules adopted by reference herein shall be conducted before a permit can be issued.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.07 PERMITS.

(A) *Facility permits.* Each tattoo and/or body-piercing facility shall obtain from the Health Department a permit to operate such a facility annually. The cost of this permit shall be established by

§§ 92.40 *et seq.* of this Code. This permit shall not be transferable. The permit shall expire on December 31 of each year. Any holder of such a permit shall be subject to inspection by the Health Officer or his or her authorized representative as set forth in this chapter. The Department shall provide the application forms for all such permits. A current facility permit shall be posted in a conspicuous location at the facility where it may be readily viewed by all patrons and clients of the facility.

(B) *Tattoo and/or body-piercing artist permits (operator permits).* Each tattoo and/or body-piercing artist shall obtain from the Health Department a permit to perform tattoo and/or body-piercing services in the county annually. The cost of this permit shall be established by §§ 92.40 *et seq.* of this Code. This permit shall not be transferable. The permit shall expire on December 31 of each year. All current operator permits shall be posted in a conspicuous location at the facility where it may be readily viewed by all patrons and clients of the facility.

(C) *Guest artist permits.* Each guest tattoo and/or body-piercing artist shall obtain from the Health Department a permit to perform tattoo and/or body-piercing services in the county annually. The cost of this permit shall be established by §§ 92.40 *et seq.* of this Code. This permit shall not be transferable. The permit shall be valid only for 30 days and may be renewed each 30 days for the original cost of the guest artist permit as set forth in §§ 92.40 *et seq.* of this Code. This permit shall be maintained by the guest artist and posted in a conspicuous location at the facility where it may be readily viewed by all patrons and clients of the facility.

(D) *Owner/operator permit exemption.* In the event that the tattoo and/or body-piercing facility is a sole proprietorship and the owner is performing tattooing and/or body-piercing for the facility, the owner shall only be required to obtain a facility permit as described in this section.

(E) *Permit fees.* All permit fees are to be set forth by the Health Department as per §§ 92.40 *et seq.* of this Code. All fees are due in full before operations can begin. All renewal fees shall be received postmarked no later than December 31 of each year of permit expiration. All late fees as set forth in §§ 92.40 *et seq.* of this Code shall be paid in full before any permit shall be issued.

(F) *Change of ownership.* The Health Department may issue a permit to a new owner of an existing tattoo and/or body-piercing facility establishment after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in compliance with this chapter.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.08 GENERAL SAFETY AND STANDARDS.

A facility offering tattoo and/or body-piercing services shall comply with the following provisions:

(A) No tattooing and/or body-piercing services 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 and/or body-piercing services are conducted. This exclusion does not apply to the following:

- (1) Patrol animals accompanying security or police officers;
- (2) Guard dogs accompanied by the following:
 - (a) blind and/or partially blind persons;
 - (b) Physically disabled persons;
 - (c) Guide dog trainers;
 - (d) Persons with impaired hearing;

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

(D) Food and/or 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 disinfected after contact with blood or OPIM.

(F) Environmental surfaces and equipment not requiring sterilization that has been contaminated by blood or OPIM shall be cleaned and disinfected.

(G) All work surfaces shall be:

- (1) Nonabsorbent;
- (2) Easily cleanable;
- (3) Smooth; and
- (4) Free of:
 - (a) Breaks;
 - (b) Open seams;
 - (c) Cracks;

- (d) Chips;
- (e) Pits; and
- (f) Similar imperfections that can harbor contamination.

(H) Disinfectant solutions shall be:

(1) A hospital grade, tuberculocidal 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. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.09 OPERATOR TRAINING RESPONSIBILITIES.

An individual or entity that is an operator shall comply with the following training responsibilities:

(A) Ensure that the training described in the Indiana OSHA (IOSHA) blood-borne pathogens standards (as found in 29 CFR 1910.1030) is provided to all tattoo and/or body-piercing artists, anyone employed by the facility, or anyone acting in behalf of the facility 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 and/or body-piercing artists, anyone employed by the facility, or anyone acting in behalf of the facility that has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(C) Ensure that the training as described in division (A) of this section is maintained, as required under the IOSHA blood-borne pathogens standards (as found in 29 CFR 1910.1030) of an individual's participation in the training that is provided. The record shall be made available in the Health Department for inspection upon request.

(D) Ensure that all records of training described in this section are maintained at the facility and made available to the Health Officer upon request. (Ord. 742, passed 3-7-05)

§ 114.10 OPERATOR RESPONSIBILITIES.

(A) All operators, tattoo and/or body-piercing artists, anyone employed by the facility, or anyone acting in behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM shall have personal protective equipment and expendables

necessary to implement the precautions required by this rule and the IOSHA blood-borne pathogens standards provided to them (as found in 29 CFR 1910.1030).

(B) The operator shall require tattoo and/or body-piercing artists, anyone employed by the facility, or anyone acting in behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM to provide evidence of compliance with the universal precautions education requirements contained in Section 27 of the Indiana Tattoo Legislation (410 I.A.C. 1-5).

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

(D) The 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 shall include information regarding the Department's duties to investigate.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.11 PROFESSIONAL LIABILITY INSURANCE.

Each operator and artist shall maintain professional liability insurance in the minimum of \$1,000,000 and provide proof thereof to the Health Department prior to the issuance of a permit. Such insurance shall be for the period of the permit.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.12 OPERATOR POLICIES.

(A) The operator shall develop a written policy in compliance with this rule and the requirements of the IOSHA blood-borne pathogens standards (as found in 29 CFR 1910.1030) that:

(1) Requires the use of universal precautions when performing tattooing and/or body-piercing, or any other activity or duty that includes any reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM;

(2) Includes the safe handling of infectious waste; and

(3) Provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions and/or handle infectious waste safely.

(B) These policies shall be maintained on site at all times and made available to the Department upon request.

(Ord. 742, passed 3-7-05)

§ 114.13 ARTIST INDIANA OSHA TRAINING-FACILITY RESPONSIBILITY.

(A) It is the responsibility of the tattooing and/or body-piercing facility to ensure that anyone, anyone employed by the facility, or anyone acting in behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OHM shall complete the training program as required under the IOSHA (as found in 29 CFR 1910.1030). The programs under this section shall be as follows:

(1) A blood-borne pathogen training session provided by the tattoo and/or body-piercing operator meeting the requirements under the IOSHA (as found in 29 CFR 1910.1030).

(2) Any blood-borne pathogen continuing education program accredited by a health care licensing entity.

(B) Anyone employed by the facility, or anyone acting in behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM must be trained by the facilities policies on the handling of infectious waste.
(Ord. 742, passed 3-7-05)

§ 114.14 PATRON RECORDS.

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

(B) These records shall include the following:

(1) Patron's name;

(2) Address;

(3) Age, must be verified by one photo identification and birth certificate;

(4) Date tattooing and/or body-piercing was performed on the patron;

(5) The name of the artist who performed the service;

(6) Written parental consent when tattooing and/or body-piercing any minor as required herein; and

(7) Jewelry or other decoration(s) used.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.15 ILLNESS.

Tattoo and/or piercing artists who are experiencing symptoms of acute disease shall be excluded from all areas where tattoo and/or body-piercing are being conducted. These symptoms include, but are not limited to:

(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. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.16 HAND WASHING.

(A) Hand washing facilities shall be accessible at all times in the same room where tattooing and/or body-piercing is being performed.

(B) Hands shall be washed with soap and hot (100°F.) running water immediately before putting on gloves and immediately after removing gloves and other personal protective equipment.

(C) Only single use towels shall be used for drying hands.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.17 PERSONAL PROTECTIVE EQUIPMENT.

Appropriate personal protective equipment shall be worn as follows:

(A) A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination 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 splash, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(C) Disposable gloves, such as surgical or examination type, shall be worn during the tattooing or body-piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo or body-piercing, 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. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.18 TATTOOING AND/OR BODY-PIERCING 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. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.19 NEEDLES.

(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. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.20 REUSABLE EQUIPMENT.

(A) Heating procedures capable of sterilization must be used when heat stable, non-disposable equipment is sterilized.

(B) Equipment that is to be sterilized shall be put in single-use packaging.

(C) 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; and

(3) Equipment is maintained as recommended by the owner's manual, and proof is available that the owner's manual recommendations are reviewed monthly.

(D) 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 sharp items have been placed.

(E) Reusable contaminated equipment shall be:

- (1) Placed in puncture-resistant containers;
- (2) Labeled with the biohazard symbol;
- (3) Leak proof on both sides and bottom; and

(4) Stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.

(F) Reusable contaminated equipment shall be effectively cleaned prior to sterilization or disinfection.

(G) Any reusable contaminated equipment that comes into direct contact, or is likely to come into direct contact, with an instrument that penetrates the skin other than a piercing gun shall be effectively cleaned and sterilized prior to use.

(H) All sterilized equipment shall not be removed from wrappers or sterilizer packaging until immediately prior to use.

(I) Any reusable equipment that comes into contact with mucus [sic., mucous] membranes shall be effectively cleaned and sterilized prior to use.

(J) Piercing guns shall be cleaned and undergo, at a minimum, high level disinfection after each use and whenever visibly contaminated.

(K) All reusable equipment that has contact with intact skin shall undergo, at a minimum, intermediate level disinfection.

(L) All other equipment used during the tattooing or body piercing procedure shall be single use, including corks.

(M) All body-piercers and tattoo artists shall comply with all other equipment manufacturer's recommendations.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.21 DYES OR PIGMENTS OR OTHER OBJECTS PLACED UNDER THE SKIN.

(A) All dyes or pigments used 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 nontoxic, sterile materials shall be used. Single-use or individual portions of dyes or pigments in clean, single-use 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.

(D) Any object placed under the skin shall be sterile.
(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.22 INFECTIOUS WASTE CONTAINMENT.

(A) Contaminated disposable needles or instruments shall be:

(1) Stored in:

(a) Leak-resistant containers; and

(b) Puncture-resistant containers;

(2) Tightly sealed to prevent expulsion;

(3) Labeled with the biohazard symbol; and

(4) Effectively treated in accordance with this rule prior to being stored in an unsecured area and sent for final disposal.

(B) Infectious wastes that are not 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.

(5) Effectively treated in accordance with this rule 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 rule 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.

(4) 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.

(D) 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. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.23 TREATMENT AND TRANSPORT OF INFECTIOUS WASTE.

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

(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 consistent with this rule. 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 rule 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 rule before it is compacted.

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

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.24 POST TATTOO AND/OR BODY-PIERCING INFECTION PREVENTION.

(A) Each facility is to provide post tattoo and/or body-piercing written instructions to its clients in methods to prevent infections, such as the use of bactericidal creams and ointments and soap, and appropriate barrier dressings where indicated. A copy of these instructions shall also be posted in a conspicuous place easily visible to all patrons of the facility.

(B) Each patron shall be instructed to seek immediate medical attention should there be any evidence of infection.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.25 OPERATOR REQUIREMENTS AND PROFESSIONAL STANDARDS.

(A) The following shall be kept on file on the premises of each tattoo and/or body-piercing facility and available for inspection upon request by the Health Officer:

(1) The names of all operators, tattoo artists, and body-piercing artists in the facility and their exact duties including the following information:

(a) Full names; date of birth; gender; home address; home/work telephone numbers; identification photos of all operators and artists;

(b) A copy of each artist's current artist permit employed by the facility;

(c) Name of employing establishment; hours of operation; employing establishment owner's name and address;

(d) Complete description of all tattooing and/or body-piercing performed;

(e) Inventory of all instruments and jewelry, all sharps, and all inks used for any and all tattooing and/or body-piercing, including the names and manufacturers and serial or lot numbers, if applicable; and

(f) A copy of this chapter.

(2) All permits shall be prominently displayed in the facility in conspicuous locations viewable to all patrons of the facility, and shall not be defaced or altered in any manner.

(B) It shall be unlawful for any person to perform tattooing and/or body-piercing unless such procedures are performed in a tattoo and/or body-piercing facility with a current valid permit.

(C) All operators and artists must be a minimum of 18 years of age.

(D) All operators, artists, and other persons employed by the facility shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing tattooing and/or body-piercing, or when entering any room in which these services are being performed.

(E) Any skin or mucosa surface to receive a tattoo and/or piercing must be free of rash, infection, or other visibly pathological condition.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.26 BODY MODIFICATION.

As defined, the inserting into, or scarring of skin for non-medical purposes including but not limited to the following procedures:

(A) Tongue splitting;

(B) Skin sculpting; and

(C) Skin manipulation; is not to be performed unless performed by a licensed physician in the State of Indiana.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.27 EXEMPTIONS.

(A) Physicians licensed by the State of Indiana who utilize tattooing and/or body-piercing procedures as part of their patient treatment are exempt from this chapter.

(B) Ear lobe piercing is exempt from this chapter.

(Ord. 742, passed 3-7-05)

§ 114.28 INSPECTIONS.

(A) The Health Department is authorized to fully inspect any tattoo and/or body-piercing facility operating in the county immediately upon presentation of official credentials and declaration of intent to conduct said inspection.

(B) After the Health Department presents its official credentials and provides notice of the purpose and intent to conduct an inspection, the operator shall allow the Health Department to determine if the tattoo and/or body-piercing facility is in compliance with this chapter by allowing access to the establishment, allowing inspection, and providing information and records specified in this chapter. The Health Department is entitled information and records during the tattoo and/or body-piercing facility hours of operation and other reasonable times (including, but not limited to, all hours of operation and all times when service and/or supply preparation and/or removal/disposal takes place).

(C) The Health Department may increase the interval between and frequency of inspections if:

(1) The tattoo and/or body-piercing facility is utilizing guest artists;

(2) The tattoo and/or body-piercing facility is/was observed by the Health Officer or his or her authorized representative to be in violation of this chapter, 410 I.A.C. 1-5, or other laws and rules adopted by reference herein.

(D) The Health Department may contact the operator to determine that the nature of the tattoo and/or body-piercing facility has not changed.

(E) Performance and risk based inspections. Within the parameters specified in the above inspection section(s) of this chapter, the Health Department shall prioritize, and conduct more frequent inspections based upon its assessment of a tattoo and/or body-piercing facility's history of compliance with this chapter, 410 I.A.C. 1-5, or other laws and rules adopted by reference herein by evaluating:

(1) Past performance, for violations of 410 I.A.C. 1-5, this chapter, or other laws and rules adopted by reference herein;

(2) Past performance, for numerous or repeat violations of 410 I.A.C. 1-5, this chapter, or other laws and rules adopted by reference herein;

(3) Past performance, for complaints investigated and found to be valid.

(F) An inspection report shall be issued after each inspection noting the results of said inspection. A copy of said report shall be delivered to the permittee by hand delivering the report/order to him or her on site, or by mailing the report/order via certified mail to the address listed by the permittee as his or her mailing address on the permit application. A copy of the written report/order shall be filed in the records of the Department after appropriate review by supervisory personnel and then shall be made available to the public according to law.

(Ord. 742, passed 3-7-05) Penalty, see § 114.99

§ 114.29 PROCEDURES WHEN VIOLATIONS ARE NOTED.

(A) If during the inspection of any facility, the Health Officer discovers the violations of any of the provisions of this chapter, he or she shall issue a written report/order listing such violations and the remedial action(s) to be taken. A copy of said report shall be delivered to the permittee by hand delivering the report/order to him or her on site, or by mailing the report/order via certified mail to the address listed by the permittee as his or her mailing address on the permit application.

(B) A copy of the written report/order shall be filed in the records of the Department after appropriate review by supervisory personnel and then shall be made available to the public according to law.

(Ord. 742, passed 3-7-05)

§ 114.30 REVOCATION OF PERMIT.

(A) The Health Officer or his or her authorized representative may suspend or revoke the permit of any tattoo and/or body-piercing facility or artist for any of the reasons listed in this section. The suspension and/or revocation shall be effective upon issuance by the Health Officer or his or her authorized representative. The facility or artist may have the permit reinstated upon compliance with this chapter and applicable state and federal regulations concerning blood-borne pathogens, tattoos, body-piercing or workplace regulations (OSHA) and to the satisfaction of the Health Officer as determined by inspection.

(B) The Health Officer or his or her authorized representative may suspend or revoke the permit of any tattoo and/or body-piercing facility or artist which shall include the prohibition of any further operation or performing of services for the following reasons:

(1) Interference with the Health Officer or his or her authorized representative in the performance of his or her duties. Interference shall be defined as the process of obstructing, hampering, hindering, or blocking the Health Officer or his or her authorized representative in the performance of his or her duties.

(2) As a result of the willful and/or continuous violation of any provision of this chapter and applicable state and/or federal regulations concerning blood-borne pathogens, tattoos, body-piercing or workplace regulations (OSHA).

(C) The Health Officer or his or her authorized representative, upon discovery of unsanitary conditions which present an imminent health hazard as defined by this chapter, may without notice or hearing, issue and serve a written order upon the permittee requiring the immediate closure of operations, shall cite the existence of said unsanitary conditions and shall specify the corrective actions to be taken. Such orders shall be effective immediately.

(D) Upon written request submitted to the Health Officer, the permittee shall be afforded a hearing as set forth in § 114.32.

(E) The Health Officer or his or her authorized representative shall re-inspect upon the request of the permittee. When the Health Officer or his or her authorized representative determines that the necessary corrective action(s) have been taken, and the facility and/or artist is in compliance with all applicable regulations, the operations of the facility and/or artist may be reinstated.
(Ord. 742, passed 3-7-05)

§ 114.31 VIOLATIONS.

Whenever the Health Officer determines that any facility, or any other person, is in willful violation of any of the provisions of this chapter, the Health Officer shall furnish evidence of said willful violation(s) to the Prosecuting Attorney of Steuben County, Indiana, or the Attorney for the Board who shall seek all appropriate legal remedies against the person(s) violating said provisions of this chapter.
(Ord. 742, passed 3-7-05)

§ 114.32 APPEALS.

(A) *Appeals.* Any person(s) aggrieved by orders issued under this chapter shall be entitled to a review of the final order before a Hearing Officer by filing a written request therefore with the Health Officer.

(1) The request shall be mailed or hand delivered to the Health Officer, (addressed to Steuben County Health Officer, 317 S. Wayne Street, Suite 3A, Angola, Indiana, 46703), and must be received within 15 days after such final order is issued. The appeal shall be prepared on a form provided by the Health Officer, and shall specify the grounds for such appeal, noting therein all facts involved which the appellant believes makes the final order issued by the Health Department unlawful, unfair, or otherwise incorrect.

(2) The filing fee of such an appeal shall be \$50 payable to the Health Department for deposit in the General Fund. This fee is not refundable or transferable.

(3) Upon the Health Officer receipt of such a request, the Hearing Officer shall hear the matter again in an open hearing after at least ten days written notice to the appellant of the time, place and nature thereof. The time shall be measured pursuant to the rules of court of the jurisdiction.

(4) The Health Department shall, upon request of the Hearing Officer, submit to the Hearing Officer the complete record, including all pertinent inspection reports, written orders and documentation, leading to the final order under appeal.

(B) *Notice of hearing.*

(1) A public hearing shall be held on all appeals from orders issued by the Health Department, and upon further conditions required by this chapter.

(2) In all appeals of written orders issued by these means, legal notice shall be prepared to advertise in a newspaper of general circulation in Steuben County, Indiana. Such notice shall be published at least ten days prior to any such hearing.

(C) *Hearing procedure.*

(1) At the public hearing, the appellant shall first present evidence, exhibits, and arguments in support of his or her case. The Hearing Officer, after such presentation, may cross-examine the appellant and/or his or her witnesses, and may review documents filed.

(2) Those persons for or against the action proposed by the final order being appealed, including, but not limited to the Health Officer and/or his or her authorized representative(s), after presentation of the case in chief, shall present evidence, exhibits, and arguments in support of the order. The Hearing Officer, after such presentation, may cross-examine the Health Officer and/or his or her witnesses, and may review documents filed.

(3) The Hearing Officer shall keep all exhibits presented in evidence until such time as *Writ of Certiorari* can no longer issue.

(4) The Hearing Officer shall maintain order at all hearings, and may require parliamentary protocol. Further, the Hearing Officer may limit each speaker at such a hearing to a reasonable and equal period of time for presentation of evidence. Regardless, every person appearing before the Hearing Officer shall abide by the orders and directions of the Hearing Officer. Discourteous, disorderly or contemptuous conduct shall be breach of order, which shall cause the speaker or attendee to lose their right to appear at the hearing, or shall cause such other discipline as responsible under the circumstances.

(D) *Burden of proof.* In presentation of a case, the burden of proof shall be upon the appellant to supply all information and evidence necessary for a clear understanding of the nature of the proposed action. The Hearing Officer may continue the hearing when, in its discretion, the appellant has not provided sufficient evidence on which to make proper determination. Further, the Hearing Officer, at its discretion, may continue or postpone a hearing of any case on the affirmative vote of a majority of the members present, regardless of the state of the proceedings to that point in time.

(E) *Independent and unbiased thought and action.* With regard for the quasi-judicial nature of the Hearing Officer actions, each member shall be and remain independent and unbiased until final presentation of all evidence by all parties concerned. No member shall therefore hold conversation with any person(s), except members acting in official capacity to the Hearing Officer, concerning the merits of any case or matter to be heard by the Hearing Officer at any time before the final official action thereon, including final court action, except in open meetings of the Hearing Officer. Any person(s) attempting to engage in such conversation shall be warned that such action shall result in their inability to present evidence at such a hearing. Any member who believes he or she has been influenced by such attempt at conversation in such fashion that he or she is no longer independent and unbiased shall disqualify himself or herself pursuant to conflict of interest as defined by this chapter. This provision

is not intended to stop or prevent members from viewing or examining at any time any property subject to the matter of the hearing, and in fact the viewing and examining of such is encouraged hereby prior to action at any Hearing.

(F) *Written appearance.* The Hearing Officer may require any party adverse to any pending action to enter a written appearance specifying the party's full legal name and address.

(G) *Powers and duties.*

(1) The Hearing Officer shall hear and determine appeals from and may review any order, requirement, decision or determination made by the Health Officer or his or her authorized representative(s) in the enforcement of this chapter.

(2) In exercising its duties hereunder, the Health Officer may reverse, modify, grant, deny, or make conditional, in whole or in part, any relief requested and make recommendations there from.

(3) The final disposition of any appeal before the Hearing Officer shall be in the form of an order reversing or modifying the request, granting the same, or denying the same. Further, the Hearing Officer may in writing make approval conditional upon the completion or deletion of certain acts or activities. The Hearing Officer may also dismiss an action for lack of prosecution.

(4) All decisions of the Hearing Officer made on matters heard and decided upon through the public hearing procedure described above shall be made by record vote.

(5) A matter may not be withdrawn by the appellant after it has been ordered (i.e. a request for a motion) by the Hearing Officer, except as called for by burden of proof requirements. If withdrawn before ordered, it shall not be considered for hearing for at least three months thereafter, except upon the motion of a member, and thereafter, upon the unanimous vote of all members.

(6) An action, which has been decided against an appellant, shall not be considered for rehearing again for at least six months. No such hearing can result in a different finding from that originally made unless the participant shows in his or her presentation that conditions or evidence is new or changed since his or her original presentation.

(7) When the Hearing Officer hears any matter, it shall thereby waive any requirement as to form of appeal, unless otherwise stated at said hearing.
(Ord. 742, passed 3-7-05)

§ 114.33 EXPENSE.

Any person violating any of the provisions of this chapter shall be liable to the Health Department for the expenses, loss or damage occasioned by reason of such violation, including reasonable attorney fees and costs.

(Ord. 742, passed 3-7-05)

§ 114.34 REMEDIES CUMULATIVE.

The remedies provided in this chapter shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

(Ord. 742, passed 3-7-05)

§ 114.99 PENALTY.

(A) Any person who willfully violates any provision of this chapter shall be subject to a fine of not more than \$500 for each violation. Each day of the existence of any violation of this chapter shall constitute a separate offense. Violations will result in the permanent revocation of a permit. This revocation is applied to any person who willfully violates any of the provisions of this chapter including but not limited to the owner, operator, and tattoo and/or body-piercing artists.

(B) The Health Officer may bring an action for an injunction in the Circuit or Superior Court of Steuben County, Indiana, to restrain any person from violating the provisions of this chapter, to cause such violation(s) to be prevented, abated or removed.

(Ord. 742, passed 3-7-05)

CHAPTER 115: CONTRACTOR REGISTRATION

Section

- 115.01 Registration required
- 115.02 Contractor categories
- 115.03 Commercial construction superintendent registration
- 115.04 Residential contractors
- 115.05 Residential construction superintendent registration
- 115.06 Home improvement contractor registration
- 115.07 Contractor registration
- 115.08 Fees
- 115.09 Proficiency

- 115.99 Penalty

Cross-reference:

Building regulations; construction, see Ch. 150

§ 115.01 REGISTRATION REQUIRED.

Except for a homeowner working on his or her own property, any person, firm, or corporation who engages in the erection of new structures or additions to existing structures and all remodeling, repair, and demolition of existing structures shall be required to register with the Building Department in order to engage in such activities. Registration shall be as set forth in this chapter.
(Ord. 751, passed 7-17-06)

§ 115.02 CONTRACTOR CATEGORIES.

(A) Must show proof of Worker's Compensation Insurance or proof of a waiver from the State of Indiana.

(B) Must show proof of liability insurance in the minimum sum of \$500,000.
(Ord. 751, passed 7-17-06) Penalty, see § 115.99

§ 115.03 COMMERCIAL CONSTRUCTION SUPERINTENDENT REGISTRATION.

Any individual who engages in or who supervises the work of the commercial construction shall be required to be registered with the Building Department. Contractors will, when application is made for

a building permit, file with the Building Department the name of the individual who will be the responsible person for supervision of the project for which the permit is being sought. All applications for registration of commercial superintendents shall be signed by the general contractor for the project. (Ord. 751, passed 7-17-06) Penalty, see § 115.99

§ 115.04 RESIDENTIAL CONTRACTORS.

Any person, firm, or corporation who engages in the erection of new residential structures or new additions to existing structures and remodeling, repair and demolition of residential structures, shall be required to register with the Building Department in order to engage in such activities. (This registration permits all construction activities permitted by §§ 115.06 and 115.07, as to residential structures only).

(Ord. 751, passed 7-17-06) Penalty, see § 115.99

§ 115.05 RESIDENTIAL CONSTRUCTION SUPERINTENDENT REGISTRATION.

Any individual who engages in or supervises the work of residential construction shall be required to be registered with the Building Department.

(Ord. 751, passed 7-17-06) Penalty, see § 115.99

§ 115.06 HOME IMPROVEMENT CONTRACTOR REGISTRATION.

Any person, firm, or corporation who engages in improving, remodeling, and repair of existing one- and two-family structures shall be required to register with the Building Department in order to engage in such activities. This registration permits all activities pertaining only to the improving, remodeling and repair of the one- and two-family structures. Remodeling jobs are jobs which do not add square footage in floor area to a building. This registration will permit the construction of unattached garages and accessory buildings.

(Ord. 751, passed 7-17-06) Penalty, see § 115.99

§ 115.07 CONTRACTOR REGISTRATION.

(A) Any person, firm, or corporation, including but not limited to the following enumerated trades and activities as a contractor or who engages in any subsidiary or ancillary construction as a subcontractor to a general contractor, a residential contractor, or home improvement contractor shall be required to register with the Building Department in order to engage in such activities. The Building Department shall designate on the registration form issued to the registrant those activities in which the subsidiary contractor registrant may engage. However, registration under this category is in no way to be interpreted as to include any person, firm, or corporation who contracts and engages in any activity which is not directly related to the building, remodeling, or repairing of a structures.

(B) Requirements:

- (1) \$500,000 liability insurance;
- (2) Other than sole proprietor with no employees, Worker's Compensation Insurance;
- (3) Information:
 - (a) Name of company;
 - (b) Name of person;
 - (c) Address;
 - (d) Phone number and cellular phone; and
 - (e) Employer or tax I.D.;
- (4) Certificate of assumed name;
- (5) Fifty dollars per year administration fee;
- (6) People who are required to register:
 - (a) All concrete work;
 - (b) Masonry;
 - (c) Carpentry or frame;
 - (d) Steel erecting;
 - (e) Roofing;
 - (f) Drywalling, plastering or acoustical tile;
 - (g) Siding;
 - (h) Demolition/excavation;
 - (I) Miscellaneous work: tower building, swimming pools, lawn sprinkler systems, etc.;
 - (j) Manufactured housing;

- (k) Painters;
- (l) Electrical/electricians;
- (m) Plumbers;
- (n) Septic installers;
- (o) Mechanical/HVAC;
- (p) Landscapers; and
- (q) Lawn care professionals.

(Ord. 751, passed 7-17-06) Penalty, see § 115.99

§ 115.08 FEES.

Each registration shall be issued for a one year period beginning on January 1 and ending on December 31 and must be renewed each year. An annual fee of \$50 for each registration will be charged.

(Ord. 751, passed 7-17-06)

§ 115.09 PROFICIENCY.

If a contractor's work or proficiency is called into doubt, a proficiency hearing will be required by the Building Administrator before registration is revoked or prior to any renewal. Any decision of the Building Department may be appealed to the County Commissioners.

(Ord. 751, passed 7-17-06)

§ 115.99 PENALTY.

It shall be unlawful for any person to violate this chapter. The violation of this chapter by any person shall be deemed a Class B infraction. Such violations shall be enforced by the Prosecuting Attorney, or in any other manner that ordinance violations may be enforced. Any person violating any provision of this chapter will be subject to a fine up to \$500 for the first offense and up to \$2,500 for any subsequent offense.

(Ord. 751, passed 7-17-06)

CHAPTER 116: HORSE DRAWN VEHICLES

Section

- 116.01 Statutory authorization
- 116.02 Definitions
- 116.03 Form of license
- 116.04 Annual fee; horse drawn vehicles
- 116.05 Horse drawn trailers
- 116.06 Partial year license fee reduction
- 116.07 Late fee
- 116.08 Slow moving vehicle emblem; display
- 116.09 Flashing lamps; requirements
- 116.10 Replacement tags
- 116.11 New horse drawn vehicles and trailers
- 116.12 Enforcement
- 116.13 Delivery of fees

- 116.99 Penalty

§ 116.01 STATUTORY AUTHORIZATION.

This chapter is enacted pursuant to I.C. Title 36.
(Ord. 912, passed 11-3-18)

§ 116.02 DEFINITIONS.

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

HORSE DRAWN TRAILER. A wagon or trailer, which itself is pulled behind or attached as a supplemental vehicle to a horse drawn vehicle. The term does not include horse drawn agricultural implements.

HORSE DRAWN VEHICLE. A buggy, carriage, draw, or wagon designed or intended to use one or more horses as motive power. The term does not include horse drawn agricultural implements.

OWNER (of a horse drawn vehicle). Includes any individual, firm corporation or association that rents, leases, or has exclusive use of a horse drawn vehicle for a period of at least 30 days in any calendar year.

RESIDENT OF STEUBEN COUNTY, INDIANA. A person who has his or her principal place of residence in Steuben County, Indiana or who owns or operates a business within Steuben County, Indiana.

(Ord. 912, passed 11-13-18)

§ 116.03 FORM OF LICENSE.

The Highway Department of Steuben County shall be responsible to make available for sale in the county all numbered metallic tags and all self-adhesive label tags required by this chapter. The form of the metallic tags shall be with a color scheme providing for a white or light background and black or dark numerals and legends, bearing the legend "Steuben County Indiana", the year of issue, and a consecutive number. The Highway Department shall change the coloring scheme each year of the self-adhesive label tags.

(Ord. 912, passed 11-13-18)

§ 116.04 ANNUAL FEE; HORSE DRAWN VEHICLES.

(A) There is hereby imposed upon each resident of the county, who is the owner of a horse drawn vehicle, which horse drawn vehicle is used upon the highways or roads in the county, an annual license fee in the sum of \$100. Said annual license fee of \$100 shall apply to each such horse drawn vehicle for the owner thereof. Thus, by way of example, a county, resident who is the owner of four horse drawn vehicles used upon the highways or roads of the county shall be charged an annual license fee in the sum of \$100 for each such vehicle, for a total of \$400 for the four such horse drawn vehicles.

(B) Each county resident, who owns a horse drawn vehicle used upon the highways or roads of the county shall pay the license fee attributable to such horse drawn vehicle or vehicles as set forth by this chapter to the Steuben County Highway Department. Such required license fee or fees required under this chapter shall be paid after March 1 and before May 15 of each year. Upon payment of such license fee, such owner of a horse drawn vehicle shall receive from the Highway Department a numbered metallic tag. With respect to subsequent renewal years for a horse drawn vehicle previously licensed under this chapter, the owner of a horse drawn vehicle may receive from the Highway Department a self-adhesive label tag bearing the year of issue. The owner shall thereafter affix the numbered metallic tag to such horse drawn vehicle (by use of screws or nails through the holes provided in the metallic tag and into the horse drawn vehicle, with no covering, opaque or otherwise) and keep and reserve said metallic tag on said vehicle so long as said metallic tag is effective and has not expired. With respect to subsequent renewal years for a horse drawn vehicle, the owner shall thereafter affix the self-adhesive label tag to the existing numbered metallic tag.

(C) Each numbered metallic tag shall be valid from March 1 to May 15 of the following year for a maximum of 14½ months only, and all numbered metallic tags shall expire at midnight on May 15 of the year following the date stamped on said numbered metallic tag; provided, however, the expiration date shall be extended an additional year for a horse drawn vehicle properly licensed under this chapter for which a self-adhesive label tag was furnished by the Highway Department, and which is affixed to the metallic tag. Only one metallic tag provided by this chapter may be attached to any horse drawn vehicle at any time.

(D) At time of collection of the annual license fee, and the issuance of the number of metallic tags or self-adhesive label tags for subsequent renewal years afore described, the Steuben County Highway Department shall also issue a registration receipt for each numbered metallic tag or self-adhesive label tag so purchased. The registration receipt shall be countersigned by the owner of the horse drawn vehicle. The registration receipt shall be carried in or on the horse drawn vehicle at all times of operation upon the highways or roads of the county.
(Ord. 912, passed 11-13-18)

§ 116.05 HORSE DRAWN TRAILERS.

(A) There is hereby imposed upon each resident of the county, who is the owner of a horse drawn trailer, which horse drawn trailer is used upon the highways or roads of the county, an annual license fee in the sum of \$20. Said annual license fee of \$20 shall apply to each such horse drawn trailer for the owner thereof. Thus, by way of example, a county resident who is the owner of four horse drawn trailers used upon the highways or roads of the county shall be charged an annual license fee of \$20 for each such trailer, for a total of \$80 for the four horse drawn trailers.

(B) Each county resident who owns a horse drawn trailer used upon the highways or roads of the county shall pay the license fee attributable to such horse drawn trailer as set forth by this chapter to the Steuben County Highway Department. Such required license fee or fees required under this chapter shall be paid after March 1 and before May 15 of each year. Upon payment of such license fee, each owner of a horse drawn trailer shall receive from the Highway Department a metallic tag. With respect to subsequent renewal years for a horse drawn trailer previously licensed under this chapter, the owner of a horse drawn trailer may receive from the Highway Department a self-adhesive label tag bearing the year of issue. The owner shall thereafter affix the numbered metallic tag to such horse drawn trailer (by use of screws or nails through the holes provided in the metallic tag and into the horse drawn trailer, with no covering, opaque or otherwise) and keep and preserve said metallic tag on said horse drawn trailer and so long as said metallic tag is effective and has not expired. With respect to subsequent renewal years for a horse drawn trailer previously licensed under this chapter for which a self-adhesive label tag has been furnished by the Highway Department, the owner shall thereafter affix the self-adhesive label tags to the existing numbered metallic tag.

(C) Each numbered metallic tag shall be valid from March 1 to May 15 of the following year for a maximum of 14½ months only, and all numbered metallic tags shall expire at midnight on May 15 of the year following the date stamped on said numbered metallic tag; provided, however, the expiration date shall be extended an additional year for a horse drawn trailer properly licensed under this chapter for which a self-adhesive label tag was furnished by the Highway Department, and which is affixed to the metallic tag. Only one metallic tag provided by this chapter may be attached to any horse drawn trailer at any time.

(D) At time of collection of the annual license fee, and the issuance of the number of metallic tags or self-adhesive label tags for subsequent renewal years afore described, the Steuben County Highway Department shall also issue a registration receipt for each numbered metallic tag or self-adhesive label tag so purchased. The registration receipt shall be countersigned by the owner of the horse drawn trailer. The registration receipt shall be carried in or on the horse drawn trailer at all times of operation upon the highways or roads of the county.

(Ord. 912, passed 11-13-18)

§ 116.06 PARTIAL YEAR LICENSE FEE REDUCTION.

Any annual license fee set forth in this chapter shall be reduced by one-half if paid after November 1 of the year of the effective term of a new metallic plate issued hereunder for the new registration of a horse drawn vehicle or horse drawn trailer. There shall be no reduction of the annual license fee for any self-adhesive label tag issued hereunder for the renewal of a metallic plate issued hereunder regardless of the date of payment, or any reduced or prorated license fees for late payment, or except as specifically set forth herein any reduced or prorated license fee for partial year registration.

(Ord. 912, passed 11-13-18)

§ 116.07 LATE FEE.

In the event an owner of a horse drawn vehicle or horse drawn trailer fail to register between March 1 and May 15 of a year, they shall pay a late fee of \$25 in addition to the annual license fee.

(Ord. 912, passed 11-13-18)

§ 116.08 SLOW MOVING VEHICLE EMBLEM; DISPLAY.

Whenever a horse drawn vehicle or horse drawn trailer are moved, operated, or driven on a highway that is open for vehicular travel, the vehicle or trailer shall display a triangular slow moving vehicle emblem mounted as near as practicable to the center of mass and at an approximate height of not less than three and not more than five feet from level ground or pavement surface. The emblem shall be mounted so as to be entirely visible from the rear, day or night.

(Ord. 912, passed 11-13-18)

§ 116.09 FLASHING LAMPS: REQUIREMENTS.

When a horse drawn vehicle or horse drawn trailer are moved, operated, or driven on a highway at a time or under circumstances during which the use of lighted lamps on vehicles is required, the horse drawn vehicle or horse drawn trailer must display, in addition to the slow moving emblem, a red or an amber flashing lamp mounted at a height as low as practicable that is visible from a distance of not less than 500 feet to the rear.

(Ord. 912, passed 11-13-18)

§ 116.10 REPLACEMENT TAGS.

(A) In the event that a previously issued metallic tag and self-adhesive label tag is lost or destroyed, an owner can obtain a replacement by filing an affidavit with the Steuben County Highway Department and paying a replacement fee of \$25.

(B) The affidavit will substantially state that the owner of the metallic tag and self-adhesive label tag has lost either the tag or label tag or that either were destroyed. The owner of the tag and label tag seeking a replacement must sign the affidavit under the penalties of perjury.

(Ord. 912, passed 11-13-18)

§ 116.11 NEW HORSE DRAWN VEHICLES AND TRAILERS.

The owner of a horse drawn vehicle or trailer who purchases the horse drawn vehicle or trailer after May 15 and can provide a bill of sale or receipt verifying the date of purchase shall have 30 days after the date of purchase in order to obtain a metallic tag and self-adhesive label tag without incurring a late fee.

(Ord. 912, passed 11-13-18)

§ 116.12 ENFORCEMENT.

It shall be the duty of the Steuben County Sheriff's Office to enforce this chapter, and any duly qualified and acting law enforcement office serving in the county may enforce the terms of this chapter. Procedures for arrest and court appearance shall be in accordance with I.C. 9-30-3, as amended.

Proceedings for ordinance violation enforcement shall be in accordance with I.C. 34-28-5, as amended.
(Ord. 912, passed 11-13-18)

§ 116.13 DELIVERY OF FEES.

(A) The license fees collected by the Steuben County Highway Department for horse drawn vehicles and/or horse drawn trailers, pursuant to the terms and conditions of this chapter, shall be delivered to the Steuben County Auditor for deposit. For each horse drawn vehicle license fee collected, the Steuben County Auditor shall deposit the full amount into the Motor Vehicle Highway Fund. For each horse drawn trailer license fee collected under this chapter, the Steuben County Auditor shall deposit the full amount into the Motor Vehicle Highway Fund.

(B) This chapter shall be effective for all metallic tags or self-adhesive tags issued with an effective date on or after March 1, 2019.

(Ord. 912, passed 11-13-18)

§ 116.99 PENALTY.

(A) No owner of a horse drawn vehicle or horse drawn trailer shall use or permit a horse drawn vehicle or horse drawn trailer to be used upon the highway or roads in the county unless the horse drawn vehicle or horse drawn trailer has a current metallic tag and self-adhesive label tag, a slow moving vehicle emblem, and flashing lamps (when applicable), all properly affixed to the horse drawn vehicle or horse drawn trailer as required by this chapter. An owner or operator of a horse drawn vehicle or horse drawn trailer who violates this chapter shall be subject to a fine of up to \$200 per occurrence.

(B) No person shall operate a horse drawn vehicle or horse drawn trailer upon the highway and roads of the county with a metallic tag and self-adhesive label tag that has been reported as lost or destroyed. A person operating a horse drawn vehicle or horse drawn trailer on the highway and roads of the county with a lost or destroyed metallic tag and self-adhesive label tag shall be subject to a fine of up to \$250 per occurrence.

(C) Any owner or operator who shall intentionally or recklessly violate this chapter shall be subject to a fine of up to \$500 per occurrence.

(Ord. 912, passed 11-13-18)

TITLE XIII: GENERAL OFFENSES

Chapter

130.GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Skateboards prohibited
- 130.02 Returned checks
- 130.03 Synthetic cannabinoid
- 130.04 Tobacco usage in buildings

Cross-reference:

Animals at large, see § 90.15

Littering on county property, see § 91.01

§ 130.01 SKATEBOARDS PROHIBITED.

No person shall use a skateboard on real estate owned by the county other than on the sidewalk bordering the real estate.

(Ord. 703, passed 8-17-00) Penalty, see § 10.99

§ 130.02 RETURNED CHECKS.

(A) The Prosecuting Attorney of the 85th Judicial Circuit shall collect a fee of \$13 from the maker of each check, which the Office of the Prosecuting Attorney collects either in lieu of prosecution for check deception or which may be collected after prosecution and the filing of criminal charges. Each fee assessed is in addition to any and all court costs assessed against the maker.

(B) All funds received shall be deposited with the County Treasurer, who shall deposit the funds in the County General Fund.

(84 Code, § 35-43-5-5) (Ord. 624, passed 5-6-91; Am. Ord. 662, passed 5-9-94; Am. Ord. 733, passed 1-22-04) Penalty, see § 10.99

§ 130.03 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 Steuben County:

Steuben County - General Offenses

(1) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-92-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-1-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-01 {also known as HU-210}

(3) Naphthalen-1-yl-(1-butyldiol-3-yl)methanone {also known as 1-Pentyl-3-(1-naphthoyl)indol or JWH-018}

(4) Napthalen-1-yl-(1-butyldiol-3-yl)methanone {also known as 1- Buryl-3-(1-naphthoyl)indole or JWH-073}

(B) This section shall be enforced by the Steuben County Sheriff's Department. If any of the substances listed in division (A) herein 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) herein if the person was acting at the direction of an authorized law enforcement agent to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance.

(D) This section does not apply to any person who commits any act described in this section pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This section likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose.

(E) Any business found to be in violation of this section will be subject to a civil fine of \$2,500. Any person found in violation of this section will be guilty of a civil fine not to exceed \$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 the section are declared to be severable.

(Ord. 801, passed 9-20-10)

§ 130.04 TOBACCO USAGE IN BUILDINGS.

(A) The use of all forms of smokeless tobacco within buildings owned by the county is hereby prohibited.

(B) The use of e-cigarettes within buildings owned by the county is hereby prohibited.

(C) A violation of this section is a civil infraction. The civil penalty for violation is \$50 per occurrence.

(Ord. 2015-869, passed 6-15-15)

TITLE XV: LAND USAGE

Chapter

150.BUILDING REGULATIONS; CONSTRUCTION

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CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

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GENERAL PROVISIONS**§ 150.01 TITLE.**

This chapter and all material included herein by reference shall be known as the “Building Code of Steuben County, Indiana”.
(Ord. 747, passed 11-7-05)

§ 150.02 PURPOSE.

The purpose of this chapter is to protect the life, public safety, health and general welfare of the citizens of the county, and shall be construed in such a manner to effectuate this purpose.
(Ord. 747, passed 11-7-05)

§ 150.03 DEFINITIONS.

Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings.

BUILDING COMMISSIONER. As used in this chapter, includes individuals employed by the Building Department that are authorized to represent the Building Commissioner.

CLASS 1 STRUCTURE, pursuant to I.C. 22-12-1-4, has the following definition:

(1) ***CLASS 1 STRUCTURE*** means any part of the following:

(a) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

1. The public;
2. Three or more tenants; or
3. One or more persons who act as the employees of another.

(b) A site improvement affecting access by persons with physical disabilities to a building or structure described in division (1) of this definition.

(c) Outdoor event equipment.

(d) Any class of buildings or structures that the Commission determines by rules to affect a building or structure described in division (1) of this definition, except buildings or structures described in divisions (3) through (6) of this definition.

(2) Division (1)(a) of this definition includes a structure that contains three or more condominium units (as defined in I.C. 32-25-2-9) or other units that:

- (a) Are intended to be or are used or leased by the owner of the unit; and
- (b) Are not completely separated from each other by an unimproved space.

(3) Division (1)(a) of this definition does not include a building or structure that is not used for retail trade or is a stand used for retail sales of farm produce for eight or less consecutive months in a calendar year.

(4) Division (1)(a) of this definition does not include a Class 2 structure.

(5) Division (1)(a) of this definition does not include a vehicular bridge.

(6) Division (1)(a) of this definition does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:

- (a) The structure; or
- (b) Mechanical or electrical equipment located within and affixed to the structure.

(7) Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

CLASS 2 STRUCTURE, pursuant to I.C. 22-12-1-5, has the following definition:

(1) **CLASS 2 STRUCTURE** means any part of the following:

(a) A townhouse or a building or structure that is intended to contain or contains only one dwelling unit or two dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.

(b) An outbuilding for a structure described in division (1)(a) of this definition, such as a garage, barn or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

(2) Division (1) of this definition does not include a vehicular bridge.

(3) For purposes of division (1)(a) of this definition, townhouse means a single-family dwelling unit constructed in a group of three or more attached units in which each unit:

- (a) Extends from foundation to roof;
- (b) Is not more than three stories in height;

(c) Is separated from each adjoining unit by:

1. Two one-hour fire-resistance rated walls with exposure from both sides; or
2. A common two-hour fire resistance rated wall; and

(d) Has open space on at least two sides.

(4) Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

CONSTRUCTION, pursuant to I.C. 22-12-1-7, means any of the following:

(1) Fabrication of any part of an industrialized building system or mobile structure for use at another site.

(2) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used.

(3) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used.

(4) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure, except a mobile structure.

(5) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

INDUSTRIALIZED BUILDING SYSTEM, pursuant to I.C. 22-12-1-14, means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

MANUFACTURED HOME, pursuant to I.C. 22-12-1-16, has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 2003. The term includes a mobile home (as defined in I.C. 16-41-27-4). This definition is as follows: “manufactured home” means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer

voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under this 42 U.S.C. 5401 et seq. and except that such term shall not include any self-propelled recreational vehicle.

MOBILE STRUCTURE, pursuant to I.C. 22-12-1-17, has the following definition:

(1) **MOBILE STRUCTURE** means any part of a fabricated unit that is designed to be:

(a) Towed on its own chassis; and

(b) Connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.

(2) The term includes the following:

(a) Two or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.

(b) Two or more units that are separately towable but designed to be joined into one integral unit.

PERSON, pursuant to I.C. 22-12-1-18, means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

STRUCTURE. Both Class 1 and Class 2 structures, unless specifically stated otherwise.

VEHICULAR BRIDGE, pursuant to I.C. 22-12-1-26, means any bridge that is neither:

(1) A pedestrian walkway; nor

(2) A passageway for light vehicles; suspended between two or more parts of a building or between two or more buildings.
(Ord. 747, passed 11-7-05)

§ 150.04 SCOPE.

(A) All construction shall be accomplished in compliance with the provisions of this chapter.

(B) Pursuant to I.C. 22-13-2-6, this chapter shall not apply to industrialized building systems or mobile structures certified under I.C. 22-15-4; however, the provisions of this chapter and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structure not certified under I.C. 22-15-4.

(C) Pursuant to I.C. 22-13-2-9, this chapter is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

(D) The foundation systems, tie-downs, skirting, permanent perimeter foundations and utility connections for manufactured homes shall be installed and comply with the Indiana Residential Code (675 I.A.C. 14) and the manufacturers printed installation instructions.
(Ord. 747, passed 11-7-05)

§ 150.05 AUTHORITY.

(A) There is hereby created a separate department which shall be named the Steuben County Department of Building Safety hereinafter called “the Department”.

(B) There is hereby created the position of department head which shall be named “the Steuben County Building Commissioner”, hereafter called the “Building Commissioner”. The Building Commissioner shall be appointed and dismissed at the will of the County Commissioners.

(C) The Building Commissioner shall be provided with such office space as the County Executive shall select and shall provide with such supplies, expense moneys, staff and equipment as shall be funded from time to time by appropriations made by the county fiscal body upon budgets and requests properly submitted by the Building Commissioner through and with the approval of the Board of Commissioners.

(D) The Building Commissioner is hereby authorized and directed to administer and enforce the following:

- (1) All of the provisions of this chapter;
- (2) Variances granted in accordance with I.C. 22-13-2-11; and
- (3) Orders issued under I.C. 22-12-7.

(E) Whenever in this chapter it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other employee of the Department, this shall be construed to give such employee only the discretion of determining whether this chapter has been complied with; and no such provision shall be construed as giving any employee discretionary powers as to what this chapter shall be, or power to require conditions not prescribed by ordinances or to enforce this chapter in an arbitrary or discriminatory manner.
(Ord. 747, passed 11-7-05)

§ 150.06 CARBON MONOXIDE DETECTORS AND ALARMS.

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

CARBON MONOXIDE DETECTOR/ALARM UNIT.

(a) A single or multiple station detection and alarm unit manufactured in accordance with Underwriters Laboratories Standard U.L. 2034.

(b) Each unit shall be listed by U.L. for its intended use.

RESIDENTIAL UNIT. Any occupancy listed as an “R” occupancy by the State Building Code or One- and Two-Family Dwelling Code.

(B) (1) Carbon monoxide detector/alarm units shall be required to be installed in all new residential occupancies with an attached garage, fuel burning appliance or fireplace.

(2) A detector/alarm unit shall be installed outside each separate sleeping area in the immediate vicinity of the bedrooms, in every room with a fuel burning appliance or fireplace and on each additional story of the dwelling, including basements or cellars, but not including crawl spaces or uninhabitable attics. In dwelling units with split levels, a detector/alarm need be installed only on the upper level, provided the lower level is less than one full story below the upper level, except if there is a door between levels, a detector/alarm shall be required on each level.

(3) All detector/alarm units with a single dwelling shall be interconnected such that the actuation of one alarm will activate all alarms in the individual unit, and shall provide an alarm which is audible in all sleeping areas.

(4) All detector/alarms units shall be installed in accordance with the manufacturers printed instructions.

(5) All detector/alarms units shall receive their primary power from the building wiring when the wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for over-current protection.

(6) When alterations or additions requiring a permit occur, or, when one or more sleeping areas are added or created in existing dwellings, the entire building shall be provided with carbon monoxide detector/alarms located as required for new construction. Where the alterations or additions do not result in exposure of the electrical wiring by the removal of interior wall and ceiling finishes, battery-operated units are acceptable in lieu of hardwired units.

(C) It shall be the responsibility of the County Building Department to enforce this section. (Ord. 694, passed 4-5-99)

BUILDING PERMITS**§ 150.20 BUILDING PERMITS REQUIRED.**

(A) Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commissioner prior to commencement of construction.

(B) Exceptions: Detached buildings which are accessory to a one- or two-family dwelling and less than 120 gross square feet and not over one story in height.
(Ord. 747, passed 11-7-05)

§ 150.21 APPLICATION FOR BUILDING PERMIT.

(A) Any person required to have a building permit shall submit a complete application to the Building Commissioner.

(B) This application shall be submitted on a form prepared by the Building Commissioner, and shall contain the following:

(1) Information that the Building Commissioner determines to be necessary to locate and contact the applicant.

(2) A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished.

(3) A plot drawn to scale; provided, however, such plot plan shall not be required in the instance where all such construction is to occur entirely within an existing structure. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks.

(4) If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a design release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshall pursuant to I.C. 22-15-3.

(5) Any additional information that the Building Commissioner finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

(C) Application for a county building permit shall be accompanied by:

(1) A driveway permit from County Highway Department or Indiana Department of Transportation.

- (2) Written approval from a public drinking water or sewer provider.
- (3) Written approval from the Health Department.
- (4) Written approval from the County Surveyor or Drainage Board.
- (5) An improvement location permit.

(D) Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person. The Building Commissioner may require that such an employee or agent provide written authority to apply for a permit.

(E) Fees for building permits, certificates of occupancy, re-inspections, starting work without a valid permit and occupancy without a certificate of occupancy are contained in a separate ordinance. (Ord. 747, passed 11-7-05)

§ 150.22 ISSUANCE OF BUILDING PERMIT.

The Building Commissioner shall issue a building permit to a person after the person has submitted a complete application, including any applicable fees, provided that the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or law.

(A) Every permit issued by the Building Commissioner under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of issuance, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days

(B) All building permits expire in 12 months from the date of issuance. All building permits are limited to two renewals of six months each. (Ord. 747, passed 11-7-05)

§ 150.23 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure shall be issued unless such building or structure was constructed in compliance with the provisions of this chapter. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner. Penalties and fees for not obtaining a certificate of occupancy prior to occupancy of the structure are covered in a separate ordinance. (Ord. 747, passed 11-7-05)

INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES**§ 150.30 GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS.**

(A) All construction shall be subject to periodic inspections by the Building Commissioner irrespective of whether a building permit has been or is required to be obtained.

(B) The Building Commissioner may at any reasonable time go in, upon, around or about the premises where any structure subject to the provisions of this chapter or to the rules of the Fire Prevention and Building Safety Commission is located for the purposes of inspection and investigation of such structure. Such inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this chapter and the rules of the Fire Prevention and Building Safety Commission.

(C) The Building Commissioner may require that every request for an inspection be filed at least 24 hours prior to the desired time of inspection. Such requests may be in writing or by telephone at the option of the Building Commissioner.

(D) Re-inspections of work found to be incomplete, incorrect or not ready for inspection are subject to assessment of re-inspection fees as prescribed elsewhere in this chapter.

(E) It shall be the duty of the person doing the work authorized by the permit to notify the Building Commission that such work is ready for inspection, to provide access to the work and a means for inspection of such work.

(Ord. 747, passed 11-7-05)

§ 150.31 INSPECTIONS BY FIRE DEPARTMENT.

The Building Commissioner and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws (the Fire Department has independent authority to conduct inspections and take enforcement actions under I.C. 36-8-17).

(Ord. 747, passed 11-7-05)

ADMINISTRATION AND ENFORCEMENT

§ 150.40 WITHHOLD ISSUANCE OF PERMITS.

(A) Whenever a person which is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to a separate ordinance, or inspection fees owed pursuant to a separate ordinance), to the Building Commissioner, the Building Commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied.

(B) Whenever a person applies for a building permit for a structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold the issuance of requested permits until such time that the property is brought into conformance with applicable ordinances.

(Ord. 747, passed 11-7-05)

§ 150.41 PERMIT REVOCATION.

The Building Commissioner may revoke a building permit when any of the following are applicable:

(A) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact.

(B) The application, plans or supporting documents reflect a lack of compliance with building standards and procedures.

(C) There is failure to comply with this chapter.

(D) The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use.

(Ord. 747, passed 11-7-05)

§ 150.42 STOP WORK ORDER.

(A) The Building Commissioner may issue an order requiring suspension of the pertinent construction (stop work order) in accordance with this section.

(B) The stop work order shall:

(1) Be in writing;

(2) State with specificity the construction to which it is applicable and the reason for its issuance;

(3) Be posted on the property in a conspicuous place;

(4) If practicable, be given to:

(a) The person doing the construction; and

(b) To the owner of the property or the owner's agent;

(5) The stop work order shall state the conditions under which construction may be resumed.

(C) The Building Commissioner may issue a stop work order if:

(1) Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this chapter or any state law pertaining to safety during construction.

(2) Construction is occurring in violation of this chapter or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will be substantially difficult to correct the violation.

(3) Construction for which a building permit is required is proceeding without a building permit being in force

(D) The issuance of a stop work order shall in no way limit the operation of penalties provided elsewhere in this chapter.

(Ord. 747, passed 11-7-05)

§ 150.43 CIVIL ACTION.

Pursuant to I.C. 36-1-6-4, the county may initiate a civil action in a court of competent jurisdiction to restrain any person from violating a provision of this chapter.

(Ord. 747, passed 11-7-05)

§ 150.44 MONETARY PENALTY.

Any person violating any provision of this chapter may be subject to a fine in any sum not exceeding \$2,500. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this chapter.

(Ord. 747, passed 11-7-05)

§ 150.45 RIGHT OF APPEAL.

Any person aggrieved by an order issued under this chapter shall have the right to petition for review of any order of the Building Commissioner. Such a person may file a petition using either, or both, of the following procedures:

(A) Appeal to the Fire Prevention and Building Safety Commission.

(1) A person aggrieved by an order issued under this chapter may appeal to the Fire Prevention and Building Safety Commission, in accordance with I.C. 22-13-2-7.

(2) The Commission may modify or reverse any order issued by the county that covers a subject governed by I.C. 22-12, 22-13, 22-14, or 22-15, a fire safety or a building rule.

(3) The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 structure if the person aggrieved by the order petitions for review under I.C. 4-21.5-3-7 within 30 days after the issuance of the order.

(4) The Fire Prevention and Building Safety Commission may review all other orders issued under this chapter.

(5) The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.

(B) Appeal to an established local administrative body or court pursuant to I.C. 36-7-8-9. A person aggrieved by a decision of the Building Department may appeal as in other civil actions. The appellant must, by registered mail, give the County Executive a 15 day written notice of his or her intention to appeal. This notice must concisely state the appellant's grievance. If, pursuant to I.C. 36-1-6-9, the county has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with said ordinance. If no such administrative body exists, then the person may petition a court for judicial review of the order.

(Ord. 747, passed 11-7-05)

MINIMUM CONSTRUCTION STANDARDS

§ 150.60 ADOPTION OF RULES BY REFERENCE.

(A) Pursuant to I.C. 22-14-2-3(b), the rules of Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this chapter and shall include any later amendments to those rules.

- (1) Article 13 – Building Codes;
 - (a) Fire and Building Safety Standards;
 - (b) Indiana Building Code; and
 - (c) Appendix C Group U Agricultural building;

- (2) Article 14 – Indiana Residential Code;
- (3) Article 16 – Indiana Plumbing Code;
- (4) Article 17 – Indiana Electrical Code;
- (5) Article 18 – Indiana Mechanical Code;
- (6) Article 19 – Indiana Energy Conservation Code;
- (7) Article 20 – Indiana Swimming Pool Code;
- (8) Article 22 – Indiana Fire Code;
- (9) Article 24 – Migrant Day Care Nursery Fire Safety Code; and
- (10) Article 25 – Indiana Fuel Gas Code

(B) Two copies of the above building rules incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by I.C. 36-1-5-4.

(C) The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this chapter. Pursuant to I.C. 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until it has been approved by Fire Prevention and Building Safety Commission.
(Ord. 747, passed 11-7-05)

Editor's note:

I.C. 22-14-2-3 was repealed by P.L. 22-2005, Sec. 56

§ 150.61 LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE.

(A) Pursuant to I.C. 22-12-1-22(b)(12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:

(1) Part 5.3, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(2) Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(3) Section 5, Private Residence Vertical Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016.

(4) Section 6, Private Residence Inclined Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

(5) Section 7, Private Inclined Stairway Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

(B) Two copies of the above lifting device standards incorporated by reference are on file in the office of the clerk for the legislative body for public inspection as required by I.C. 36-1-5-4. (Ord. 747, passed 11-7-05)

UNSAFE BUILDINGS

§ 150.70 STATUTORY AUTHORITY.

Indiana Code 36-7-9-1 through 36-7-9-28 is hereby incorporated by reference in the County Unsafe Building Ordinance. All proceedings within the county for the inspection, repair, and removal of unsafe buildings shall be governed by said ordinance and the provisions of this subchapter. In the event of the provisions of this subchapter conflicting with the provisions of the I.C. 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control. (Ord. 660, passed 2-22-94)

§ 150.71 DECLARATION OF NUISANCE.

All buildings or portions thereof within the county which are determined after inspection by the Building Commissioner or his or her deputy to be unsafe as defined in this subchapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal. The Building Commissioner may utilize the services of a certified engineer and shall use photographs to support and supplement his or her conclusion. (Ord. 660, passed 2-22-94)

§ 150.72 REPAIR OR REMOVAL.

The County Building Commissioner, as chief administrative officer of the County Building Department, shall be authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

(Ord. 660, passed 2-22-94)

§ 150.73 BUILDING COMMISSIONER.

Wherever in the building regulations of the county or the County Unsafe Building Ordinance, 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 Building Commission, 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; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner.

(Ord. 660, passed 2-22-94)

§ 150.74 DEFINITIONS.

The description of an unsafe building contained in I.C. 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in Steuben County, by adding the following definition:

SUBSTANTIAL PROPERTY INTEREST. The definition of set forth in I.C. 36-7-9-2 is hereby incorporated by reference herein as if copied in full.

UNSAFE BUILDING. Any building or structure which has any or all of the conditions or defects hereinafter described, provided that such 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 sufficient width or size or is not so arranged as to provide safe, 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 requirement for 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 thereof 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 of thereof has wracked, 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: (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) 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: (1) an attractive nuisance to children; or (2) freely accessible to persons for the purpose of committing unlawful acts.

(13) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the County Commissioners, or of any law or ordinance of this state 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: (1) strength; (2) fire-resisting qualities or characteristics; or (3) weather-resisting qualities or characteristics required by law in the case of a newly-constructed building or like area, height, and occupancy in the same location.

(15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the County Board of Health 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, inadequate exits, lack of sufficient fire resistive construction is determined by the Building Commissioner 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 thereof an attractive nuisance or hazard to the public.

(Ord. 660, passed 2-22-94)

§ 150.75 STANDARDS OF CONSTRUCTION.

All work for the reconstruction, repair, or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building ordinances, as defined in I.C. 22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this subchapter or orders issued pursuant to this subchapter by the County Building Commissioner.

(Ord. 660, passed 2-22-94)

§ 150.76 UNSAFE BUILDING FUND.

There is hereby created an Unsafe Building Fund and funding shall be provided and expenditures shall be made from said fund pursuant to the provisions of I.C. 36-7-9-14 as it currently exists and may hereinafter be amended.

(Ord. 660, passed 2-22-94; Am. Ord. 800, passed 9-14-10)

§ 150.77 VIOLATION.

No person, firm, or corporation, whether as owner, lessee, sublessee 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 subchapter or any order issued by the Building Commissioner. Any person violating the provisions of the subchapter or I.C. 36-7-9-28 shall commit a Class A infraction for each day such violation continues, and may be prosecuted and punished accordingly if found guilty in any court of general misdemeanor jurisdiction in Steuben County, Indiana by the prosecuting attorney or the County Attorney to which may be added an action for an injunction in the event that the County Health Officer is of the opinion that the public health is endangered.
(Ord. 660, passed 2-22-94)

CHAPTER 151: PLANNING

Section

151.01 Regulations adopted by reference

§ 151.01 REGULATIONS ADOPTED BY REFERENCE.

The planning regulations of the county are hereby adopted by reference and incorporated as if set out fully herein.

CHAPTER 152: [RESERVED]

CHAPTER 153: FLOODPLAIN MANAGEMENT

Section

General Provisions

- 153.01 Statutory authorization; findings of fact; purpose; objectives
- 153.02 Definitions
- 153.03 Lands to which this chapter applies
- 153.04 Basis for establishing regulatory flood data
- 153.05 Establishment of floodplain development permit
- 153.06 Compliance
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Administration

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Provisions for Flood Hazard Reduction

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Variance Procedures

- 153.50 Designation of Variance and Appeals Board
- 153.51 Duties of Variance and Appeals Board
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- 153.55 Historic structure
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Statutory reference:

Flood hazard areas; regulations, see I.C. 14-28-1.

GENERAL PROVISIONS

§ 153.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE; OBJECTIVES.

(A) *Statutory authorization.* The Indiana Legislature has in I.C. 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the County Commissioners of Steuben County does hereby adopt the following floodplain management regulations.

(B) *Findings of fact.*

(1) The flood hazard areas of Steuben County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

(C) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, which may increase flood hazards to other lands; and,

(6) Make federally subsidized flood insurance available for structures and their contents in Steuben County by fulfilling the requirements of the National Flood Insurance Program.

(D) *Objectives.* The objectives of this chapter are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;

(7) To ensure that potential homebuyers are notified that property is in a flood area.
(Ord. A-05-04, passed 1-3-06)

§ 153.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A ZONE. Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A Zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

(1) **ZONE A.** Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

(2) **ZONE AE and A1-A30.** Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

(3) **ZONE AO.** Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

(4) **ZONE AH.** Areas subject to inundation by one-percent annual chance shallow flooding (usually area ponding) where average depths are one to three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

(5) **ZONE AR.** Areas that result from the decertification of a previously accredited flood protection system is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

(6) **ZONE A99.** Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protected system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure that is located on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Accessory structure should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

ADDITION (TO AN EXISTING STRUCTURE). Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

APPEAL. A request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING. A designated AO or AH Zone on the community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD ELEVATION (BFE). The elevation of the one-percent annual chance flood.

BASEMENT. That portion of a structure having its floor sub-grade (below ground level) on all sides.

BUILDING. See **STRUCTURE**.

COMMUNITY. A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

COMMUNITY RATING SYSTEM (CRS). A program developed by the Federal Insurance Administration to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including but not limited to:

- (1) Construction, reconstruction, or placement of a structure or any addition to a structure;
- (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;
- (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, etc.;
- (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 structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

ELEVATED STRUCTURE. A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

ELEVATION CERTIFICATE. A certified statement that verifies a structure's elevation information.

EMERGENCY PROGRAM. The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

ENCROACHMENT. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING CONSTRUCTION. Any structure for which the start of construction commenced before effective date of the community's first floodplain ordinance.

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 community's first floodplain ordinance.

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).

FEMA. The Federal Emergency Management Agency.

FIVE-HUNDRED YEAR FLOOD (500-YEAR FLOOD). The flood that has a 0.2% chance of being equaled or exceeded in any year.

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.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS). The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

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 includes both the floodway and the fringe districts.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

FLOOD PROTECTION GRADE (FPG). The elevation of the regulatory flood plus two feet at any given location in the SFHA. (See ***FREEBOARD.***)

FLOODPROOFING (DRY FLOODPROOFING). A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

FLOODPROOFING CERTIFICATE. A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

FLOODWAY. The channel of a river or stream and those portions of the floodplains 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.

FREEBOARD. A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

FRINGE. Those portions of the floodplain lying outside the floodway.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

HARDSHIP, (as related to variances of this chapter), means the exceptional hardship that would result from a failure to grant the requested variance. The [Governing Body] requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE. 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.

INCREASED COST OF COMPLIANCE (ICC). The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

LETTER OF MAP AMENDMENT (LOMA). An amendment to the currently effective FEMA map that establishes that a property is not located in a 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.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F). An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

LOWEST ADJACENT GRADE. The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

LOWEST FLOOR. The lowest of the following:

- (1) The top of the lowest level of the structure;
- (2) The top of the basement floor;
- (3) The top of the garage floor, if the garage is the lowest level of the structure;
- (4) The top of the first floor of a structure elevated on pilings or pillars;
- (5) The top of the first floor of a structure constructed with a crawl space, provided that the lowest point interior grade is at or above the BFE and construction meets requirements of division (6)(a) of this definition; or
- (6) The top of the floor level of any enclosure, other than a basement, below an elevated structure when 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 allowing for the entry and exit of flood waters, by providing a minimum of two openings in addition to doorways and windows) having a total net area of one square inch for each square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade; and,
 - (b) Such enclosed space shall be usable solely 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.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MAP AMENDMENT. A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

MAP PANEL NUMBER is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.)

MARKET VALUE. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

MITIGATION. Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

NATIONAL GEODETIC VERTICAL DATUM (NGVD). As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION. Any structure for which the start of construction commenced after the effective date of the community's first floodplain ordinance.

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 the community's first floodplain ordinance.

OBSTRUCTION. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ONE-HUNDRED YEAR FLOOD (100-YEAR FLOOD). The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1% annual chance flood. (See **REGULATORY FLOOD**.)

ONE-PERCENT ANNUAL CHANCE FLOOD is the flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1% annual chance flood. (See **REGULATORY FLOOD**.)

PARTICIPATING COMMUNITY. Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

PHYSICAL MAP REVISION (PMR). An official republication of a community's FEMA map to effect changes to base (1% annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

POST-FIRM CONSTRUCTION. Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

PRE-FIRM CONSTRUCTION. Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

PROBATION is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

PUBLIC SAFETY AND NUISANCE. Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

REGULAR PROGRAM. The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

REGULATORY FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in § 153.04. The **REGULATORY FLOOD** is also known by the term base flood, one-percent annual chance flood, and 100-year flood.

REPETITIVE LOSS. Flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

SECTION 1316. That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

SPECIAL FLOOD HAZARD AREA (SFHA). Those lands within the jurisdictions (including extraterritorial 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 Steuben County and

Incorporated Areas dated [date of FIRM], 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 FIRM as Zones A, AE, A1-A30, AH, AR, A99, or AO).

START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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 to be installed on a site for more than 180 days.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

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 that have incurred repetitive loss or 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.

SUSPENSION. The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

VIOLATION. The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. **WATERCOURSE** includes specifically designated areas in which substantial flood damage may occur.

WATER SURFACE ELEVATION. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

X ZONE. The area where the flood hazard is less than that in the SFHA. Shaded X Zones shown on recent FIRMs (B Zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% chance of being equaled or exceeded (the 500-year flood). Unshaded X Zones (C Zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2%.

ZONE. A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

ZONE A. (See definition for **A ZONE**.)

ZONE B, C, and X. Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)
(Ord. A-05-04, passed 1-3-06)

§ 153.03 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all SFHAs within the jurisdiction of the county.
(Ord. A-05-04, passed 1-3-06)

§ 153.04 BASIS FOR ESTABLISHING REGULATORY FLOOD DATA.

This chapter'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.

(A) The regulatory flood elevation for each of the SFHAs of Steuben County delineated as an AO Zone (in fringe) shall be that elevation (or depth) delineated on the FIRM of Steuben County and Incorporated Areas dated July 3, 1986.

(B) The regulatory flood elevation, floodway, and fringe limits for each of the unstudied SFHAs of Steuben County delineated as an A Zone on the FIRM of Steuben County and Incorporated Areas shall be according to the best data available as provided by the Indiana Department of Natural Resources.
(Ord. A-05-04, passed 1-3-06)

§ 153.05 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMITS.

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard. (Ord. A-05-04, passed 1-3-06) Penalty, see § 153.99

§ 153.06 COMPLIANCE.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. A-05-04, passed 1-3-06) Penalty, see § 153.99

§ 153.07 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. A-05-04, passed 1-3-06)

§ 153.08 DISCREPANCY BETWEEN MAPPED FLOODPLAIN AND ACTUAL GROUND ELEVATIONS.

(A) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(B) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(C) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA. (Ord. A-05-04, passed 1-3-06)

§ 153.09 INTERPRETATION.

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

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and,

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. A-05-04, passed 1-3-06)

§ 153.10 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter 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 chapter does not create any liability on the part of Steuben County, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully hereunder.

(Ord. A-05-04, passed 1-3-06)

ADMINISTRATION

§ 153.20 DESIGNATION OF ADMINISTRATOR.

The County Commissioners hereby appoints the Steuben County Plan Director/Zoning Administrator to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.

(Ord. A-05-04, passed 1-3-06)

§ 153.21 PERMIT PROCEDURES.

Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(A) *Application stage.*

(1) A description of the proposed development;

(2) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;

- (3) A legal description of the property site;
- (4) A site development plan showing existing and proposed development locations and existing and proposed land grades;
- (5) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD);
- (6) Elevation (in NGVD) to which any non-residential structure will be floodproofed; and,
- (7) Description of the extent to which any watercourse will be altered or related as a result of proposed development.

(B) *Construction stage.* Upon placement of the lowest floor, or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.
(Ord. A-05-04, passed 1-3-06)

§ 153.22 DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR.

(A) The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this chapter. The Administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose.

(B) Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (1) Review all floodplain development permits to assure that the permit requirements of this chapter have been satisfied;
- (2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
- (3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to division (B)(10) of this section, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment);

(4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;

(5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

(6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this chapter;

(7) Utilize and enforce all Letters of Map Revision (LOAM) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;

(8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 153.21;

(10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with § 153.21; and

(11) Review certified plans and specifications for compliance.

(12) Stop work orders.

(a) Upon notice from the Administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease.

(b) Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(13) Revocation of permits.

(a) The Administrator may revoke a permit or approval, issued under the provisions of this chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The Administrator may revoke a permit upon determination by the Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the

structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(Ord. A-05-04, passed 1-3-06)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 153.30 GENERAL STANDARDS.

In all SFHAs the following provisions are required:

(A) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(C) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;

(D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(E) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(I) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this chapter shall meet the requirements of new construction as contained in this chapter; and,

(J) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this chapter, shall be undertaken only if said non-conformity is not further, extended, or replaced.

(K) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.

(1) The excavation shall take place in the floodplain and in the same immediate watershed in which the authorized fill or structure is located;

(2) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same immediate watershed in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled;

(3) The fill or structure shall not obstruct a drainage way leading to the floodplain;

(4) The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and,

(5) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this subchapter.

(Ord. A-05-04, passed 1-3-06) Penalty, see § 153.99

§ 153.31 SPECIFIC STANDARDS.

In all SFHAs, the following provisions are required:

(A) In addition to the requirements of § 153.30, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

(1) Construction or placement of any new structure having a floor area greater than 400 square feet;

(2) Structural alterations made to:

(a) An existing (previously unaltered structure), the cost of which equals or exceeds 50% of the value of the pre-altered structure (excluding the value of the land);

(b) Any previously altered structure;

(3) Reconstruction or repairs made to a damaged structure that are valued at more than 50% of the market value of the structure (excluding the value of the land) before damage occurred;

(4) Installing a travel trailer or recreational vehicle on a site for more than 180 days;

(5) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

(6) Reconstruction or repairs made to a repetitive loss structure.

(B) *Residential construction.* New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division (D) of this section.

(C) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all A Zones may be floodproofed in lieu of being elevated if done in accordance with the following:

(1) A registered professional engineer or architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in § 153.22(J).

(2) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(D) *Elevated structures.*

(1) New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwater to automatically equalize hydrostatic flood forces on exterior walls.

(2) Designs for complying with this requirement must either be certified by a professional engineer architect or meet the follow minimum criteria:

(a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(d) Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(e) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(f) Where elevation requirements exceed six feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final certificate of occupancy.

(E) *Structures constructed on fill.* A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

(1) 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 proctor test method.

(2) The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.

(3) 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.

(4) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(5) The top of the lowest floor including basements shall be at or above the FPG.

(F) *Standards for structures constructed with a crawlspace.* A residential or nonresidential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:

(1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy;

(2) Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch for every one square foot of enclosed area. The bottom of the openings shall be no more than one foot above grade;

(3) The interior grade of the crawlspace must be at or above the base flood elevation;

(4) The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point;

(5) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;

(6) Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage; and

(7) Utility systems within the crawlspace must be elevated above the flood protection grade.

(G) *Standards for manufactured homes and recreational vehicles.* 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 requirements:

(1) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

(a) Outside a manufactured home park or subdivision;

(b) In a new manufactured home park or subdivision;

(c) In an expansion to an existing manufactured home park or subdivision; or

(d) In an existing manufactured home park or subdivision on which a manufactured home incurred substantial damage as a result of 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 elevations 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. 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.

(3) Recreational vehicles placed on a site shall either:

(a) Be on site for less than 180 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 as stated earlier in this section.
(Ord. A-05-04, passed 1-3-06) Penalty, see § 153.99

§ 153.32 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

(D) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.

(Ord. A-05-04, passed 1-3-06) Penalty, see § 153.99

§ 153.33 CRITICAL FACILITY.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

(Ord. A-05-04, passed 1-3-06) Penalty, see § 153.99

§ 153.34 STANDARDS FOR IDENTIFIED FLOODWAYS.

(A) Located within SFHAs, established in § 153.04, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of I.C. 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (I.C. 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

(B) No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in this subchapter have been met. The floodplain development permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

(C) No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot.

(D) For all projects involving channel modifications or fill (including levees) Steuben County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

(Ord. A-05-04, passed 1-3-06) Penalty, see § 153.99

§ 153.35 STANDARDS FOR IDENTIFIED FRINGE.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local floodplain development permit provided the provisions contained in this subchapter 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 FPG.

(Ord. A-05-04, passed 1-3-06)

§ 153.36 STANDARDS FOR SFHAS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS/FRINGES.

(A) Drainage area upstream of the site is greater than one square mile:

(1) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

(2) No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the 100-year flood elevation and the recommended floodplain protection grade has been received from the Indiana Department of Natural Resources.

(3) Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a floodplain development permit may be issued provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this subchapter have been met.

(B) Drainage area upstream of the site is less than one square mile:

(1) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and 100-year flood elevation for the site.

(2) Upon receipt, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in this subchapter have been met.

(C) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

(Ord. A-05-04, passed 1-3-06)

§ 153.37 STANDARDS FOR AO ZONES.

Located within the SFHAs established in § 153.04 are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore the following provisions shall apply:

(A) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated two feet greater than the flood depth number specified on the Flood Insurance Rate Map above the highest adjacent grade.

(B) Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.

(C) All new construction and substantial improvements of non-residential structures shall:

(1) Have the lowest floor, including basement, elevated two feet greater than the flood depth number specified on the Flood Insurance Rate Map above the highest adjacent grade; or,

(2) Together with attendant utility and sanitary facilities be completely floodproofed to the specified level so that any space below that level is watertight with walls substantially impermeable to passage of water and with structural components having the capability of resisting hydrostatic or hydrodynamic loads and effects of buoyancy. Certification is required as per § 153.31.
(Ord. A-05-04, passed 1-3-06)

VARIANCE PROCEDURES

§ 153.50 DESIGNATION OF VARIANCE AND APPEALS BOARD.

The Board of Zoning Appeals as established by County Commissioners of Steuben County shall hear and decide appeals and requests for variances from requirements of this chapter.
(Ord. A-05-04, passed 1-3-06)

§ 153.51 DUTIES OF VARIANCE AND APPEALS BOARD.

The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. Any person aggrieved by the decision of the Board may appeal such decision to the Steuben County Circuit/Superior Court, as provided in state statute.
(Ord. A-05-04, passed 1-3-06)

§ 153.52 VARIANCE PROCEDURES.

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and;

- (A) The danger of life and property due to flooding or erosion damage;
 - (B) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (C) The importance of the services provided by the proposed facility to the community;
 - (D) The necessity to the facility of a waterfront location, where applicable;
 - (E) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (F) The compatibility of the proposed use with existing and anticipated development;
 - (G) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (H) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (I) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
 - (J) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (Ord. A-05-04, passed 1-3-06)

§ 153.53 CONDITIONS FOR VARIANCES.

- (A) Variances shall only be issued when there is:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship;and,
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (B) No variance for a residential use within a floodway subject to §§ 153.34 or 153.36(A) may be granted.

(C) Any variance granted in a floodway subject to §§ 153.34 or 153.36(A) will require a permit from the Indiana Department of Natural Resources.

(D) Variances to the provisions for flood hazard reduction of § 153.31 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.

(E) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(F) Variances 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.

(G) Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (See § 153.54)

(H) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request. (See § 153.54)
(Ord. A-05-04, passed 1-3-06)

§ 153.54 VARIANCE NOTIFICATION.

(A) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
(second sentence optional)

(B) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.
(Ord. A-05-04, passed 1-3-06)

§ 153.55 HISTORIC STRUCTURE.

Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(Ord. A-05-04, passed 1-3-06)

§ 153.56 SPECIAL CONDITIONS.

Upon the consideration of the factors listed in this subchapter, and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(Ord. A-05-04, passed 1-3-06)

§ 153.99 PENALTY.

Failure to obtain a floodplain development permit in the SFHA or failure to comply with the requirements of a floodplain development permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Steuben County. All violations shall be punishable by a fine not exceeding \$75 per day.

(A) A separate offense shall be deemed to occur for each day the violation continues to exist.

(B) The Steuben County Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(C) Nothing herein shall prevent the Steuben 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.

(Ord. A-05-04, passed 1-3-06)

CHAPTER 154: THOROUGHFARE STANDARDS

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GENERAL PROVISIONS

§ 154.01 STANDARDS.

All public thoroughfares in residential subdivisions hereinafter platted in the county shall comply with the following standards:

(A) (1) All public thoroughfares shall comply with all standards set out in and have a minimum subbase of six inches of Type "O" compacted aggregate No. 53 and a prime coat of MC-70 applied at a minimum rate of .33 gallons per square yard and hot asphalt concrete base course constructed and

installed at 330 pounds per square yard, and a hot asphalt concrete surface course constructed and installed at 110 pounds per square yard. If weather conditions prevent application of the prime coat, the hot asphalt concrete base course must be increased to 375 pounds per square yard.

(2) Local streets that serve only as access for abutting properties to collector streets, within a residential subdivision, may be constructed and installed with a Double Seal Coat Type 5 or 6, as per State Department of Transportation Standard Specifications, Section 407, in place of the hot asphalt concrete base and surface courses.

(B) All public thoroughfares shall have a minimum right-of-way width of 50 feet, with a minimum driving width of 20 feet, with a minimum shoulder width of two feet and side slopes not to exceed three to one. Additional right of way may be required to construct the side slopes or to provide for adequate drainage.

(C) All public thoroughfares shall be constructed to provide positive drainage, so that all surface water will be drained from the roadway, collected and channeled off of the right-of-way, by means of, but not limited to ditches, culverts, catch basins, inlets and storm sewers.

(D) All dead end streets shall be terminated by means of a cul-de-sac. Cul-de-sacs shall be constructed to the requirements as set out herein:

(1) A cul-de-sac shall have a minimum radius of 50 feet, and a minimum driving surface width of 25 feet. The right of way shall have a minimum radius of 55 feet.

(2) All plat and dedications of new thoroughfares must state that the thoroughfares will be constructed to meet or exceed the specifications listed herein on or before a certain date specified on the plat or dedication. If the aforesaid statement does not appear as a covenant on the face of the plat, the County Commissioners shall find the omission to be just cause to reject the plat and to deny approval. If the covenant is breached, the County Commissioners shall take action as may be necessary to vacate the plat.

(3) The standards as set forth herein shall also apply to any private roadway in a residential exempt division, as defined in the zoning ordinance, as amended.

(84 Code, § 36-7-4-506) (Ord. 650, passed 4-19-93; Am. Ord. 662, passed 5-9-94)

Statutory reference:

Similar provisions, see I.C. 36-7-4-506

ROAD CUTTING**§ 154.15 DEFINITIONS.**

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

HIGHWAY. Any highway, road or street accepted or maintained by the county.

PERSON. An individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, public or private utility, city, town or his, her or its legal representative.

('84 Code, § 8-17-3-1) (Res. passed 9-8-64; Am. Ord. 589, passed 10-1-84; Am. Ord. passed 2-16-93; Am. Ord. 662, passed 5-9-94)

§ 154.16 PERMITS.

(A) No person shall cut, open or obstruct any county highway or shall impose, construct or replace any driveway, tile or drain, or shall install any utility line, including but not limited to telephone cables, gas lines or water lines within the right-of-way of any county highway, except in compliance with this subchapter.

(B) Any person wishing to do so shall:

(1) Apply for and obtain a permit from the County Highway Department on the form so provided; or (The application shall state the purpose and date of the proposed activity, along with all additional information deemed necessary by the Highway Department. If the application is approved, the County Commissioners, then the County Highway Engineer or County Highway Superintendent shall issue a permit for that work or activity.)

(2) Perform any cut or opening in the following manner:

(a) In roadway cut sections, the utility lines shall be buried at least 30 inches below the bottom of the ditch grade.

(b) In roadway fill sections, the utility lines shall be buried at least 30 inches below all ditches existing at the time of the installation and not less than three feet or more than five feet within the right-of-way of that county highway as it exists at the time of the installation.

('84 Code, § 8-17-3-1) (Res. passed 9-8-64; Am. Ord. 589, passed 10-1-84; Am. Ord. passed 2-16-93; Am. Ord. 662, passed 5-9-94) Penalty, see § 10.99

§ 154.17 LIABILITY.

The permit holder shall assume full liability for all acts or omissions occurring as part of any activity conducted under the permit. Proper warning signs shall be placed at a point each direction from the cut warning of the hazard to motor traffic and, when necessary, the permit holder shall be responsible to have the County Highway Department close the thoroughfare to traffic on a temporary basis. The County Highway Department may require the permit holder to post traffic-control people at each direction from the cut to guide traffic.

(`84 Code, § 8-17-3-1) (Res. passed 9-8-64; Am. Ord. 589, passed 10-1-84; Am. Ord. passed 2-16-93; Am. Ord. 662, passed 5-9-94)

§ 154.18 CIVIL ACTIONS.

Nothing in this subchapter shall be deemed to abridge, limit or in any way affect the right of the county to file any civil damage suit or to seek an injunction against any violator.

(`84 Code, § 8-17-3-1) (Res. passed 9-8-64; Am. Ord. 589, passed 10-1-84; Am. Ord. passed 2-16-93; Am. Ord. 662, passed 5-9-94)

DRIVEWAY PERMITS**§ 154.30 DEFINITIONS.**

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

AGRICULTURAL. Pertaining to or dealing with agriculture.

DRIVEWAY. Any entrance from a tract of land to the roads and rights-of-way maintained by the county used by motor vehicles for ingress and egress to the roads and rights-of-way maintained by the county.

SINGLE FAMILY. A structure occupied by one family.

SUBDIVISION. A plat of one or more lots approved by the County Plan Commission.
(`84 Code, § 8-17-3-2) (Ord. 670, passed 7-3-95)

§ 154.31 PERMITS.

Before any landowner constructs a driveway for ingress and egress to roads and rights-of-way maintained by the county, the landowner shall apply for a driveway permit.

(`84 Code, § 8-17-3-2) (Ord. 670, passed 7-3-95)

Statutory reference:

Driveway permits, see I.C. 8-17-3-2

§ 154.32 AGRICULTURAL PURPOSES; FEE EXEMPTION.

There shall be no application fee charged for a driveway used solely for ingress and egress for agricultural purposes.

(`84 Code, § 8-17-3-2) (Ord. 670, passed 7-3-95)

§ 154.33 SINGLE-FAMILY STRUCTURE.

An application fee per driveway shall be charged for a driveway permit for ingress and egress to a single-family structure.

(`84 Code, § 8-17-3-2) (Ord. 670, passed 7-3-95)

§ 154.34 OTHER STRUCTURES; FEES.

An application fee per driveway shall be charged for a driveway permit other than a driveway permit for a single-family structure.

(`84 Code, § 8-17-3-2) (Ord. 670, passed 7-3-95)

§ 154.35 CLOSING DRIVEWAYS.

If the landowner does not construct the driveway in accordance with the driveway permit issued, the County Highway Department may close the driveway until the driveway is brought in conformance with the permit.

(`84 Code, § 8-17-3-2) (Ord. 670, passed 7-3-95)

§ 154.36 RESIDENTIAL DRIVEWAY PERMIT FEES.

The residential driveway permit fees issued by the Highway Department shall be \$50 per permit issued.

(Ord. 761, passed 4-16-07)

CHAPTER 155: ADDRESS NUMBERS AND SIZES

Section

- 155.01 Definitions
- 155.02 Minimum requirements
- 155.03 Enforcement
- 155.04 Disbursement of fine; funds raised

§ 155.01 DEFINITIONS.

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

APARTMENTS. Structures which may include one or more residences.

BUSINESS. An establishment located in some structure who is a purveyor of goods or services.

COUNTY OFFICER.

- (1) Any member of the County Sheriff's Department; or
- (2) Any member of the County Building Department.

HOUSE. A residence which may contain one or more residences.

RESIDENCE. Any structure wherein persons live as distinguished from business which include full and part time occupancy.

STREET ADDRESS NUMBERS. Identifying numerals which are consistent with identification as recognized by the United States Postal Service.
(Ord. 697, passed 5-24-99)

§ 155.02 MINIMUM REQUIREMENTS.

(A) Every house, residence, apartment and business within the unincorporated areas of the county shall have numbers identifying the location. These numbers are herein referred to as street address numbers for all structures subject to this chapter.

(B) All street number signs shall not obstruct any roadway and shall be a maximum of 15 feet from the edge of the roadway and a maximum of six feet above the roadway on the same side as the residence and visible from roadway at night.

(C) All street address numbers shall be of a color which, when viewed from the roadway in a vehicle, can be seen easily. The numbers shall be of a color contrasting with the background surface color upon which they are mounted and reflective.

(D) There shall be no obstructions to preventing the street address numbers from being seen as noted herein.

(E) All street address numbers shall be a minimum of three inches in height and one and one-half inches in width.

(Ord. 697, passed 5-24-99) Penalty, see § 10.99

§ 155.03 ENFORCEMENT.

This chapter may be enforced by any county officer, as defined herein.
(Ord. 697, passed 5-24-99)

§ 155.04 DISBURSEMENT OF FINES; FUNDS RAISED.

Funds derived from violations of this chapter shall go into the County Highway Sign Fund.
(Ord. 697, passed 5-24-99)

CHAPTER 156: ZONING

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GENERAL PROVISIONS**§ 156.001 PREAMBLE AND ENACTING CLAUSE.**

The Steuben County Code is hereby amended by adding a new chapter to be known and cited as the Steuben County Zoning Ordinance.
(Ord. 777, passed 7-3-08)

§ 156.002 PURPOSE.

This chapter is in accordance with a comprehensive plan and is adopted so that adequate light, air, convenience and access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that the local environmental heritage be enhanced and protected; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. This chapter is made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be

adapted and the conservation of property values and the overall quality of life throughout the territory under the jurisdiction of the Plan Commission.
(Ord. 777, passed 7-3-08)

§ 156.003 SCOPE OF APPLICATION.

(A) No building or structure, or part thereof, shall hereafter be erected, constructed, renovated, altered or maintained and no new use shall be made of any building or land except in conformity with the provisions of this chapter.

(B) Any building or structure which is erected, repaired, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se and may be abated by order of any court of competent jurisdiction.

(C) Nothing in this chapter shall be deemed to require a change in the plans, construction, or use of any building on which actual construction was lawfully begun prior to the effective date of this chapter. The construction shall be completed within two years from the effective date of this chapter.

(D) The provisions of this chapter shall apply to all buildings, structures and uses in any zoning district, unless otherwise noted.

(E) The regulations established by this chapter shall be the minimum necessary and shall apply uniformly to each class or kind of structure, land, or use.

(F) This chapter shall apply to all areas of the county, except incorporated municipalities with local zoning ordinances and associated extraterritorial jurisdiction areas.
(Ord. 777, passed 7-3-08)

§ 156.004 CONSTRUCTION OF LANGUAGE.

(A) Interpretations.

(1) If the meaning of this chapter is unclear in a particular circumstance, then the individual or body charged with interpreting or applying the chapter shall construe the provision to carry out the intent of the chapter, if the intent can be discerned from other provisions of the chapter or law.

(2) All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.

(3) The definitions contained in this chapter are for the purposes of this chapter.

(B) Terms.

(1) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

(2) The terms “Ordinance” and “Act” shall be understood to include the term “as amended” where the context is appropriate.

(3) The particular shall control the general. For terms used in this chapter the use of a general term shall not be taken to be the same as the use of any other specific term. For example, a “pharmacy,” as used in this chapter, shall not be interpreted to be the same as a “retail business” since each is listed as a separate and distinct use.

(4) Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates otherwise.

(5) A “building” or “structure” includes any part thereof.

(6) The word “build” includes to “erect” or “construct.”

(7) The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. A masculine term shall include the feminine version of the term and vice versa.

(8) Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.

(a) “And” indicates that all connected items, conditions, provisions, or events shall apply.

(b) “Or,” indicates that the connected items, conditions, provisions or events may apply separately or in combination.

(c) “Either...or” indicates that the connected items, conditions, provisions or events shall apply separately, not in combination.

(C) Computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the county or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

(D) All measurements shall be to the nearest integer and in the horizontal plane, unless otherwise specified.

(E) The phrase “used for” includes “arranged for,” “intended for,” “occupied for,” and “maintained for.”

(F) Unless the context clearly indicates to the contrary, where an illustration accompanies any item in this chapter, the written text shall have precedence over the illustration.

(G) The terms “abutting” or “adjacent to” include property along the lot lines of the subject site including those in another community, but do not include lands separated by a public road right-of-way.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11; Am. Ord. A-13-01, passed 9-16-13)

§ 156.005 DEFINITIONS.

Unless otherwise clearly indicated by its context, the words and terms defined in this chapter shall have the specified meanings.

ABANDONED MOTOR VEHICLE. Basically defined for this chapter, as all forms of transportation that require registration and/or licensing by the State of Indiana, that are mechanically inoperable and/or unlicensed. Note County Ordinance No. 771, “An Ordinance for the Abatement of Abandoned Motor Vehicles” for more specific definitions.

ACCESSORY STRUCTURE. (Appurtenant structure) A structure that is located on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

ADDITION. (To an existing structure) Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

ADULT REGULATED USE RELATED DEFINITIONS.

(1) ***ADULT CABARET.*** A nightclub, bar, cocktail lounge, restaurant or similar establishment that has performers and/or employees that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

(2) ***ADULT BOOK OR VIDEO STORE.*** An establishment that has a substantial portion of its stock in trade and offers for sale, for any form of consideration, any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, movies, motion pictures, video cassettes, compact disks, slides, or other visual representations that are characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specific anatomical areas. Substantial portion means a use or activity accounting for more than 20% of any one or more of the following: stock-in-trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.

(3) ***MASSAGE PARLOR.*** An establishment having a substantial portion of its space devoted to massages of the human body or parts thereof by means or pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other

parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient. The following uses shall not be included in the definition of a massage parlor:

(a) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed nurse practitioner, a therapeutic massage practitioner as defined in this chapter or any other similarly licensed medical professional;

(b) Fitness center;

(c) Electrolysis treatment by a licensed operator of electrolysis equipment; and

(d) Hospitals, nursing homes, medical clinics or medical offices.

(e) ***SPECIFIED ANATOMICAL AREA.*** Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breast below a point immediately above the top of an areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(f) ***SPECIFIED SEXUAL ACTIVITIES.*** Human genitals in a state of arousal or stimulation, acts of human masturbation, sexual intercourse or sodomy and fondling or other touching of human genitals, pubic region, buttocks or female breast.

AGRICULTURE. The use of a tract of land for agricultural purposes, including, but not limited to: farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, the necessary accessory uses of tenant housing, packing, treating, or storing of produce; provided, however, the operation of any such accessory use shall be secondary to the normal agricultural activities. Said definition does not include fur bearing animals or confinement feeding operations.

AGRICULTURAL BUILDING. A structure utilized for the conduct of farming operations, but does not include a dwelling or an attached garage to the dwelling.

AIR CONTAMINANT. Dust, fumes, gas, mist, smoke, vapor, or any combination thereof.

AIR CONTAMINANT SOURCE. Any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops, and stores, heating and power plants and stations; buildings and other structures of all types, including single and multi-family residences, apartments, houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings; automobiles, trucks, tractors, buses, and waterborne craft; portable fuel-

burning equipment; incinerators of all types, indoor and outdoor refuse dumps and piles; and all stack and other chimney outlets from any of the foregoing.

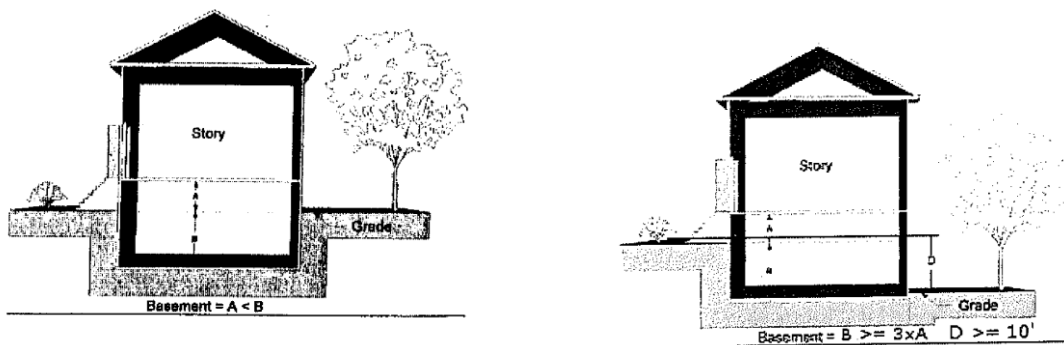
AIR POLLUTION. Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious and to unreasonably interfere with the comfortable enjoyment of life and property.

APPEAL. A request for a review of the Plan Director's interpretation of any provision of this chapter or a request for a variance.

AVERAGE GRADE. See **GRADE**.

BAR. See **TAVERN**.

BASEMENT. The portion of a building which is partially or wholly below the average grade, (50% below grade).



BED AND BREAKFAST INN. See **TOURIST HOME/BED AND BREAKFAST INN**.

BLOCK. An area that abuts a street and lies between two adjoining streets or barriers such as railroad right-of-way, rivers, lakes, and other lines of demarcation.

BOARD. The Board of Zoning Appeals of Steuben County, Indiana.

BOARDING HOUSE. A building in which rooms and meals are regularly provided for compensation, for 12, or fewer, persons.

BOAT ACCESS RAMP. Either a private or a public facility at waters edge to permit the launching of watercraft and the parking of the associated tow vehicle and trailer.

BOAT REPAIRS AND STORAGE. Only privately owned boats, or other aquatic apparatus, may remain outside on any property of owner, longer than 60 days while being repaired, stored, parked, sold, etc. at any one time. (Only properly licensed dealers operating in properly zoned locations are exempt from this requirement.)

BOAT SALES. The use of any building, land area, or other premise for the display, sale, preparation, storage and repair of new or used boats and other watercraft.

BOTTLED GAS STORAGE AND DISTRIBUTION. A business that stores, sells and delivers to end users substances that are stored in gas cylinders, including compressed air, argon, helium, nitrogen, oxygen, butane, propane, carbon dioxide, nitrous oxide, acetylene, liquid nitrogen, liquid oxygen, and carbon dioxide. For the purpose of this chapter, an end-user of bottled gas such as a medical facility or industrial manufacturer shall not be considered a bottled gas storage and distribution facility, provided that all gas stored on-site is to be used on-site.

BREEZEWAY. A structure that connects the accessory structure to the primary structure by means of continuous footer, roof and walls. The main entrance shall be through the breezeway.

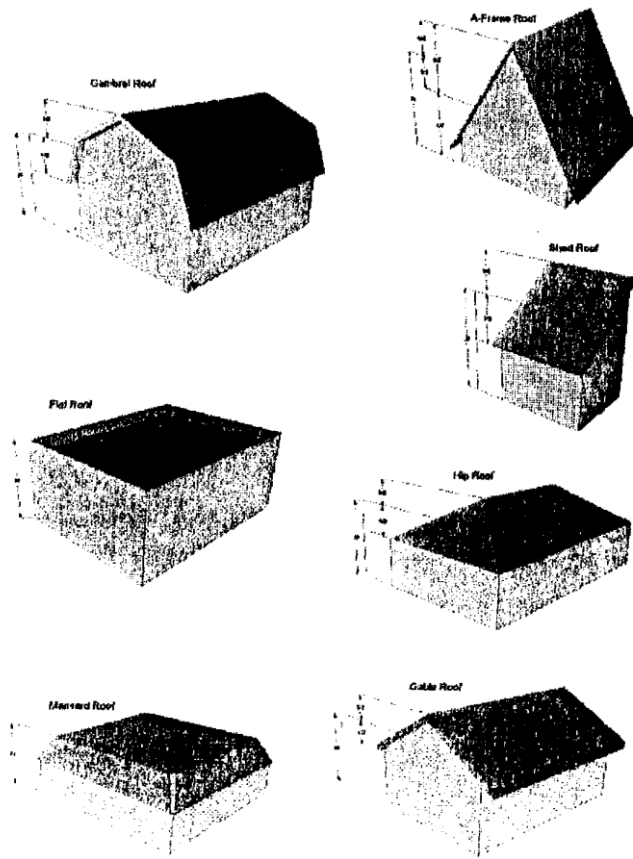
BUFFER ZONE. That area of land between the lot lines (front, side and rear) and the allowed structure. Also an area of land surrounding a sanitary landfill or refuse dump from property line to point of operation on all sides to be left in a natural state strictly prohibiting any development, structure, buildings, vehicle, or construction of drainage ditches, ponds, or collection systems.

BUILDING. A structure either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. A building shall include mobile homes, manufactured housing, sheds, garages, greenhouses, pole barns and used for the purposes of a building and similar structures. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, produce silos, coal bunkers, oil cracking towers, or similar structures.

BUILDING AREA. The horizontal projected area of the building on a lot, excluding open areas, terraces, wetlands and submerged areas.

BUILDING HEIGHT. The vertical distance from the lowest floor to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs and to a height halfway between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING LINE. The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line, private or public.



BUSINESS. A facility or enterprise which purchases, sells, exhibits, or exchanges animals, goods, or services; or maintains offices for recreational or amusement enterprises.

CAMPGROUNDS. See: **RECREATIONAL VEHICLE PARK/RECREATIONAL CAMP.**

CAR LOT. Any property on which vehicles are for sale other than the property owner selling one personal vehicle.

CEMETERY. A place for burying the dead. Also includes a columbarium, crematory, mausoleum, or mortuary operated in conjunction with and on the same tracts as the cemetery.

CLINIC. An establishment in which patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals, but are not lodged overnight. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

COMMERCIAL AMUSEMENT OR RECREATIONAL ENTERPRISE. Any amusement or recreational business, including, but not limited to: amusement park, amusement machine or arcade, animal race track, motorized vehicle race track, competition, or similar event, canoe rentals, dance hall, bingo or gambling establishment.

COMMERCIAL FACILITY. Same as business facility.

COMMERCIAL GREENHOUSE. A business operating a building having transparent walls and roof for the protection, propagation, and sale of plants.

COMMERCIAL HELIPORT. An airport for helicopters operated as a business.

COMMISSION. The Steuben County Plan Commission.

CONFINED FEEDING. The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where all food is supplied to the animals by means other than grazing.

CONFINED FEED OPERATION.

- (1) Any confined feeding of 300 or more cattle, 600 or more swine or sheep, and/or 30,000 or more fowl; or
- (2) Any animal feeding operation utilizing a waste pond (outdoor), waste holding pit (indoor) or other waste holding device or structure.

CONFINED FEEDING OPERATOR. An individual, a corporation, a group of individuals, joint ventures, a partnership, or any other business entity having charge or control of one or more confined feeding installations.

CONSTRUCTION SIGN. A temporary sign identifying the architects, engineers, contractors or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.

CONVENIENCE STORE. Food stores, specializing in a limited line of high- volume grocery and beverage items, including the sale of alcoholic beverages as permitted by law, with or without the sale of gasoline and gasoline byproducts, and emphasizing fast service.

COUNTY. Steuben County, Indiana.

COUNTY ENGINEER. A state-licensed engineer designated by the county to furnish engineering assistance in the administration of these ordinances.

CRAWLSPACE. The portion of a building which is used to support a structure which partially or wholly below grade shall not exceed four feet of inside height.

CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

CURB LEVEL. The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the pavement elevation at the street center line similarly measured, or the mean elevation of the finished grade of the surface of the ground or pavement immediately adjacent to a building shall be considered the “curb level”.

CUSTOM SLAUGHTERHOUSE. A business that butchers on a customer by customer basis.

DECK. A non-enclosed, unroofed horizontal platform raised above adjacent ground level to a height exceeding eight inches. A deck located below a second story deck above or a trellis shall be considered an unroofed deck.

DETACHED BUILDING. A building that has no structural connection with another building.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including but not limited to:

- (1) Construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) Installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- (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.

(9) **DEVELOPMENT.** Does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

DRIVE-IN RESTAURANT. A food service establishment where food is consumed on the premises outside of fully enclosed buildings or structures.

DUPLEX. A building containing two separate and independent dwelling units.

DWELLING. A building or part of a building (including mobile home as defined herein) that is used exclusively as a place of residential occupancy, including single-family, two-family, and multi-family dwelling, but not including a hotel, motel, lodging house, boarding house, or tourist home.

EASEMENT. A right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another. It is either for the benefit of land, such a right to cross A to get to B, or “in gross,” such as a “public utility easement.”

ENCROACHMENT. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENTERPRISE. Same as business.

EXISTING CONSTRUCTION. Any structure for which the “start of construction” commenced before effective date of the county’s first floodplain ordinance.

FACADE. The entire building front, including the parapet, which faces a public way, private roadway, parking lot, or pedestrian walkway.

FACING. The display surface portion of a sign upon which the advertising is affixed or painted and visible in one direction at one time.

FAMILY. One or more persons each related to the other by blood, marriage or adoption, or a group of not more than three persons not all so related, together with his, her or their domestic servant, maintaining a common household in a dwelling unit. A family may include not more than two roomers, boarders, or permanent guests, whether or not gratuitous.

FARM. An area used for agricultural operations, including truck gardening, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry except as defined under “Confined Feeding;” or the processing of farm products produced on the farm by the resident owner or tenant, but not to include commercial or custom slaughtering.

FARM SERVICE CENTER. Primarily serves agricultural and allied uses.

FLOOD PLAN RELATED DEFINITIONS.

(1) **AREA OF SHALLOW FLOODING.** A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(2) **BASE FLOOD ELEVATION.** (BFE) The elevation of the 1% annual chance flood.

(3) **BASEMENT.** That portion of a structure having its floor sub-grade (below ground level) on all sides.

(4) **BUILDING.** See **STRUCTURE**.

(5) **COMMUNITY.** A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

(6) **COMMUNITY RATING SYSTEM.** (CRS) A program developed by the Federal Insurance Administration to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

(7) **ELEVATED STRUCTURE.** A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (post and piers).

(8) **ELEVATION CERTIFICATE.** Is a certified statement that verifies a structure's elevation information.

(9) **EMERGENCY PROGRAM.** The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

(10) **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the loss 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 community's first floodplain ordinance.

(11) **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).

(12) **FEMA.** The Federal Emergency Management Agency.

(13) **FIVE HUNDRED YEAR FLOOD.** (500-year flood) The flood that has a 0.2% chance of being equaled or exceeded in any year.

(14) **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.

(15) **FLOOD BOUNDARY AND FLOODWAY MAP.** (FBFM) An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

(16) **FLOOD HAZARD BOUNDARY MAP.** (FHBM) An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

(17) **FLOOD INSURANCE RATE MAP.** (FIRM) An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(18) **FLOOD INSURANCE STUDY.** (FIS) The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

(19) **FLOOD PRONE AREA.** Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See **FLOOD**)

(20) **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 includes both the floodway and the fringe districts.

(21) **FLOODPLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

(22) **FLOODPLAIN MANAGEMENT REGULATIONS.** This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

(23) **FLOOD PROTECTION GRADE.** (FPG) The elevation of the regulatory flood plus two feet at any given location in the SFHA. (see **FREEBOARD**)

(24) **FLOOD PROOFING (DRY FLOOD PROOFING).** A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the flood proofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

(25) **FLOOD PROOFING CERTIFICATE.** A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

(26) **FLOODWAY.** The channel of a river or stream and those portions of the floodplains 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.

(27) **FREEBOARD.** A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

(28) **FRINGE.** Those portions of the floodplain lying outside the floodway.

(29) **FUNCTIONALLY DEPENDENT FACILITY.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

(30) **HARDSHIP** (as related to variances of this chapter). The exceptional hardship that would result from a failure to grant the requested variance. The Steuben County Commissioners requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

(31) **HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

(32) **HISTORIC STRUCTURE.** Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

(33) **INCREASED COST OF COMPLIANCE. (ICC)** The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

(34) **LETTER OF MAP AMENDMENT (LOMA).** An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

(35) **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.

(36) **LETTER OF MAP REVISION BASED ON FILL (LOMR-F).** An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

(37) **MAP AMENDMENT.** A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

(38) **MAP PANEL NUMBER.** The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

(39) **MITIGATION.** Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

(40) **NATIONAL FLOOD INSURANCE PROGRAM (NFIP).** The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

(41) **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 the community's first floodplain ordinance.

(42) **NORTH AMERICA VERTICAL DATUM OF 1988 (NAVD 88).** As adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

(43) **OBSTRUCTION.** Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

(44) **ONE-HUNDRED YEAR FLOOD (100-YEAR FLOOD).** The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1% annual chance flood. See **REGULATORY FLOOD.**

(45) **ONE-PERCENT ANNUAL CHANCE FLOOD.** The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1% annual chance flood. See **REGULATORY FLOOD.**

(46) **PARTICIPATING COMMUNITY.** Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

(47) **PHYSICAL MAP REVISION (PMR).** An official republication of a community's FEMA map to effect changes to base (1% annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

(48) **POST-FIRM CONSTRUCTION.** Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

(49) **PRE-FIRM CONSTRUCTION.** Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

(50) **RECREATIONAL VEHICLE.** A vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the larger horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping travel, or seasonal use.

(51) **REGULAR PROGRAM.** The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

(52) **REGULATORY FLOOD.** The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in § 156.216. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

(53) **REPETITIVE LOSS.** Flood-related damages sustained by a structure on two separate occasions during a ten-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

(54) **SECTION 1316.** The section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

(55) **SPECIAL FLOOD HAZARD AREA (SFHA).** Those lands within the jurisdictions (including extraterritorial jurisdictions) of Steuben 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 Steuben County and Incorporated Areas dated, December 17, 2013 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 FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO).

(56) **X ZONE.** The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2%.

(57) **ZONE.** A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

(58) **A ZONE.** Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

(a) *Zone A*: Areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

(b) *Zone AE and A1-A30*: Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1 - A30.)

(c) *Zone AO*: Areas subject to inundation by 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

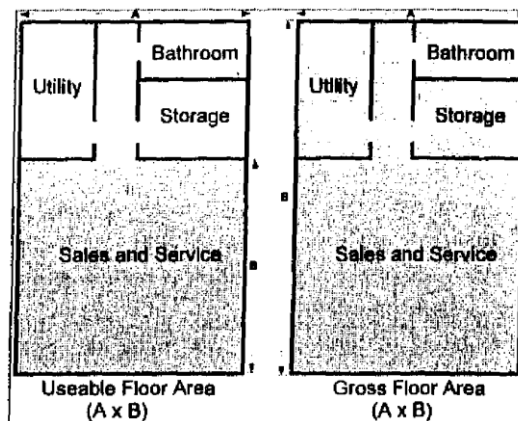
(d) *Zone AH*: Areas subject to inundation by 1% annual chance shallow flooding (usually areas of ponding) where average depths are one to three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

(e) *Zone AR*: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

(f) *Zone A99*: Areas subject to inundation by the 1% annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

(59) ***ZONE B C AND X***. Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

FLOOR AREA OF A BUILDING. The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to a specific use, including accessory storage areas located within selling or working space such as counters, racks or closets; and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.



FUMES. Minute solid particles generated by the condensation of vapors from solid matter after coagulation from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particles.

GARAGE, PRIVATE. An accessory building or an accessory portion of the principal building, including a carport, which is intended and used for storing the private passenger vehicles, recreational vehicles, or personal items of the family residing on the premises.

GAS. An aeriform fluid having neither independent shape nor volume, but tending to expand indefinitely.

GATED COMMUNITY. A development, whether single-family, multi-family, or accessory uses that are enclosed within a geographical area by restrictive gates.

GATED ENTRANCE. An entrance to a gated community at which a gate, crossbar, door, or other obstructive device is utilized for the purpose of restricting, controlling, or obstructing entry or exit by motor vehicles or pedestrians to or from a shared driveway or private/public roadway.

GENERAL INDUSTRIAL USE. Manufacturing, processing, extraction, heavy repairing, dismantling or storage, performed in either open or closed areas.

GOVERNMENTAL AND PUBLIC UTILITY USES. Including, but not limited to: electric, natural gas and telephone substations and distribution centers; filtration plant, pumping station and water reservoir; public or package treatment plants; fire stations; telephone exchange; radio and television transmitting stations; antenna towers and other similar governmental and public utility service uses, except line and mains for local distribution.

GRADE.

(1) The average level of the finished surface of the ground adjacent to the exterior walls of the structure, measured as the average around all sides of the building.

(2) The slope of a street, or other public way, specified in percentage terms.

GROUND FLOOR AREA. The area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, garages, and exterior stairways.

GREENHOUSE. A building having glass walls and roof for the protection or propagation of plants.

HABITABLE ROOM. A room capable of being lived in for any period of time, as defined by the rules of the Indiana Fire and Building Services Commission (675 I.A.C. 14).

HEIGHT. See **BUILDING HEIGHT.**

HELIPORT. An airport for helicopters.

HISTORIC STRUCTURE. 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.

HOME OCCUPATION. A gainful occupation or profession that is carried on by an occupant of a dwelling unit as a use which is clearly incidental to the use of the unit as a residence.

HOME OCCUPATION, LOW-IMPACT. A gainful occupation or profession limited to home office, catalog business, telecommuting, professional services, internet businesses, or similar, that is conducted by the resident which is significantly incidental to the residential use with no visible evidence of the home occupation.

HOSPITAL. An institution where sick or injured persons are given medical care and, in the course of same, are housed overnight, fed and provided nursing and related services. This definition shall include any related, accessory facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are integral parts of the facility. This definition shall not include drug rehabilitation facilities, halfway houses, convalescent or nursing homes, institutions for mentally ill individuals, or other similar facilities.

INDUSTRIAL PARK. A planned and organized industrial tract of land that is subdivided and developed according to a comprehensive plan for the use of a community and industries. The plan must include a detailed provision for streets, designed to facilitate truck and other traffic, and for all utilities including but not limited to drainage, sewer and water. Said facilities are to be installed before the sites are sold or otherwise assured to prospective occupants.

JUNK YARD. An open area where waste or scrap materials or two or more motor vehicles not in operable condition, or parts thereof, are bought, sold, exchanged, stored, baled, packed, disassembled or handled, but excluding uses established entirely within enclosed buildings.

KENNEL. Any premises or portions thereof on which more than four dogs, cats, or other household domestic animals over four months of age are kept or on which more than two such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

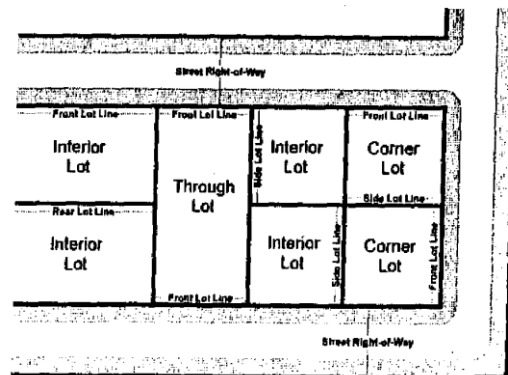
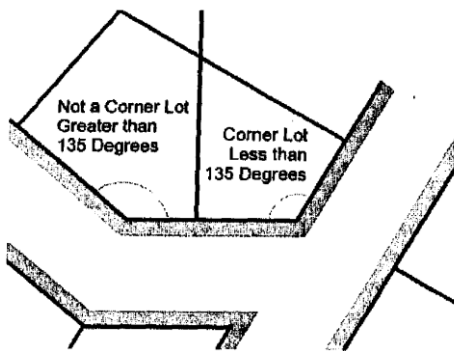
LIGHT INDUSTRIAL USE. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or waste, in which all operations, other than transportation, are performed entirely within enclosed buildings.

LIQUID FERTILIZER STORAGE AND DISTRIBUTION (COMMERCIAL). A business that stores, sells and delivers liquid fertilizers to end users. For the purpose of this chapter, an end-user of fertilizer such as a farm or golf course shall not be considered a commercial liquid fertilizer storage and distribution facility, provided that all fertilizer stored on-site is to be used on-site.

LIVESTOCK. Horses, ponies, mules, donkeys, cattle, sheep, goats, buffaloes, llama, ostriches, chickens, ducks, geese turkeys and swine and other domestic animals normally kept or raised on a farm. Wild or vicious animals shall not be considered livestock.

LODGE/CLUB. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

LOT DEFINITIONS.



(1) **CORNER LOT.** A lot at the junction of and abutting two intersecting or intercepting streets or a lot bounded on two sides by a curving street, any two chords of which form an angle of 135 degrees or less.

(2) **FRONTAGE.** That side of a lot abutting on a street, or way, and ordinarily regarded as the front of the lot. In the case of corner lots, frontage will be considered to front on both intersection streets.

(3) **INTERIOR LOT.** A lot other than a corner lot or a through lot.

(4) **LOT.** A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership with the intent, or possible intent, of making improvements. For the purpose of zoning, a lot may be a single lot or a combination of two or more lots that are under single ownership and developed for a single use or principal building.

(5) **LOT AREA.** The total area within the boundaries of a lot, measured on a horizontal plain, exclusive of any road right-of-way, private road easement or the submerged area of any lake, stream or canal.

(6) **LOT COVERAGE.** The percentage of the lot area that is covered by buildings and impermeable surface:

(a) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.

(b) The total impermeable surface coverage shall be calculated as the ratio of the ground area covered by all buildings, accessory structures, pavement, gravel surfaces, parking, loading and storage areas to the net lot area. Planked decks with spacing between the planks and permeable ground beneath the deck and patios or parking areas constructed of pervious material shall be calculated at a rate of 50% towards the impermeable surface coverage.

(7) **LOT GROUND LEVEL.**

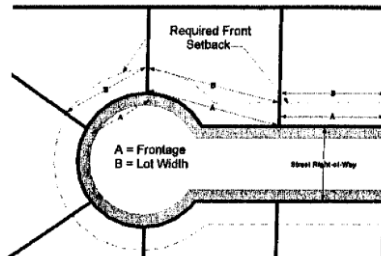
(a) For a building having walls abutting (that is, generally parallel to and not more than five feet from) one street only, means the elevation of the sidewalk at the center of the wall abutting the street.

(b) For a building having walls abutting more than one street means the average of the elevations of the sidewalk at the centers of all walls that face the street.

(c) For a building having no walls abutting a street, it means the elevation of the lowest exposed portion of the wall facing the front yard.

(8) **LOT OF RECORD.** A lot that is part of a subdivision, the plat of which has been recorded in the Office of the Recorder; or a parcel of land, the deed to which was recorded in the Office of said Recorder prior to the adoption of the original Zoning Ordinance, dated January 3, 1972.

(9) **LOT WIDTH.** The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback. For “flag lots,” the minimum lot width shall be measured at the point where the narrow access connects to the main section of the parcel.



(10) **LOT WATER FRONTAGE.** The horizontal distance measured along the shoreline of a lake between side lot lines. The shoreline measurement shall follow the lake legal limit, but shall not include stream frontage within the lot or artificially created shoreline such as canals or boat wells cut into the shore.

(11) **REAR LOT LINE.** For an interior lot, it means the lot line that is opposite the front lot line and farthest from it. For a lot adjacent to a lake, it means the established high water mark or established shore line. For a corner lot, it means the lot line that is opposite the shorter of the two front lot lines or where one of the streets is a major arterial roadway the rear lot line shall be opposite the front lot line that fronts the local street. For a through lot that fronts a local street on one side and back-up to an arterial road on the opposite side, it means the lot line that is adjoining the arterial street.

(12) **THROUGH LOT.** A lot fronting on two parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.

LOWEST ADJACENT GRADE. The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

LOWEST FLOOR. The lowest of the following:

- (1) The top of the lowest level of the structure;
- (2) The top of the basement floor;
- (3) The top of the garage floor, if the garage is the lowest level of the structure;
- (4) The top of the first floor of a structure elevated on pilings or pillars; or
- (5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of 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, by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one square inch for every square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening whichever is higher; and
 - (b) Such enclosed space shall be usable solely 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” includes “mobile homes” and “modular homes,” but does not include a “recreational vehicle.”

MANUFACTURED HOME, PARK. OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARINA. A lakefront lot that is utilized for one or more of the following activities:

- (1) Provides docking space for more than eight boats or other watercraft.
- (2) Provides storage for more than eight boats or other watercraft.
- (3) Provides servicing of boats and/or other watercraft.
- (4) The sale of petroleum products for use in boats and/or other watercraft.

(5) The sale or rental of boats, watercraft, and fishing accessories, which may include the sale of convenience items.

MARKET VALUE. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

MINERAL EXTRACTION.

- (1) Mining or quarrying operations.
- (2) Removal of earth materials.

MINI/SELF STORAGE WAREHOUSES. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized or controlled-access stalls, lockers or buildings for the storage of customer’s goods, vehicles or wares. including mini-storage buildings and storage garages. These uses include commercial storage facilities where storage space is leased or a group of storage buildings that are owned by individuals through a condominium or similar means.

MISTS. Minute liquid particles generated by any of the methods listed for Dusts or Fumes or by the spraying of liquids.

MOBILE HOME. A factory-fabricated building built on a chassis and so constructed so as to permit it being towed upon public thoroughfares, with a minimum living area of 480 square feet, excluding accessory structures, and designed to be used for year-round living when connected to the required utilities. **MOBILE HOMES** include expandables and double-wides, but not modular's and HUD approved sectionals.

MOBILE HOME PARK. See **MANUFACTURED HOME PARK.**

MOBILE HOME SITE. The area of land in a mobile home park for the parking of one mobile home.

MOBILE HOME SUBDIVISION. See **MANUFACTURED HOME SUBDIVISION.**

MODULAR HOME. A factory-built home of two or more units built other than on the home site. Modular homes will carry the Indiana Building Seal and be constructed to the Indiana 360 Building Code. Modular homes must be placed on a permanent foundation.

MULTIFAMILY DWELLING. A building occupied by more than one family. A building designed as a dwelling for more than two families at the same time.

NATIONAL GEODETIC VERTICAL DATUM (NGVD). As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION. Any structure for which the "start of construction" commenced after the effective date of the county's first floodplain ordinance.

NIGHT CLUB. An establishment primarily offering a floor show, dancing, or live entertainment, which may be of an adult nature and which occurs exclusively within an enclosed structure, where minors are not allowed on the premises, and where food and drink may be provided for on-site consumption, but does not provide the performances as described in the definition of "Adult Cabaret."

NONCONFORMING. A use or structure that existed at the time the first Steuben County Zoning Ordinance (January 3, 1972), or any subsequent amendment, was passed, but does not comply with the provisions of this chapter.

(1) **NON-CONFORMING BUILDING OR STRUCTURE.** A building or structure portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and that does not conform to the provisions of the chapter in the district in which it is located.

(2) **NON-CONFORMING LOT.** A lot of record, lawfully in existence on the effective date of this chapter and any amendments thereto, which no longer meets the dimensional requirements of this chapter for the district in which it is located.

(3) **NON-CONFORMING SITE.** A development on a site which met ordinance requirements for site design elements at the time the site was developed, such as the amount of parking, parking lot pavement or landscaping; but which does not meet the current site standards of the township.

(4) **NON-CONFORMING USE.** A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

NORMAL HIGH WATER MARK. A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). As adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

OIL AND GAS WELLS. Any perforation through the earth's surface, by drilling or other means, designed to find and release petroleum oil, gas or other hydrocarbons.

PARKING, PUBLIC. A group of five or more parking spaces in a parking area or structure, exclusive of any part of the street or alley, designed to be available to the public, for temporary parking of motor vehicles, with or without the payment of a fee.

PATIO. A paved at grade area adjoining a dwelling.

PERFORMANCE STANDARDS. A criterion established to control noise, air contaminants, vibration, and glare or heat generated by, or inherent in uses of land or buildings.

PERSON. Includes a person, corporation, firm, partnership, association, organization or any other group that acts as a unit.

PETROLEUM TANK FARM. An industrial facility for the storage of oil or petrochemical products and from which these products are usually transported to end users or further storage facilities (sometimes called an oil depot, installation or oil terminal). A tank farm or oil depot typically has tanks and gantries for the discharge of products into road tankers or pipelines.

PLANNED RECREATIONAL DEVELOPMENT. An area planned for recreational purposes; limited to sites sold for the purpose of use by recreational vehicles only.

PLANNED UNIT DEVELOPMENT. An area of land in which a variety of residential/commercial/industrial uses are planned and developed as a whole, according to comprehensive and detailed plans with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

PLAT. A document indicating the subdivision or resubdivision of land filed, or to be filed, for record.

PORCH. A covered structure forming an entrance to a building, outside, and generally not enclosed.

PRINCIPAL BUILDING. A building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof (with respect to residential uses, it means the main dwelling). Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

PROBATION. A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

PROFESSIONAL OFFICE. An office used by members of a recognized profession such as, but not limited to, an architect, dentist, engineer, lawyer, physician, surgeon, and the like.

PUBLIC CAMP. An area of land used, or designated to be used, to accommodate one or more camping parties. Camping includes: cabins, shelters, tents, travel trailers, and other camping outfits. (A public camp also meets the definition of a business and/or enterprise, but not the definition of a travel trailer park.)

PUBLIC GARAGE. A garage, other than a private garage, whose services are available to members of the public or to persons occupying a hotel, club, or similar facility.

PUBLIC SAFETY AND NUISANCE. Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL DEVELOPMENT. Same as **COMMERCIAL AMUSEMENT**.

RECREATIONAL VEHICLE. A vehicular unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that has its own mode of power, or is mounted on, or towed by another vehicle. The basic entities are:

(1) **BOAT.** A watercraft including, but not limited to any vessel, ship, motorboat, sailboat, barge, scow, tugboat or rowboat.

(2) **CAMPING TRAILER.** A vehicular portable unit, mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

(3) **FIFTH WHEEL TRAILER.** A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed 400 square feet in the set-up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

(4) **MOTOR HOME.** A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

(5) **PARK TRAILER.** Also known as a park model. A vehicular unit designed to provide temporary living quarters for recreational, camping, or seasonal use, built on a single chassis mounted on wheels, having a gross trailer area not exceeding 400 square feet in the set-up mode, and certified by the manufacturer as complying with ANSI A119.5.

(6) **TRAVEL TRAILER.** A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permits when towed by motorized vehicle, and of gross trailer area less than 320 square feet.

(7) **TRUCK CAMPER.** A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

RECREATIONAL VEHICLE PARK/RECREATIONAL CAMP, also known as a **TRAVEL TRAILER PARK.** An area of land on which two or more recreational vehicles are regularly accommodated with or without charge, including any building or structure, fixture or equipment that is used or intended to be used in connection with providing that accommodation. A recreational vehicle park/recreational camp shall be for the overnight or short-term parking of recreational vehicles and installation of tents for the establishment of temporary living quarters for a no more than 180 days in any one calendar year and there shall be no permanent foundations.

RENTAL STORAGE BUILDING. See **MINI-STORAGE/SELF STORAGE WAREHOUSES.**

RESIDENTIAL DEVELOPMENT SIGNS. A sign at a residential development or subdivision four or more dwelling units, that identifies only the name and/or address of the project or subdivision.

RESTAURANT. An establishment existing primarily for the sale of food and drink which is prepared, served, and consumed for the most part within the principal building and where entertainment may be provided, but which does not provide the performances as described in the definition of "Adult Cabaret."

ROAD DEFINITIONS.

(1) **ALLEY.** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street or road. A right-of-way that provides secondary access for the special accommodation of an abutting property.

(2) **LOCAL STREET.** A street intended to provide access to other streets from individual properties and to provide right-of-way beneath, or beside it, for sewer; water, and storm drainage pipes.

(3) **PRIMARY ARTERIAL.** A street intended to move through-traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the county; and/or as a route for traffic between communities; a major thoroughfare.

(4) **PUBLIC STREET.** A street established for and/or dedicated to the public.

(5) **PUBLIC WAY.** A sidewalk, alley, street or limited access highway.

(6) **SECONDARY ARTERIAL.** A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational institutions, manufacturing plants, hospitals, major recreational areas, churches and offices and/or those designed to carry traffic from collector streets to the system of primary arterials.

RIDING STABLE — COMMERCIAL AND BOARDING. A stable open to the public that provides boarding of horses or riding lessons for remuneration.

ROADSIDE STAND. A temporary structure used for the selling of produce, such as fruits and vegetables, which are grown on the property from which they are sold.

SALES BARN. A business, typically located in an agricultural area, where agricultural producers can buy, sell or trade agricultural products, livestock, equipment and services.

SELF STORAGE BUILDING. Same as **RENTAL STORAGE BUILDING.**

SEMI-TRAILER. A trailer, which may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

SEMI-TRUCK/TRACTOR TRAILER. A vehicle used to haul goods and materials for commercial purposes with a trailer attached to a tractor with a swivel hitch. See also: **TRUCK.**

SETBACK. See ***YARD/SETBACK.***

SHORELINE.

(1) If the water level has been legally established, the line formed on the bank or shore by the water surface at the legally established average normal level; or

(2) If the water level has not been legally established, the line formed by the water surface at the average level as determined by:

(a) Existing water level records; or

(b) If water level records are not available, the action of the water that has marked upon the soil of the bed of the lake a character distinct from that of the bank with respect to vegetation as well as the nature of the soil.

SIGN RELATED DEFINITIONS.

(1) ***ABANDONED SIGN.*** A sign, which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner of record can be found.

(2) ***AWNING SIGN.*** A sign on an awning or other material that covers the sidewalk or is located above the storefront.

(3) ***BACK-TO-BACK SIGN.*** A sign consisting of two sign facings oriented in opposite directions.

(4) ***DIRECTIONAL SIGN.*** A sign erected for the convenience of the public, which solely designates the location or direction of any area or place, such as for directing traffic movement, parking, or identifying rest rooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message.

(5) ***DIRECTORY SIGN.*** A sign that provides a listing of uses or tenants within a particular building or complex of buildings.

(6) ***DOUBLE FACED SIGN.*** A sign with two adjacent facings oriented in the same direction.

(7) ***ELECTRONIC MESSAGE SIGN.*** An electronic message board that displays time and temperature, or provides changing messages, provided that said sign does not blink or flash.

(8) ***FREESTANDING SIGN.*** A sign erected on a freestanding framework supported and affixed by one or more uprights or braces in or upon the ground.

(9) **GROUND/MONUMENT SIGN.** A self-supporting, solid base-mounted freestanding sign, consisting of two or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

(10) **MARQUEE SIGN.** A sign designed and/or constructed as an integral part of a marquee (a roof-like structure, often bearing a signboard, projecting over the entrance to a building) or giving the appearance of being an integral part of a marquee. Marquee signs shall also include canopy and awning signs.

(11) **OFFICIAL SIGN.** A sign erected by a governmental agency or its designee, setting forth information pursuant to law.

(12) **OFF-PREMISE OUTDOOR ADVERTISING SIGN.** A sign, including the supporting sign structure, which is visible from a public way and advertises goods or services not usually located on the premises and/or property upon which the sign is located; often called a “billboard.” The following shall not be considered off-premise signs for the purpose of this section:

- (a) Directional or official signs authorized by law.
- (b) Real estate and other temporary signs.
- (c) On-premise signs.

(13) **ON-PREMISE SIGN.** A sign which advertises only the primary goods and services sold or taking place upon the premises on which the sign is located.

(14) **PORTABLE SIGN.** A freestanding sign, often mounted on wheels which is designed to be moved from one location to another, and is not permanently affixed to the ground or to a structure, or is only affixed by means of tie down straps or stakes.

(15) **PROJECTING SIGN.** A sign, other than a wall sign, which is attached to and projects from a structure or building face and does not project above the roof line or cornice wall.

(16) **REAL ESTATE SIGN.** A sign which advertises the sale or lease of the property upon which the sign is located.

(17) **ROOF MOUNTED SIGN.** A sign attached with its own substructure to the roof of a building or structure.

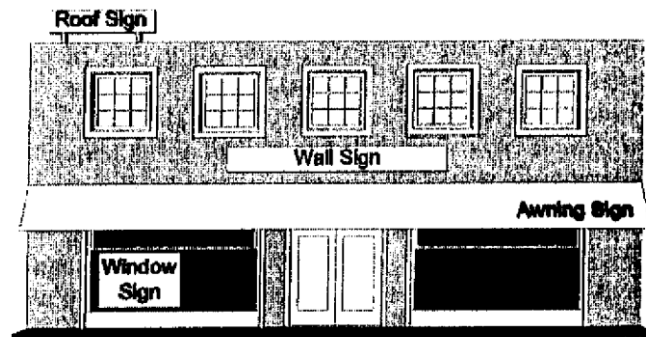
(18) **SIGN.** Any visual device, identification, description, symbol, illustration or structure which is in view of the general public and which identifies or directs attention to a person, place, product, service, activity, institution or business for advertising, display or publicity purposes.

(19) **SIGN BOARD.** A specific type of temporary sign, double-sided, self-supporting, not permanently attached to a building, structure or the ground, and intended for a limited period of display.

(20) **SIGN, GROSS AREA OF.** The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same.

(21) **TEMPORARY SIGN.** Any sign, banner, pendant, valence or advertising display constructed of cloth, canvas, fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.

(22) **V-TYPE SIGN.** A sign structure which consists of multiple sign facings at angles to each other, oriented in different directions.



(23) **WALL MOUNT. WALL SIGN or FACADE SIGN.** A sign attached to the wall of a building that projects no more than 12 inches from the wall surface.

(24) **WINDOW SIGN.** A sign attached either the inside or outside of a window or a sign that is hung within one foot of the interior of the window and is visible from the outside.

SLAUGHTERHOUSE. A place where animals are butchered.

SMOKE. Small gasses and airborne particles consisting essentially of carboniferous material in sufficient number to be observable.

SPECIAL EXCEPTION. The authorization of a use as permitted in the district concerned, if it meets the requirements set out in §§ 156.245 *et seq.*, and upon application, is specifically authorized by the Board.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was

within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STORMWATER DETENTION/RETENTION POND. A system that is designed to capture storm water runoff and retain it on-site or release it over a given period of time through an outlet structure at a controlled rate.

STORY. That part of a building included between the surface of any floor and the surface of the floor, or roof, next above. For residential structures, basements shall be counted as a story.

STREET/PRIVATE DRIVE. A right-of-way that is established by a recorded dedication to provide the principal means of access to abutting property.

STRUCTURAL CHANGE. A substantial change, or repair, excluding normal and usual repair, in a supporting member of a building, such as a bearing wall or partition, column, beam, girder, foundation, or in an exterior wall or the roof.

STRUCTURE. Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, radio, television and cellular phone towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, manufactured homes, prefabricated buildings, street directional or street name sign and billboards. The term also includes recreational vehicles or portable items similar to a structure located on a site for more than 180 days.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

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 that have incurred “Repetitive Loss” or “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”.

SUSPENSION. The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

TAVERN. An establishment existing primarily for the sale or dispensing of liquor by the drink for on-site general public consumption, where minors are not allowed on the premises, where food may be available for on-site consumption and where entertainment may be provided on the premises, but does not provide the performances as described in the definition of “Adult Cabaret.”

TERMINALS, TRUCK FREIGHT. A structure to which goods (except raw or unprocessed agricultural products), natural minerals, equipment or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

TOURIST HOME/BED AND BREAKFAST INN. A residential dwelling in which no more than five guest rooms are used to provide or offer overnight accommodations to transient guests for compensation, including provision for a morning meal only for the overnight guest only. The tourist home/bed and breakfast inn shall also serve as the dwelling for the owner/operator.

TRADE OR BUSINESS SCHOOL. A secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, hair dressing, drafting and for industrial or technical arts.

TRUCK. Any single unit or combined vehicle used to carry people, goods, material or equipment for commercial purposes, such single or combined vehicle having a combined gross vehicle weight rating of 22,000 pounds or more.

USE. The purpose or activity, for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained. Uses are classified under the following categories

(1) Residential, which includes single family, two family, multiple family, manufactured homes.

(2) Agriculture, which includes all farming, forestry, fishing and hunting uses.

(3) Commercial, which includes all retail trade uses, motor vehicle dealers, parts and service, lodging accommodation, food services, other services and arts, entertainment, and recreation.

(4) Office, which includes administrative offices and buildings used for finance, insurance, real estate, professional, scientific, and technical services and health care, and social assistance.

(5) Institutional, which includes all religious, civic, social, and similar organizations, educational services and public uses (other than those uses classified under industrial).

(6) Industrial, which includes all transportation, and warehousing, utilities, and waste disposal, construction, mining/mineral extraction and manufacturing uses.

USED CAR LOT. Same as a car lot. Any property on which vehicles are for sale other than the property owner selling one vehicle.

VAPORS. The gaseous form of substances which are normally in the solid or liquid state and which can be changed to these states by increasing the pressure or decreasing the temperature.

VARIANCE. A modification of the specific requirements of this chapter granted by the Board of Zoning Appeals in accordance with the terms of I.C. 36-7-4-918.4 and 36-7-4-918.5, for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of the rights commonly enjoyed by other properties in the same districts.

VIOLATION. The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

WAREHOUSE CLUB. A retail store selling a variety of merchandise, typically in large, wholesale quantities, in which customers must pay an annual membership fee in order to shop.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WATER SURFACE ELEVATION. The height, in relation to the National American Vertical Datum of 1988 (NAVD88) or National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WETLANDS. Those lands having vegetation that grows in lowlands as shown on the National Inventory Maps, or according to the Army Corps of Engineers, the U.S. Department of Fish and Wildlife, in conformance with the IDNR Flood Plain Management Plan.

WHOLESALE BUSINESS. A business involved in the resale of new and used goods to retailers, industrial, commercial, or institutional users, or a business that acts as an agent or broker in buying

merchandise for, or selling merchandise to, such persons or companies. Wholesalers frequently physically assemble, sort and grade goods in large lots, break bulk, repack and redistribute in smaller lots.

WHOLESALE PRODUCE TERMINAL. A structure to which agricultural products are delivered for distribution to buyers or transfer to other modes of transportation for delivery to other points.

WIND ENERGY CONVERSION SYSTEM (WECS) DEFINITIONS.

(1) ***AMBIENT SOUND LEVEL.*** The L90 A-weighted sound pressure emissions level; the level of sound exceeded 90% of the time.

(2) ***APPLICANT.*** The person(s) or entity(ies) which prepares and files the applications and paperwork related to a WECS Overlay Districts, Wind Farms, or WECS.

(3) ***BOCA.*** Building Officials and Code Administrators International.

(4) ***ECONOMIC DEVELOPMENT AGREEMENT.*** An agreement between the a wind farm applicant, operator, and/or owner and Steuben County detailing the applicant, operator, and/or owner's financial commitment to support economic development and/or provide other financial assistance in the County.

(5) ***EXPERIMENTAL WECS.*** A WECS not approved by Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or similar third party.

(6) ***LARGE WECS.*** A WECS with a nameplate capacity greater than 100 kW or with a total height of 200 feet or greater.

(7) ***MEDIUM WECS.*** A WECS with a nameplate capacity greater than ten kW and less than 100 kW and a total height of less than 200 feet.

(8) ***MET TOWER.*** A tower used to measure wind. It will generally have anemometers, direction vanes, temperature and pressure sensors, and other measurement devices.

(9) ***MICRO WECS.*** A WECS mounted on a building that projects no more than 15 feet above the highest point of the building or mounted on a tower with a total height less than the permitted building height for the parcel with a nameplate capacity of two kW or less.

(10) ***NON-PARTICIPATING PROPERTIES.*** Properties that are not participating in a WECS project.

- (11) **ON-SITE WIND SYSTEM.** A WECS used for generating electricity that will primarily be consumed on-site.
- (12) **OPERATOR.** The person(s) or entity(ies) responsible for the use, operation, and/or maintenance of a WECS or wind farm.
- (13) **OWNER.** The person(s) or entity(ies) and their successors or assigns which has any ownership interest in a WECS or wind farm. The term owner does not apply to any person or entity whose ownership interest in a WECS or wind farm is limited to an interest in real property which is used for a WECS or wind farm.
- (14) **PARTICIPATING PROPERTY(IES).** Properties that are participating in a WECS project in some manner.
- (15) **SMALL WECS.** A WECS with a nameplate capacity of ten kW or less and a total height of less than 200 feet.
- (16) **SWEPT AREA.** The area that is swept by the turbine blade.
- (17) **TOTAL (SYSTEM) HEIGHT.** The vertical distance between the ground and the highest point of the swept area.
- (18) **UTILITY WIND ENERGY CONVERSION SYSTEM.** A WECS used for generating electricity that will primarily be supplied to the utility grid and off-site consumers.
- (19) **WIND ENERGY CONVERSION SYSTEM (WECS).** A device which converts wind energy into electrical energy.
- (20) **WIND ENERGY CONVERSION SYSTEM OVERLAY ZONING DISTRICT.** An overlay zoning district that is well suited to development of wind farm and is consistent with the goals of the County Comprehensive Plan.
- (21) **WIND FARM.** A collection of utility wind systems developed jointly as part of a single project.

YARD/SETBACK DEFINITIONS.

- (1) **YARD.** The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as defined herein.
- (2) **FRONT YARD.** A yard, defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side

lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. A lot situated at the intersection of two or more streets shall be deemed to have two front lot lines.

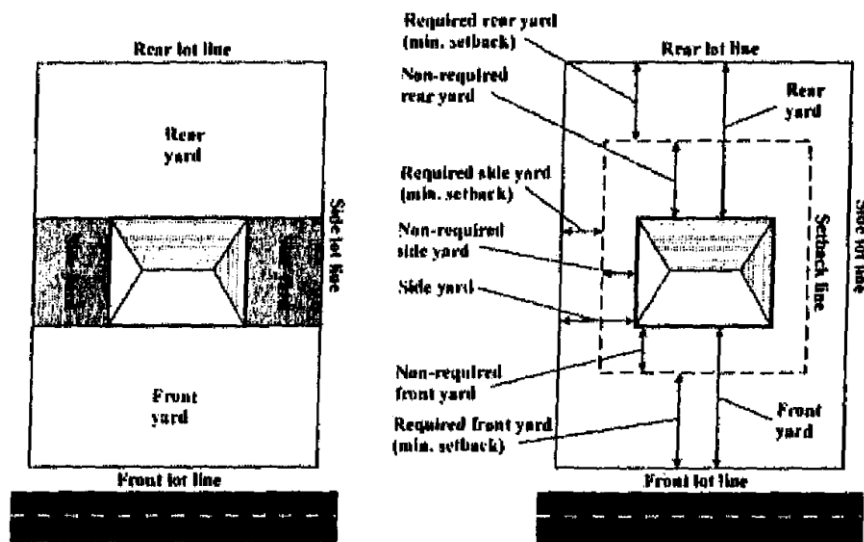
(3) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. On corner lots, the rear yard, shall be opposite the shorter of the two front lot lines or shall be opposite the front lot line that the principal building faces, as determined by the Plan Director.

(4) **SIDE YARD.** A yard, between the principal building and the adjacent side lot line, that extends from the front yard, or street right-of-way where there is no front yard, to the rear yard, and the width of which is the least distance between the side lot line and the adjacent side of the building.

(5) **SETBACK.** A line parallel to and equidistant from the relevant lot line (front, back or side) between which no building or structure may be erected as prescribed in this chapter.

(6) **REQUIRED YARD.** The open space between the lot line and the minimum setback line. The required yard corresponds to the minimum setback requirement for the district.

(7) **NON-REQUIRED YARD.** The open space between the minimum setback line and the main building. The non-required yard is the additional yard area that the building is setback beyond the minimum setback requirement for the district.



(Ord. 777, passed 7-3-08; Am. Ord. A-09-01, passed 3-16-09; Am. Ord. A-09-02, passed 3-16-09; Am. Ord. A-09-03, passed 12-11-09; Am. Ord. A-10-01, passed 1-7-10; Am. Ord. A-10-04, passed 9-20-10; Am. Ord. A-11-02, passed 7-5-11; Am. Ord. A-13-01, passed 9-16-13; Am. Ord. A-14-01, passed 1-21-14; Am. Ord. A-15-01, passed 2-1-16; Am. Ord. A-18-02, passed 5-21-18)

§ 156.006 FEE SCHEDULE FOR ZONING AND SUBDIVISION CONTROL.

The Plan Director and/or the Plan Commission Office shall collect the following fees:

Improvement location permits

Less than 199 square feet	\$25
Equal to or greater than 200 square feet	\$150
Fencing and retaining wall	\$20

Signs

Prices per square feet	\$1
Minimum	\$50

WECS

Micro (less than 2kw)	\$50
Small (less than or equal to 10kw)	\$75
Medium (10 to 100kw)	\$200
Large (less than or equal to 1MW)	\$1,000
Large (greater than 1MW)	\$2,000

Note: Fees are tripled (x3) for post construction permits

BZA Petitions

Variances

First variance	\$300
Additional variances	\$100 each
plus legal notification	\$70

Special exception

plus legal notification	\$70

Appeal

½ hour or less	\$300

More than ½ hour	\$600
plus legal notification	\$70

Note: Fees are tripled (x3) for post construction permits

Vacation

Vacation of public way/easement	\$1,000
plus legal notification	\$70

Subdivisions

Administrative division	\$150
Primary approval	
First 4 lots	\$100
Each additional lot	\$20
plus legal notification	\$70

Rezone

	\$250
plus additional per acre	\$20
plus legal notification	\$70

Overlay District (Wind Farm)

	\$5,000
plus additional per 10 acres	\$1
plus legal notification	\$70

Planned Unit Development

	\$1,000
plus additional per acre	\$20
plus applicable subdivision fees	
plus legal notification	\$70

****Plus subdivision fee if creating a subdivision.***

Copies

Zoning ordinance	\$30
Subdivision control ordinance	\$30

Comprehensive Plan	\$30
Lake book	\$15
Other documents (per page)	\$0.10
Large maps (payable to Auditor)	\$2
Legal notification	
Certified mailing (minimum)	\$50
Legal ad publication	\$20
Special meeting	
Board of Zoning Appeals	\$900
Plan Commission	\$900
Both PC and BZA	\$1,800

(Res. 02-2010-01, passed 3-1-10; Am. Res. 02-2016-01, passed 2-16-16)

ZONING DISTRICTS AND MAP

§ 156.015 ZONING DISTRICTS.

The county is divided into the following districts:

<i>Symbol</i>	<i>District Name</i>	<i>Regulated in</i>
A	Agriculture	§§ 156.025 <i>et seq.</i>
EC	Environmental Control	§§ 156.025 <i>et seq.</i>
R-1	Residence-1	§§ 156.035 <i>et seq.</i>
R-2	Residence-2	§§ 156.035 <i>et seq.</i>
R-3	Residence-3	§§ 156.035 <i>et seq.</i>
LR	Lake Residence	§§ 156.035 <i>et seq.</i>
MH	Manufactured Home Residence	§§ 156.045 <i>et seq.</i>

<i>Symbol</i>	<i>District Name</i>	<i>Regulated in</i>
AB	Accommodation Business	§§ 156.060 <i>et seq.</i>
LB	Local Business	§§ 156.060 <i>et seq.</i>
GB	General Business	§§ 156.060 <i>et seq.</i>
I-1	Light Industry	§§ 156.080 <i>et seq.</i>
I-2	General Industry	§§ 156.080 <i>et seq.</i>
WO	Wind Energy Conversion System Overlay	§§ 156.350 <i>et seq.</i>

(Ord. 777, passed 7-3-08; Am. Ord. A-09-03, passed 12-11-09; Am. Ord. A-11-02, passed 7-5-11)

§ 156.016 OFFICIAL ZONING MAP.

An official zoning map is adopted as a part of this chapter. The zoning map shows the boundaries of the zoning districts and the applicable zoning district that regulates each parcel of land within the county. The County Board of Commissioners may amend the zoning map following the procedures of §§ 156.330 *et seq.*

(Ord. 777, passed 7-3-08)

§ 156.017 DISTRICT BOUNDARIES INTERPRETED.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

(A) When the exact boundaries of a district are uncertain, they shall be determined by use of the scale on the zoning maps.

(B) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow the centerlines.

(C) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.

(D) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

(E) Boundaries indicated as following shorelines shall be construed to follow the shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries

indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow the centerline. Any use or structures extending into or over a lake or other water body shall be subject to the same zoning restrictions as the adjoining land.

(F) When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of the area so vacated.
(Ord. 777, passed 7-3-08)

§ 156.018 ZONING OF VACATED LANDS.

Zoning of vacated areas means whenever any road, alley or other public way within the County shall be vacated, the road, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches.
(Ord. 777, passed 7-3-08)

AGRICULTURAL AND ENVIRONMENTAL CONTROL DISTRICTS**§ 156.025 INTENT.**

(A) *A Agriculture District.* The A, Agriculture District, is established to include agricultural operations such as crop production, raising of animals, equestrian facilities, tree farms and vineyards. This district is located in areas where little or no urbanization has occurred or is likely to occur in the near future, in accordance with the growth management recommendations of the county Comprehensive Plan.

(B) *EC Environmental Control District.* The EC, Environmental Control District, is established to include: lowland areas lacking drainage, areas that are within the flood plain of rivers, creeks, drainage ditches or backwaters and are subject to inundation, and areas of rolling and rugged topography where conservation of soil, water and vegetation is desirable and is adaptable to broad scale conservation and/or recreational uses. This district also includes areas within close proximity to these natural features where low impact development, such as agriculture, hobby farms and low density rural residential, will ensure minimal impact.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.026 USES.

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this chapter. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or buildings in the districts indicated at the top of the table may be used for the purposes denoted by the following abbreviations:

(A) *P: Permitted use.* Land and/or buildings in this district may be used for the purposes listed by right.

(B) *S: Special exception use.* Land and/or buildings in this District may be used for this purpose by obtaining special exception approval when all applicable standards cited in §§ 156.245 *et seq.* Special exception review requirements and procedures and specific requirements of §§ 156.095 *et seq.* are met.

(C) *-: Not permitted.* The use is not permitted in the district. Uses not listed in the table are also not permitted.

Table 3.02
Schedule of Permitted Uses

<i>Use</i>	<i>A</i>	<i>EC</i>	<i>Requirements</i>
<i>Residential</i>			
Single family detached dwellings	P	P	
Two-family dwellings	P	P	
Mobile home dwellings on individual lots	S	S	156.095(A)
Modular homes	P	P	
Accessory dwellings	S	S	156.095(B)
<i>Home occupations</i>			
Agriculture, forestry, fishing and hunting			
Bait sales	P	P	
Farm sales and service	S	-	
Farms-confinement feeding	S	-	156.096(B)
Farms-general	P	P	
Greenhouse, nursery, and floriculture production	P	P	156.096(A)
Keeping of livestock and other animals	P	P	156.096(C)
Kennels	P	P	
Liquid fertilizer storage	P	-	156.096(D)
Low-impact home occupation	P	P	156.095(C)
Riding stables	P	P	156.096(E)

<i>Use</i>	<i>A</i>	<i>EC</i>	<i>Requirements</i>
Roadside produce sales	P	P	
Sales barn for livestock resale	P	S	156.096(F)
Seasonal farm worker housing	S	S	
Seasonal hunting and/or fishing lodge	S	S	
Slaughterhouse, custom/commercial	S	-	156.096(G)
Warehouse, grain storage	S	S	
Wineries	S	-	156.096(H)
Wholesale produce terminal	P		
<i>Retail trade</i>			
Dairies, retail	S	S	
Flower/garden shops	S	S	
Nursery, garden center, farm supply, lawn and garden equipment and supplies stores	P	-	156.096(A)
Meat markets	S	-	
Pet shops, supplies and grooming	P	-	
Wholesale businesses	S	-	
<i>Motor vehicle dealer parts and service</i>			
Marina/sales/service/storage (watercraft only)	-	S	156.104(C)
<i>Lodging accommodation</i>			
Boarding houses	P	P	
Tourist homes/bed and breakfast inns	P	P	156.099(A)
RV (recreational vehicle) parks and recreational camps	P	P	156.104(E)
<i>Other services</i>			
Cemeteries/crematoriums	S	S	156.101(B)

Steuben County - Land Usage

<i>Use</i>	<i>A</i>	<i>EC</i>	<i>Requirements</i>
Funeral homes and mortuaries	S	-	156.101(A)
Photographic studios	P	P	
<i>Finance, insurance, real estate, professional, scientific, and technical services</i>			
Radio/TV towers	S	-	
<i>Health care and social assistance</i>			
Child care home	P	P	
Veterinary hospital, small animal	S	S	
Arts, entertainment, and recreation			
Art galleries/pottery making	S	S	
Boat access ramps	-	P	
Country clubs	S	S	
Golf courses	P	P	
Public camps	S	S	
Public parks	P	P	
Race tracks	S		
Shooting ranges, indoor	S	S	
Shooting ranges, outdoor	S	S	
Stadiums/coliseums/athletic fields	S	S	
Swimming pools, commercial	S	S	
Swimming pools, private	P	P	
<i>Religious, civic, social and similar organizations</i>			
Assembly halls, non-profit	S	S	
Charitable institutions	P	P	
Churches, temples and similar places of worship	S	S	156.105(A)

<i>Use</i>	<i>A</i>	<i>EC</i>	<i>Requirements</i>
Conference centers and convention halls	S	S	
Lodges/private clubs	S	S	156.105(B)
<i>Educational Services</i>			
Elementary schools – public, private or parochial	S	S	156.106(A)
High schools and middle schools – public, private or parochial	S	S	156.106(A)
Libraries and museums	S		
Technical and vocational trade schools	S	-	
University or college building	S	S	
<i>Public Administration</i>			
Executive, legislative, and other general government buildings	P	P	
Justice and public safety	P	P	
Penal Institution (Correctional/Juvenile Facility)	S	S	156.107(A)
<i>Transportation and Warehousing</i>			
Airports/heliports	S		156.108(A)
Material/storage accessory to a permitted use	P	-	
Transmission lines, gas and oil	P	P	
<i>Utilities and Waste Disposal</i>			
Commercial composting facilities	S	-	
Sanitary landfills	S	-	156.109(D)
Sewage and treatment facilities	S		156.109(E)
Utilities and essential public services that are necessary to serve uses in the district	P	P	
Utility exchange or substations	P	P	

<i>Use</i>	<i>A</i>	<i>EC</i>	<i>Requirements</i>
Utility and essential public service buildings and storage yards	P	-	
Water treatment facilities	P	P	
Wind energy conversion systems			See §§ 156.350 through 156.356
Wireless communication facilities and services			156.109(H)
<i>Construction</i>			
Asphalt and concrete plants	S	-	156.109(A)
Construction contractors offices and showrooms without storage	P	-	
Construction contractors including storage yards	P	-	156.110(A)
<i>Mining/mineral extraction</i>			
Oil and gas extraction	S	-	156.111(B)
Lake/pond -man-made	P	P	156.155
<i>Manufacturing</i>			
Food processing	S	-	
Furniture and related product manufacturing	S	-	
Leather and allied product manufacturing	S	-	
Wood product manufacturing	P	-	

(Ord. 777, passed 7-3-08; Am. Ord. A-09-03, passed 12-11-09; Am. Ord. A-10-01, passed 1-7-10; Am. Ord. A-11-02, passed 7-5-11)

§ 156.027 LOT AREA AND WIDTH REQUIREMENTS.

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a means that does not comply with the following requirements. Existing lots of record that were in existence prior to the effective date of this chapter may be used subject to the nonconforming lot provisions of the nonconforming regulations of this chapter.

**TABLE 03.03
LOT AREA AND WIDTH REQUIREMENTS (C)**

<i>Districts</i>	<i>Min. Lot Area (Acre/Sq. Ft.)(a)(b)</i>	<i>Min. Lot Width (Ft.)</i>
A Agriculture	1 acre	120 ft.
EC Environmental Control	1 acre	120 ft.

(A) *Lot area calculation.* Lot area is calculated based upon the net area of the lot, measured in the horizontal plane, exclusive of any area that is part of a public road right-of-way, private road easement or submerged land beneath the ordinary high water mark of a lake.

(B) *Nonconforming lots of record.* New residential or commercial structures to be erected prior to the passage of Zoning Ordinance Amendment A-96-02, on lots of record which are smaller in area than the prescribed minimums of the table above, may be issued an improvement location permit, if well and waste system approvals have been granted by the Health Department.

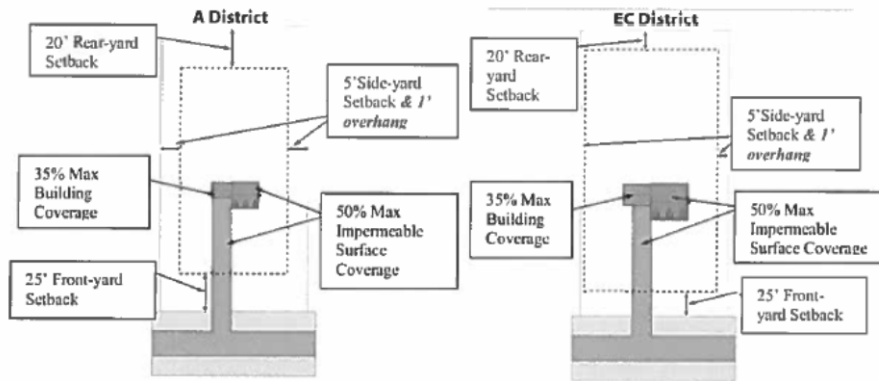
(C) *Subdivision of land.* All divisions to land shall be subject to the requirements set forth in the Steuben County Subdivision Control Ordinance.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.028 BUILDING DIMENSIONAL REQUIREMENTS.

All structure shall be subject to the dimensional regulations of the following table.

Table 03.04 Building Dimensional Requirements											
	Minimum setbacks (A)(B)(C)(D)(E)(F)(H)					Max. Building Height (L) (ft.)		Max. lot coverage (M)		Min. ground floor area per dwelling two or more story dwelling (sq. ft.)	
Districts	Front or road yard (ft.) (G)	Side yards (I)		Rear Yard (ft.)	Lake- front Yard (ft.) (K)	Without Basement	With Basement	% Building Coverage	% Total Imper- meable surface	One- story dwelling (sq. ft.)	Two or more story dwelling (sq. ft.)
		Smallest side (ft.)	Total of both (ft.)								
A Agriculture	25	5	10	20	50	27 ft.	35 ft.	35	50	784	600
EC Environmental Control	25	5	10	20	50	27 ft.	35 ft.	35	50	784	600



(A) *Accessory structures.* See §§ 156.140 *et seq.* for setbacks applicable to accessory structures and decks.

(B) *Projections into yards.* Accessory structures and architectural features may extend or project into required setbacks as provided for in § 156.124.

(C) *Wetlands.* A minimum setback of 25 feet shall be maintained from all wetlands.

(D) *Railroads.* A minimum setback of 50 feet shall be maintained from all railroad rights-of-way.

(E) *County-regulated drains.* A minimum setback of 75 feet shall be maintained from center of tile or from top of adjacent bank for all county-regulated drains.

(F) *Corner and double frontage lots.* Corner lots shall provide the minimum front yard setback from both road frontages. Where a double frontage lot backs-up to a roadway, the minimum required front or roadside setback shall be required from both road rights-of-way. Corner and double frontage residential lots shall only have driveway access from one road, which shall be the lesser traveled road as determined by the Plan Director.

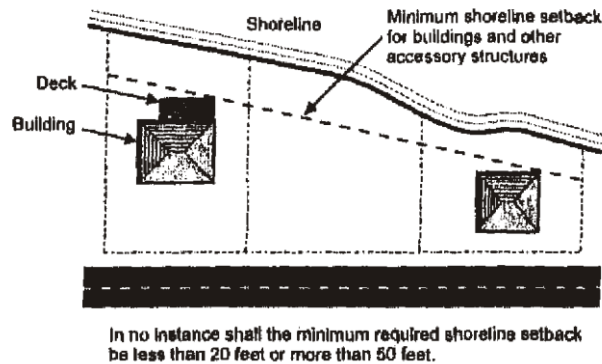
(G) *Setback from road.* The front/road yard setback shall be measured from the foundation of the building to the road right of way or private road easement.

(H) *Setback from alley.* A minimum setback of ten feet shall be maintained from all alley rights-of-way.

(I) *Setback from side-yard.* The side-yard setback shall be measured from the foundation of the building to the property boundary line; and a one foot overhang may project into the required yard setback.

(J) *Setback from lake access easement.* Where a lake access easement runs along the side lot line, the side yard setback shall be measured from the easement.

(K) *Lakefront setback.* In no instance shall any structures other than docks, seawalls, retaining walls, sidewalks, boardwalks, and patios be permitted within the minimum shoreline setback. The minimum setback from the established shore line shall be determined as follows:



(1) Where there are primary structures located on both adjacent lots, the shoreline setback shall be a straight line drawn between the two adjacent dwellings, including decks.

(2) Where primary structures on adjacent lots are setback more than 50 feet, then the minimum shoreline setback shall be 50 feet.

(3) Where one or both of the adjacent lots are vacant, then the minimum shoreline setback shall be 50 feet.

(4) In no instance shall any structures other than docks, seawalls, retaining walls, sidewalks, boardwalks, and patios be permitted within 20 feet of the high water line of any lake or stream.

(5) All site plans, sketch plans or surveys for waterfront property shall show the location of buildings on adjacent lots.

(L) *Height exceptions.* An agricultural structure may be erected or changed to any height necessary for its operations (providing Federal Aviation Authority permits are obtained if required).

(M) *Maximum lot coverage.* The maximum lot coverage for buildings and impermeable surface shall be measured as follows:

(1) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.

(2) The total impermeable surface coverage shall be calculated as the ratio of the ground area covered by all buildings, accessory structures, decks, pools, pavement, parking, loading and storage areas to the net lot area. Planked decks with spacing between the planks and permeable ground beneath

the deck and patios or parking areas constructed of pervious material shall be calculated at a rate of 50% towards the impermeable surface coverage.

(Ord. 777, passed 7-3-08; Am. Ord. A-09-02, passed 3-16-09; Am. Ord. A-11-02, passed 7-5-11; Am. Ord. A-15-01, passed 2-1-16; Am. Ord. A-18-01, passed 5-19-18; Am. Ord. A-18-02, passed 5-21-18)

RESIDENTIAL DISTRICTS

§ 156.035 INTENT.

(A) *R-1 Residence District.* The R-1 Residence-1 District is established to include areas of low density single-family residences only. The intent is to create aesthetically pleasing residential environments and limit development in areas that are far removed from municipal services, in accordance with the comprehensive plan.

(B) *R-2 Residence District.* The R-2 Residence-2 District is established to include areas of relatively high density single, two-family and limited multiple-family residences in locations where the infrastructure is capable of supporting higher density development. The intent of the district is to allow for a more compact form of development near established communities and avoid inefficient sprawling development over most areas of the county.

(C) *R-3 Residence District.* The R-3 Residence-3 District is established to provide areas for multiple-family residences as well as higher density single family residential. The intent of the district is to provide for housing options other than single family residential near established communities in locations where the infrastructure is capable of supporting higher density development.

(D) *LR Lake Residence District.* The LR Lake Residence District is established to include residential neighborhoods in the proximity of bodies of water. These areas are characterized by environmental sensitivity and are subject to heavy recreational use. Uses in the LR District are limited to residential and certain water-related and recreational-related uses compatible with both the nearby development and the local environmentally sensitive land. The regulations of this district are intended to ensure infill development is consistent with the character of established lakefront neighborhoods, is compatible with the size, scale, setback, and architectural character of surrounding homes, does not overbuild small lots and minimizes impacts to views.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.036 USES.

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this chapter. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or buildings in the districts indicated at the top of the table may be used for the purposes denoted by the following abbreviations:

(A) *P: Permitted use.* Land and/or buildings in this district may be used for the purposes listed by right.

(B) *S: Special exception use.* Land and/or buildings in this district may be used for this purpose by obtaining special exception approval when all applicable standards cited in §§ 156.245 *et seq.* and §§ 156.095 *et seq.* are met.

(C) *-: Not permitted.* The use is not permitted in the district. Uses not listed in the table are also not permitted.

Table 4.02 Schedule of Permitted Uses					
<i>Use</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>LR</i>	<i>Requirements</i>
<i>Residential</i>					
Single family detached dwellings	P	P	P	P	
Single family attached dwellings	-	S	P	S	
Two-family dwellings	-	P	P	S	
Mobile home dwellings on individual lots	-	P	P	—	156.095(A)
Modular homes	P	P	P	P	
Multi-family dwellings	-	S	P	S	156.038(L)
Accessory dwellings	S	S	S	S	156.095(B)
Home occupations	S	S	S	S	156.095(C)
Low-impact home occupation	P	P	P	P	156.095(C)
Fraternity, sorority, student housing cooperatives	-	P	P	-	
<i>Agriculture, Forestry, Fishing and Hunting</i>					
Bait sales	-	-	-	S	
Farms-general	P	P	P	S	
Keeping of livestock and other animals	P	P	P	-	156.096(C)
Motor Vehicle Dealers, Parts and Service					
Marina/sales/service/storage(watercraft only)	-	-	-	S	
<i>Lodging Accommodation</i>					
Boarding houses	-	S	S	-	
Tourist homes/bed and breakfast inns	S	S	S	S	156.099(A)

<i>Use</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>LC</i>	<i>Requirements</i>
<i>Other services</i>					
Funeral homes and mortuaries	-	S	S	-	156.101(A)
<i>Health Care and Social Assistance</i>					
Child care home	P	P	P	P	
Child day care center	S	S	S	-	156.103(A)
Nursing homes, and senior assisted living	-	S	S	-	156.103(C)
<i>Arts Entertainment and Recreation</i>					
Boat access ramps	-	-	-	S	
Common use lake access lots	-	-	-	S	156.104(C)
Country clubs	S	S	S	S	
Golf courses	S	S	S	S	
Marinas and boat clubs	-	-	-	S	156.104(D)
Public parks	P	P	P	P	
Swimming pools, private	P	P	P	P	
<i>Religious, civic, social and similar organizations</i>					
Churches, temples and similar places of worship	P	P	P	P	156.105(A)
Lodges/private clubs	-	-	-	S	156.105(B)
<i>Educational services</i>					
Elementary schools - public, private or parochial	P	P	P	P	156.106(A)
High Schools and middle schools - public, private or parochial	P	P	P	P	156.106(A)
Libraries and museums	P	P	P	P	
<i>Transportation and warehousing</i>					
Storage, boat-inside	-	-	-	S	156.108(B)
Storage, boat-outside	-	-	-	S	156.108(B)

<i>Use</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>LR</i>	<i>Requirements</i>
Transmission lines, gas and oil	S	S	S	-	
<i>Utilities and waste disposal</i>					
Utilities and essential public services that are necessary to serve uses in the district	P	P	P	P	
Utility exchange or substations	S	S	S	-	
Wind energy conversion systems			-	-	See §§ 156.350 through 156.356
Wireless communication facilities and services					See 156.109(H)
<i>Mining/ mineral extraction</i>					
Mineral/soil extraction	S	S	S	-	156.111(A)

(Ord. 777, passed 7-3-08; Am. Ord. A-09-03, passed 12-11-09; Am. Ord. A-10-01, passed 1-7-10; Am. Ord. A-11-02, passed 7-5-11)

§ 156.037 LOT AREA AND WIDTH REQUIREMENTS.

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a manner that does not comply with the following requirements. Lots of record that were in existence prior to the effective date of this chapter may be used subject to the provisions of the nonconforming lot regulations of this chapter.

Table 04.03 Lot Area And Width Requirements (E)		
<i>Districts</i>	<i>Min. Lot Area (Acre/Sq. Ft.)(A)(B)</i>	<i>Min. Lot Width (Ft.)</i>
<i>R-1 Residence</i>		
Both on-site well and septic	1 acre	120 ft.
Either offsite water and/or offsite sewerage (C)	½ acre	100 ft.
<i>R-2 Residence</i>		
Both on-site well and septic	1 acre	110 ft.
Either offsite water or offsite sewerage (C)	½ acre	90 ft.
Both offsite water and offsite sewerage (C)	10,000 sq. ft.	70 ft.

<i>Districts</i>	<i>Min. Lot Area</i>	<i>Min. Lot Width</i>
Multiple family residential	1 acre (D)	100 ft.
<i>R-3 Residence</i>		
Either offsite water or offsite sewerage (C)	½ acre	90 ft.
Both offsite water and offsite sewerage (C)	10,000 sq. ft.	70 ft.
Multiple family residential	1 acre (D)	100 ft.
<i>LR Lake Residence</i>		
Both on-site well and septic	1 acre	100 ft.
Either offsite water or offsite sewerage (C)	½ acre	100 ft.
Both offsite water and offsite sewerage (C)	10,000 sq. ft.	70 ft.
Multiple family residential	1 acre (D)	100 ft.

(A) *Lot area calculation.* Lot area is calculated based upon the net area of the lot, measured in the horizontal plane, exclusive of any area that is part of a public road right-of-way, private road easement or submerged land beneath the ordinary high water mark of a lake.

(B) *Nonconforming lots of record.* New residential structures to be erected prior to the passage of Zoning Ordinance Amendment A-96-02, on lots of record which are smaller in area than the prescribed minimums of the table above, may be issued an Improvement Location Permit, if well and waste system approvals have been granted by the \ Health Department. Multiple nonconforming lots under single ownership are subject to § 156.317.

(C) *Water and Sewer.* “Off-Site Water” refers to a community well or municipal water system. “Off-Site Sewerage” refers to a cluster or municipal sewage system.

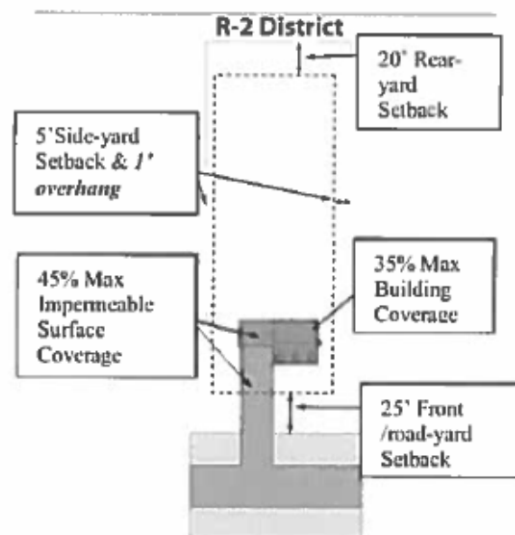
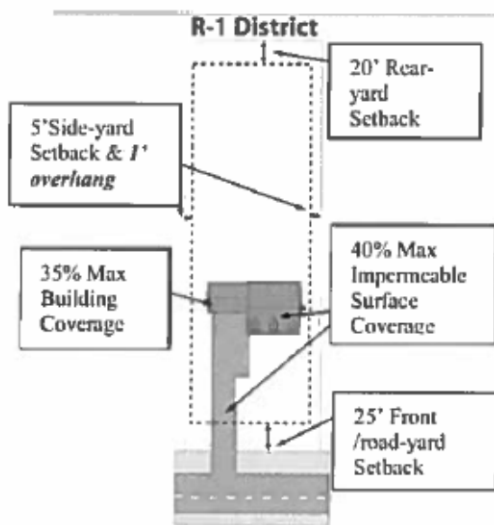
(D) *Multiple family density.* For multiple family developments with on-site well or septic system, a maximum of two dwelling units shall be permitted per acre. For multiple family developments that are served by both a public water and sewer system, a maximum of five dwelling units shall be permitted per acre.

(E) *Subdivision of land.* All divisions to land shall be subject to the requirements set forth in the Steuben County Subdivision Control Ordinance.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

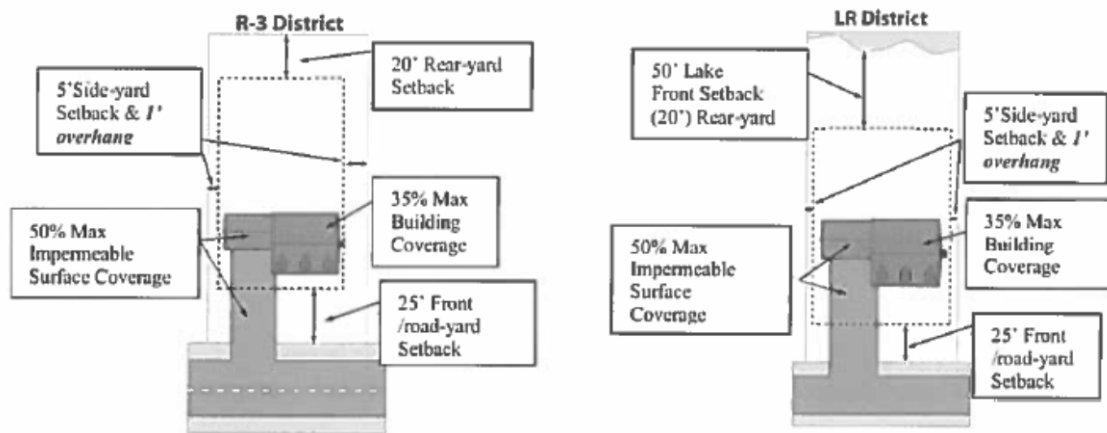
§ 156.038 BUILDING DIMENSIONAL REQUIREMENTS.

All structure shall be subject to the dimensional regulations of the following table.

Table 04.04 Building Dimensional Requirements											
	Min. Setbacks (A)(B)(C)(D)(E)(F)(J), (M)					Max. building Height (Ft.)		Max. Lot Coverage (L)		Minimum ground floor area per dwelling	
Districts	Front or Road Yard (ft.)(G)	Side Yards(I)		Rear Yard (ft.)	Lake-front Yard (ft. (J)	Without Base-ment	With Base-ment	% Building coverage	% Total Impermeable Surface	One-Story dwelling (sq. ft.)	Two or more story dwelling (sq. ft.)
		Smallest Side (ft.)	Total of Both (ft.)								
R-1 Residence	25	5	10	20	50	27 ft.	35 ft.	30	40	960	840
R-2 Residence	25	5	10	20	50	27 ft.	35 ft.	35	45	784	600
R-3 Residence	25	5	10	20	50	27 ft.	35 ft.	35	50	784	600
LR Lake Residence	25	5	10	20	50	27 ft.	35 ft.	35	50	840	720



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(A) *Accessory structures.* See §§ 156.140 *et seq.* for setbacks applicable to accessory structures and decks.

(B) *Projections into yards.* Accessory structures and architectural features may extend or project into required setbacks as provided for in § 156.124.

(C) *Wetlands.* A minimum setback of 25 feet shall be maintained from all wetlands.

(D) *Railroads.* A minimum setback of 50 feet shall be maintained from all railroad rights-of-way.

(E) *County-regulated drains.* A minimum setback of 75 feet shall be maintained from center of tile or from top of adjacent bank for all county-regulated drains.

(F) *Corner and double frontage lots.* Corner lots shall provide the minimum front yard of setback of the district from the primary entrance; and the minimum setback from other road-frontage shall be ten feet. Where a double frontage lot backs-up to a roadway, the minimum required front or roadside setback shall be required from both road rights-of-way. Corner and double frontage residential lots shall only have driveway access from one road, which shall be the lesser traveled road as determined by the Plan Director.

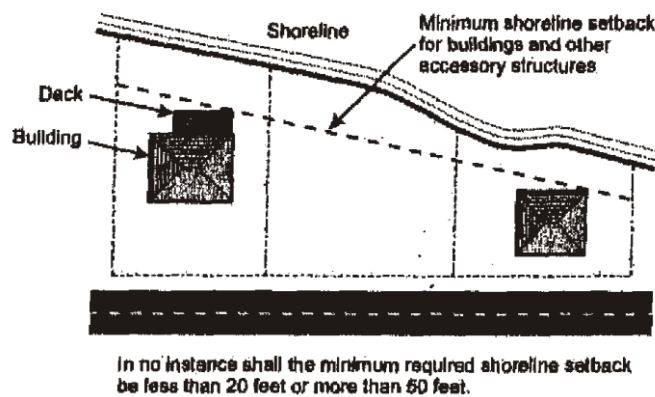
(G) *Setback from road.* The front/road yard setback shall be measured from the foundation of the building to the road right of way or private road easement.

(I) *Setback from side-yard.* The side-yard setback shall be measured from the foundation of the building to the property boundary line, and a one foot overhang may project into the required yard setback.

(J) *Setback from alley.* A minimum setback of 15 feet shall be maintained from all alley rights-of-way.

(K) *Setback from lake access easement.* Where a lake access easement runs along the side lot line, the side yard setback shall be measured from the easement.

(L) *Lakefront setback.* In no instance shall any structures other than docks, seawalls, retaining walls, sidewalks, boardwalks, and patios be permitted within the minimum shoreline setback. The minimum setback from the established shore line shall be determined as follows:



(1) Where there are primary structures located on both adjacent lots, building the shoreline setback shall be a straight line drawn between the two adjacent dwellings, including decks.

(2) Where primary structures on adjacent lots are setback more than 50 feet, then the minimum shoreline setback shall be 50 feet.

(3) Where one or both of the adjacent lots are vacant, then the next lots shall be use. Where two lots in both directions are vacant, then the minimum shoreline setback shall be 50 feet.

(4) In no instance shall any structures other than docks, seawalls, retaining walls, sidewalks, boardwalks, and patios be permitted within 20 feet of the high water line of any lake or stream.

(5) All site plans, sketch plans or surveys for waterfront property shall show the location of buildings on adjacent lots.

(6) For lots that are located at the end of a point or peninsula, a straight line between adjacent dwellings shall not be used. Instead, the setbacks shall be measured in terms of the closest distance between the building and the shoreline. The building at the end of a point or peninsula shall be setback from the shoreline a distance equal to the average setback of the two closest lots.

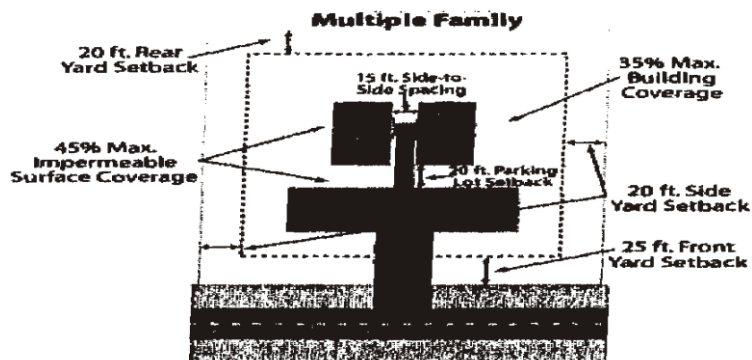
(M) *Maximum lot coverage.* The maximum lot coverage for buildings and impermeable surface shall be measured as follows:

(1) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.

(2) The total impermeable surface coverage shall be calculated as the ratio of the ground area covered by all buildings, accessory structures, decks, pools, pavement, parking, loading and storage areas to the net lot area. Planked decks with spacing between the planks and permeable ground beneath the deck and patios or parking areas constructed of pervious material shall be calculated at a rate of 50% towards the impermeable surface coverage.

(M) *Multiple family residential setbacks.* All multiple family residential buildings shall provide the following setbacks:

<i>From outside perimeter of site or lot:</i>	
Front yard setback	25 ft.
Each side yard setback	20 ft.
Rear yard setback	20 ft.
Parking lot setback all sides	20 ft.
<i>Internal setbacks between units within the site:</i>	
Setback from a private road or parking lot	20 ft.
Side to side spacing between two buildings	15 ft.
Front or rear spacing between two buildings*	40 ft.
* Spacing required between buildings where one or both of the building walls facing are a front or rear wall (i.e. front to front, front to rear, rear to rear or front/rear to side).	



Ord. 777, passed 7-3-08; Am. Ord. A-09-02, passed 3-16-09; Am. Ord. A-11-02, passed 7-5-11; Am. Ord. A-15-01, passed 2-1-16; Am. A-18-01, passed 5-19-18; Am. Ord. A-18-02, passed 5-21-18)

MANUFACTURED HOME DISTRICT**§ 156.045 INTENT.**

MH Manufactured Home District. The MH Manufactured Home District is established for occupancy by manufactured homes. The intent is to provide an affordable housing alternative where appropriate and consistent with the general character of the surrounding area. The requirements of this district are necessary to ensure adequate infrastructure to support the relatively higher density found in manufactured home parks and to ensure adequate accesses for transportation and emergency vehicle access.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.046 USES.

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this chapter. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or buildings in the districts indicated at the top of the Table may be used for the purposes denoted by the following abbreviations:

(A) *P: Permitted use.* Land and/or buildings in this district may be used for the purposes listed by right.

(B) *S: Special exception use.* Land and/or buildings in this District may be used for this purpose by obtaining Special Exception approval when all applicable standards cited in §§ 156.245 *et seq.* and 156.095 are met.

(C) *-: Not permitted.* The use is not permitted in the district. Uses not listed in the table are also not permitted.

Table 5.02 Schedule of Permitted Uses		
<i>Use</i>	<i>MH</i>	<i>Requirements</i>
<i>Residential</i>		
Single family detached dwellings	P	
Manufactured home dwellings	P	156.095(A)
Manufactured home parks	P	156.047
Modular homes		
Home occupations	S	156.095(C)

<i>Use</i>	<i>MH</i>	<i>Requirements</i>
Low-impact home occupation	P	156.095(C)
<i>Retail trade</i>		
Manufactured home sales	S	
<i>Other services</i>		
Laundromats	P	
<i>Health Care and Social Assistance</i>		
Child care home	P	
<i>Arts, Entertainment, and Recreation</i>		
RV (recreational vehicle) parks and recreational camps	S	156.104(F)
Swimming pools, private	P	
<i>Religious, civic, social and similar organizations</i>		
Churches, temples and similar places of worship	P	154.105(A)
<i>Educational services</i>		
Elementary schools – public, private or parochial		154.106(A)
<i>Transportation and Warehousing</i>		
Transmission lines, gas and oil	P	
<i>Utilities and Waste Disposal</i>		
Utilities and essential public services that are necessary to serve uses in the district	P	
Utility exchange or substations	S	
Wireless communication facilities and services	See: 156.109(H)	
Wind energy conversion systems	See: §§ 156.350 through 156.356	

(Ord. 777, passed 7-3-08; Am. Ord. A-09-03, passed 12-11-09; Am. Ord. A-10-01, passed 1-7-10; Am. Ord. A-11-02, passed 7-5-11)

§ 156.047 MANUFACTURED HOME PARKS.

(A) *Permitted uses.* Manufactured Home Parks are permitted in the Manufactured Home Districts as indicated in Table 5.02 with the following requirement standards.

(B) *Requirement standards.*

(1) *Compliance.* All manufactured home parks must comply with the Acts of the Indiana General Assembly, 1955, Chapter 321, as amended, and with the Indiana State Board of Health Regulation HSE21, Mobile Home Parks, as amended.

(2) *Foundations.* New manufactured home parks and new additions to existing manufactured home parks shall provide full foundations that meet or exceed manufacturer's specifications for under each home.

(3) *Minimum areas.*

(a) Parks. Minimum of five acres for first 20 lots, then 5,000 square feet per lot thereafter.

(b) Lot. 5,000 square feet.

(4) *Yards and distance between structures.*

(a) The minimum distance between a manufactured home and the park boundary or public road right-of-way shall be 15 feet.

(b) The minimum distance between a manufactured home and the private road edge of pavement shall be eight feet, and between the home and the side and rear lot lines shall be five feet.

(c) The minimum distance between a manufactured home and any other building shall be ten feet.

(5) *Streets.*

(a) Streets shall be at least 30 feet wide for two-way traffic with no parking on the street.

(b) Closed ends of dead-end streets shall be provided with adequate vehicular turning space. The turning circles shall be at least 40 feet in diameter.

(c) Streets must be constructed so that they properly drain, are dust free, and are all-weather.

(6) *Driveways.* Driveways serving a single manufactured home must be a minimum of 20 feet long and ten feet wide.

(7) *Parking spaces.*

(a) Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two car spaces for each manufactured home lot plus an additional car space for each four lots to provide for guest parking, and for deliveries and service vehicles.

(b) At least two required car parking spaces shall be located on each lot. Any remaining car parking spaces may be located in adjacent parking bays.

(c) Minimum size. Nine feet in width by 18 feet in length for each car.

(d) Pavement. Shall be paved with concrete or asphalt.

(8) *Laundry facilities and community building.* May be constructed provided that they meet with all State Board of Health and Board of Health requirements, and permits are issued where required.

(9) *Sanitary facilities.* All manufactured home parks must have sewage treatment facilities which meet the requirements of the Board of Health, the Indiana Department of Environmental Management, and the U.S. Environmental Protection Agency, where applicable. All necessary permits must be issued by said Board before the Plan Director may issue an improvement location permit.

(10) *Compliance with Building Code.* All manufactured homes shall comply with the Building Codes of the county and the state, as amended.

(11) *Drainage.* Drainage must be approved by County Surveyor and/or Drainage Board.

(12) *Received.* Approval of the appropriate utility companies, such as gas, electric, telephone, and the like must be received.

(13) *Storm shelter.* All manufactured home parks shall provide a safe place of shelter for park residents or a plan for the evacuation of park residents to a safe place of shelter within a reasonable distance of the park for use by park residents in time of severe weather, including tornados and high winds. The shelter or evacuation plan must be approved by the Board of Zoning Appeals.

(14) *Fire hydrants or dry hydrants.* Hydrants should be located at intersections and intermediate points between intersections as recommended by the State Insurance Office and the local fire department. Generally, hydrant spacing may range from 350 to 600 feet, depending on the area being served.

(15) *Warning siren.* Where a manufactured home park is proposed in an area of the county that is a large distance from any existing warning sirens, the developer shall install a new warning siren in or adjacent to the manufactured home park to give future residents warning in the event of a tornado or other emergencies.

(C) *Approvals.*

(1) Before an improvement location permit can be issued for a new Manufactured Home Park or an addition to an existing manufactured home park, a performance bond, meeting the requirements of § 156.290, must be secured in the amount needed to complete the project as per the requirements of this chapter and any additional requirements placed upon the project by the Board of Zoning Appeals. Improvement location permits for additions to existing manufactured home parks will not be issued until the existing manufactured home park has been issued a certificate of compliance.

(2) Fees. Fees for a manufactured home park for shall be paid at the time of filing of the application and shall be in an amount as set forth by resolution of the County Board of Commissioners. (Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.048 LOT AREA AND WIDTH REQUIREMENTS.

All lots outside of a designated manufactured home park shall meet the following minimum area and width requirements. No new lots shall be created or altered in a manner that does not comply with the following requirements. Lots of record in existence prior to the effective date of this chapter may be used subject to the nonconforming lot regulations of this chapter.

Table 05.04 Lot Area And Width Requirements (D)		
<i>Districts</i>	<i>Min. Lot Area (Acre/Sq. Ft.)(A)(B)</i>	<i>Min. Lot Width (ft.)</i>
MH Manufactured Home Residence		
Both on-site well and septic	1 acre	100 ft.
Either offsite water or offsite sewerage (C)	½ acre	100 ft.
Both offsite water and offsite sewerage (C)	10,000 sq. ft.	70 ft.

(A) *Lot area calculation.* Lot area is calculated based upon the net area of the lot, measured in the horizontal plane, exclusive of any area that is part of a public road right-of-way, private road easement or submerged land beneath the ordinary high water mark of a lake.

(B) *Nonconforming lots of record.* New residential or commercial structures to be erected on lots of record prior to the passage of Zoning Ordinance Amendment A-96-02, which are smaller in area than the prescribed minimums of the table above, may be issued an improvement location permit if well and waste system approvals have been granted by the County Health Department.

(C) *Water and sewer.* Off-site water refers to a community well or municipal water system. Off-Site Sewerage refers to a cluster or municipal sewage system.

(D) *Subdivision of land.* All divisions to land shall be subject to the requirements set forth in the Steuben County Subdivision Control Ordinance.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.049 BUILDING DIMENSIONAL REQUIREMENTS.

All structures not located in an approved mobile home park shall be subject to the dimensional regulations of the following table.

Table 05.05 Building Dimensional Requirements										
	Minimum Setbacks (A)(B)(C)(D)(E)(F)(H)				Max. Building Height (ft)		Max. Lot Coverage (L)		Min. Ground Floor Area Per Dwelling	
Districts	Front or Road Yard (ft.) (G)	Side Yards (Each) (ft.) (I)	Rear yard (ft.)	Lake- front Yard (ft.) (K)	Without Basement	With Basement	% Building Coverage	%Total Imper- meable Surface	One- story dwelling (sq. ft.)	Two or more story dwelling (sq. ft.)
MH Manufactured Home Residence	25	5	20	50	27	35	35	45	784	600

(A) *Accessory structures.* See §§ 156.140 *et seq.* for setbacks applicable to accessory structures and decks.

(B) *Projections into yards.* Accessory structures and architectural features may extend or project into required setbacks as provided for in § 156.124.

(C) *Wetlands.* A minimum setback of 25 feet shall be maintained from all wetlands.

(D) *Railroads.* A minimum setback of 50 feet shall be maintained from all railroad rights-of-way.

(E) *County-regulated drains.* A minimum setback of 75 feet shall be maintained from center of tile or from top of adjacent bank for all county-regulated drains.

(F) *Corner and double frontage lots.* Corner lots shall provide the minimum front yard setback from both road frontages. Where a double frontage lot backs-up to a roadway, the minimum required front or roadside setback shall be required from both road rights-of-way. Corner and double frontage residential lots shall only have driveway access from one road, which shall be the lesser traveled road as determined by the Plan Director.

(G) *Setback from road.* The front/road yard setback shall be measured from the foundation of the building to the road right of way or private road easement.

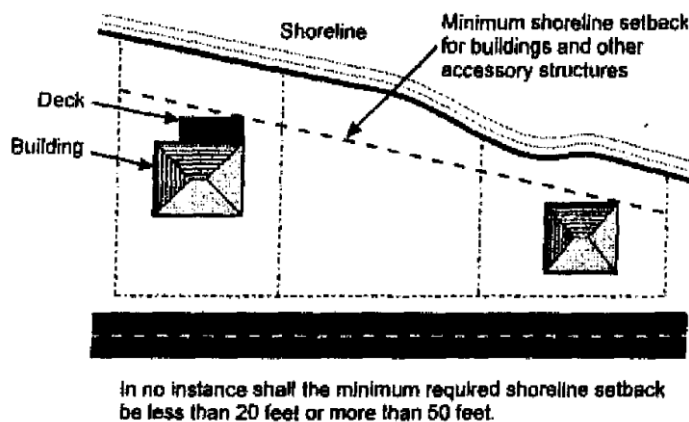
(H) *Setback from alley.* A minimum setback of eight feet shall be maintained from all alley rights-of-way.

(I) *Setback from side-yard.* The side-yard setback shall be measured from the foundation of the building to the property boundary line, and a one foot overhang may project into the required yard setback.

(J) *Setback from lake access easement.* Where a lake access easement runs along the side lot line, the side yard setback shall be measured from the easement.

(K) *Lakefront setback.* The minimum setback from the established shore line shall be determined as follows:

(1) Where there are primary structures located on both adjacent lots, the building shall not be located closer to the shoreline than a straight line drawn between the two adjacent dwellings. Decks and other above ground accessory structures shall not be located closer to the shoreline than a straight line drawn between the decks other above ground accessory structures of the adjacent dwellings.



(2) In no instance shall any structures other than docks, seawalls, retaining walls, sidewalks, boardwalks, and patios be permitted within 20 feet of the high water line of any lake or stream.

(3) Where primary structures on adjacent lots are setback more than 50 feet, then the minimum shoreline setback shall be 50 feet.

(4) Where one or both of the adjacent lots are vacant, then the minimum shoreline setback shall be 50 feet.

(5) All site plans, sketch plans or surveys for waterfront property shall show the location of buildings on adjacent lots.

(6) For lots that are located at the end of a point or peninsula, a straight line between adjacent dwellings shall not be used. Instead, the setbacks shall be measured in terms of the closest distance between the building and the shoreline. The building at the end of a point or peninsula shall be setback from the shoreline a distance equal to the average setback of the two closest lots.

(L) *Maximum lot coverage.* The maximum lot coverage for buildings and impermeable surface shall be measured as follows:

(1) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.

(2) The total impermeable surface coverage shall be calculated as the ratio of the ground area covered by all buildings, accessory structures, decks, pools, pavement, parking, loading and storage areas to the net lot area. Planked decks with spacing between the planks and permeable ground beneath the deck and patios or parking areas constructed of pervious material shall be calculated at a rate of 50% towards the impermeable surface coverage.

(Ord. 777, passed 7-3-08; Am. Ord. A-09-02, passed 3-16-09; Am. Ord. A-11-02, passed 7-5-11; Am. Ord. A-18-01, passed 5-19-18; Am. Ord. A-18-02, passed 5-21-18)

BUSINESS DISTRICTS

§ 156.060 INTENT.

(A) *LB Local Business District.* The LB Local Business District is established to provide locations close to residential areas and appropriate to meeting their shopping and service needs. The intent is to create a mixed-use village with low-impact commercial uses in close proximity to residential uses, creating a walkable hamlet characteristic of a rural small town. This district is also intended for small-scale commercial services in and near lakefront communities to provide convenient services to the residents of these neighborhoods, while ensuring minimal impact on nearby residences and the lake resources.

(B) *GB General Business District.* The GB General Business District is established to include areas that are appropriate to a full range of businesses and services, and should be located on collector or arterial highways as specified by the Comprehensive Plan. This district is intended for larger-scale commercial uses, such as shopping centers, entertainment, restaurants, auto-services and offices intended to serve the overall county.

(C) *AB Accommodation Business District*. The AB Accommodation Business District is established to include:

(1) Areas close to the interstate system, federal and state highways;

(2) Areas appropriate to the shopping and service needs of motorists on these major roadways. This district is intended for restaurants, auto-services, hotels and related businesses for motorists and the county in general.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.061 USES.

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this chapter. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or buildings in the districts indicated at the top of the table may be used for the purposes denoted by the following abbreviations:

(A) *P: Permitted use.* Land and/or buildings in this district may be used for the purposes listed by right.

(B) *S: Special exception use.* Land and/or buildings in this district may be used for this purpose by obtaining Special Exception approval when all applicable standards cited in §§ 156.245 *et seq.* and §§ 156.095 *et seq.* are met.

(C) *-: Not permitted.* The use is not permitted in the district. Uses not listed in the table are also not permitted.

Table 7.02 Schedule of Permitted Uses				
<i>Use</i>	<i>LB</i>	<i>GB</i>	<i>AB</i>	<i>Requirements</i>
<i>Residential</i>				
Multi-family dwellings	S	S	-	156.038(L)
Home occupations	P	P	-	156.095(B)
Low-impact home occupation	P	P	P	156.095(C)
Fraternity, sorority, student housing cooperatives	P	P	-	
<i>Agriculture, Forestry, Fishing and Hunting</i>				
Bait sales	P	P	S	
Farm sales and service	P	P	-	
Greenhouse, nursery, and floriculture production	P	P	-	156.096(A)
Kennels	P	P	-	
Roadside produce sales	P	P	S	
Wholesale produce terminal	P	P	P	
<i>Retail Trade</i>				
Retail and general merchandise stores 60,000 square feet or less	P	P	P	

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<i>Use</i>	<i>LB</i>	<i>GB</i>	<i>AB</i>	<i>Requirements</i>
Retail stores and shopping centers over 60,000 square feet	S	S	S	156.097(A)
Dairies, retail	P	P	S	
Dressmaking shops	P	P	P	
Fireworks sales, wholesale and retail	-	S	S	
Flower/garden shops	P	P	-	
Grocery stores/supermarkets	P	P	S	
Home improvement and building material stores	-	P	-	
Nursery, lawn and garden, farm supply, equipment and supplies stores	P	P	P	
Manufactured home sales	-	P	S	
Meat markets	P	P	S	
Pet shops, supplies and grooming	P	P	-	
Warehouse clubs	-	S	-	
Wholesale businesses	S	P	P	
Video-retail	P	P	P	
Drive-thru window accessory to any of the above permitted retail uses	S	P	S	156.097(B)
<i>Motor vehicle dealers, parts and service</i>				
Automobile rental	P	P	P	
Automobile storage disabled vehicles (indoors)	-	S	-	156.098(A)
Automotive parts, accessories, and tire store	S	P	P	
Minor automotive repair and maintenance	S	P	P	156.098(B)
Major automotive repair and bodywork	-	S	-	156.098(B)
Auto-new/used salesrooms and/or open storage	-	S	S	
Automobile wash, full service and self service	S	P	P	156.098(C)

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<i>Use</i>	<i>LB</i>	<i>GB</i>	<i>AB</i>	<i>Requirements</i>
Service station	S	S	S	156.098(D)
Tractor and farm equipment dealers	-	S	S	
Maria/sales/service/storage	P	P	S	156.104(C); 156.108(B)
Motorcycle, boat, and recreational vehicle dealers	-	S	S	
<i>Lodging accommodation</i>				
Boarding houses	P	P	-	
Hotels/motels	S	P	P	
Tourist homes/bed and breakfast inns	P	P	-	156.099(A)
<i>Food Services</i>				
Banquet hall	S	P	P	
Carryout restaurants	P	P	P	
Caterers	P	P	P	
Delicatessens	P	P	P	
Night clubs	S	S	S	
Sit-down restaurants	P	P	P	
Restaurants, drive-in and drive-thru	-	S	S	156.100(A)
Taverns	S	P	P	
<i>Other services</i>				
Barber/beauty shops	P	P	P	
Funeral homes and mortuaries	S	-	S	156.101(A)
Cemeteries/crematoriums	P	P	-	156.101(B)
Dry cleaning establishments	P	P	P	
Laundromats	P	P	P	
Photographic studios	P	P	P	

<i>Use</i>	<i>LB</i>	<i>GB</i>	<i>AB</i>	<i>Requirements</i>
Shoe repair shops	P	P	P	
Tailoring	P	P	P	
Tanning salons	P	P	P	
<i>Finance, Insurance, Real Estate, Professional, Scientific, and Technical Services</i>				
Banks with no more than 3 drive-thru teller lanes	P	P	P	156.102(A)
Banks with more than 3 drive-thru teller lanes	S	S	S	156.102(A)
Computer systems design and related services	P	P	P	
Laboratories for testing and research, excluding the raising of animals for research and excluding testing of fissionable material	-	S	-	
Business offices for professions such as advertising, accounting, bookkeeping, architecture engineering, legal services and other administrative services	P	P	P	
Publishing industries	-	S	-	
Real estate, insurance and investment brokers	P	P	P	
Telecommunications, radio/TV station or studios	P	P	-	
<i>Health care and social assistance</i>				
Adult day care centers	P	P	S	
Child day care centers	P	P	P	156.103(A)
Hospitals	-	P	P	156.103(B)
Nursing homes, and senior assisted living	P	P	P	156.103(C)
Offices and clinics of physicians and dentist	P	P	P	
Veterinary hospital, small animal	P	P	-	
<i>Arts, entertainment, and recreation</i>				
Amusement arcade	P	P	-	
Art galleries/pottery making	P	P		

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<i>Use</i>	<i>LB</i>	<i>GB</i>	<i>AB</i>	<i>Requirements</i>
Billiard halls	P	P	-	
Boat access ramps	P	P	-	
Bowling alleys	P	P	-	
Casinos	-	S	S	156.104(B)
Country clubs	S	S	-	
Dance —academies	P	P	-	
Fitness centers	P	P	P	
Golf courses	P	P	P	
Ice skating or roller rink	P	P	P	
Marinas and boat clubs	S	S	S	156.104(D)
Public camps	-	-	S	156.104(E)
Commercial outdoor recreation facilities (such as batting cages, driving ranges and put-put golf)	S	S	S	156.104(E)
Shooting ranges, indoor	-	P	-	
Stadiums/coliseums/athletic fields	-	S	-	
Swimming pools, commercial	P	P	-	
Swimming pools, private	P	P	P	
Tennis club, paddle-ball club, racquetball club and other similar uses	P	P	P	
Theaters-indoor	S	S	-	
<i>Religious, Civic, Social and Similar Organizations</i>				
Assembly halls, non-profit	-	P	-	
Charitable institutions	P	P	-	
Churches, temples and similar places of worship	P	P	P	156.105(A)
Conference centers and convention halls	-	P	-	
Lodges/private clubs	S	S	S	156.105(B)

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<i>Use</i>	<i>LB</i>	<i>GB</i>	<i>AB</i>	<i>Requirements</i>
<i>Educational Services</i>				
Elementary, middle and high schools– public, private or parochial	P	P	P	156.106(A)
Libraries and museums	P	P	P	
Technical and vocational trade schools	-	P	-	
University or college building	S	P	P	
<i>Public administration</i>				
Executive, legislative, and other general government buildings	P	P	P	
Justice and public safety	P	P	P	
Post offices	P	P	P	
<i>Transportation and warehousing</i>				
Railroad passenger stations, bus depots or other passenger terminal facilities	P	P	P	
Garages for public parking	S	P	P	
Material/storage accessory to a permitted use	P	P	P	
Mini-storage) self storage warehouses including mini storage buildings and storage garages - leased or condominium	-	S	-	156.108(C)
Parking areas/public	P	P	P	
Storage, boat-inside	S	S	-	156.108(B)
Storage, boat-outside	S	S	S	156.108(B)
Transfer station	-			
Transmission lines, gas and oil	P	P	P	
<i>Utilities and waste disposal</i>				
Sewage and treatment facilities	-	S		156.109(E)
Utilities and essential public services that are necessary to serve uses in the district	P	P	P	

<i>Use</i>	<i>LB</i>	<i>GB</i>	<i>AB</i>	<i>Requirements</i>
Utility exchange or substations	P	P	-	
Water treatment facilities	-	P	-	
Wind Energy Conversion Systems	See: §§ 156.350 through 156.356			
Wireless communication facilities and services	See: 156.109(H)			
<i>Construction</i>				
Construction contractors offices and showrooms without storage yards	S	P	-	
<i>Mining/mineral extraction</i>				
Mineral/soil extraction	S	S	S	156.111(A)

(Ord. 777, passed 7-3-08; Am. Ord. A-09-03, passed 12-11-09; Am. Ord. A-10-01, passed 1-7-10; Am. Ord. A-11-02, passed 7-5-11)

§ 156.062 LOT AREA AND WIDTH REQUIREMENTS.

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a means that does not comply with the following requirements. Lots of record in existence prior to the effective date of this chapter may be used subject to the provisions of the nonconforming lot regulations of this chapter.

Table 07.03 Lot Area And Width Requirements (C)(D)		
Districts	Min. Lot Area (Acre/sq. ft.) (A)(B)	Min. Lot Width (ft.)
LB Local Business	½ acre	100 ft.
GB General Business	1 acre	150 ft.
AB Accommodation Business	1 1/2 acre	200 ft.

(A) *Lot area calculation.* Lot area is calculated based upon the net area of the lot, measured in the horizontal plane, exclusive of any area that is part of a public road right-of-way, private road easement or submerged land beneath the ordinary high water mark of a lake.

(B) *Nonconforming lots of record.* New residential or commercial structures to be erected on lots of record prior to the passage of Zoning Ordinance Amendment A-96-02, which are smaller in area than

the prescribed minimums of the table above, may be issued an improvement location permit if well and waste system approvals have been granted by the Health Department.

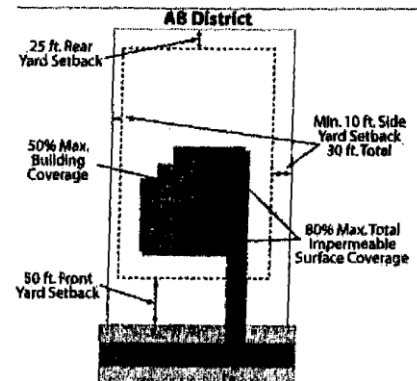
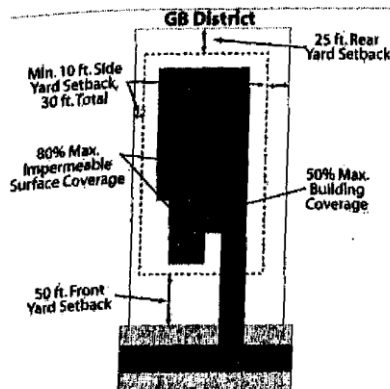
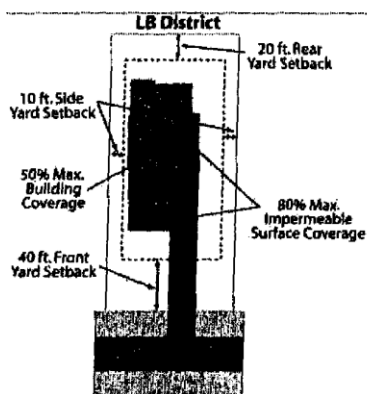
(C) *Lot size reduction.* The lot area and lot width may be reduced below the amounts indicated in Table 07.03 where driveway spacing requirements of § 156.183(B) can be met and the lot has a recorded easement for a shared driveway, and service drive connecting the lot to all adjacent lots zoned or master planned for business use, meeting the requirements of § 156.183(D).

(D) *Subdivision of land.* All divisions to land shall be subject to the requirements set forth in the Steuben County Subdivision Control Ordinance.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.063 BUILDING DIMENSIONAL REQUIREMENTS.

All buildings shall be subject to the dimensional regulations of the following table.

Table 07-04 Building Dimensional Requirements									
	Min. Setbacks (A)(B)(C)(D)(E)					Max. Building Height		Max. Lot Coverage (H)	
Districts	Front or roadside (ft.)(F)	Side Yards (G)		Rear (ft.)	Lake-front (ft.)	Stories	Feet	% Building Coverage	% Total Impermeable Surface
		Smallest Side (each) (ft.)	Total of Both (ft.)						
LB Local Business	40	10	20	20	50	3	40	50	80
GB General Business	50	10	30	25	50	3	40	50	80
AB Accommodation Business	50	10	30	25	50	3	40	50	80



(A) *Accessory structures*. See §§ 156.140 *et seq.* for setbacks applicable to accessory structures and decks.

(B) *Wetlands and streams*. A minimum setback of 25 feet shall be maintained from all wetlands and streams.

(C) *Railroads*. A minimum setback of 50 feet shall be maintained from all railroad rights-of-way.

(D) *County-regulated drains*. A minimum setback of 75 feet shall be maintained from center of tile or from top of adjacent bank for all county-regulated drains.

(E) *Corner and double frontage lots*. Where a double frontage lot backs up to a roadway, the minimum required front or roadside setback shall be required from both road rights-of-way.

(F) *Setback from road*. The front yard setback shall be measured from the road right-of-way or private road easement.

(G) *Side yard*. The side yard setbacks may be reduced to zero from a side yard that adjoins another lot that is zoned as a business district, provided that the side wall is a fire rated wall with no windows and circulation to rear loading areas is provided on the other side of the building or other means such as access easements with adjacent property.

(H) *Maximum lot coverage*. The maximum lot coverage for buildings and impermeable surface shall be measured as follows:

(1) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.

(2) The total impermeable surface coverage shall be calculated as the ratio of the ground area covered by all buildings, accessory structures, decks, pools, pavement, parking, loading and storage areas to the net lot area. Planked decks with spacing between the planks and permeable ground beneath the deck and patios or parking areas constructed of pervious material shall be calculated at a rate of 50% towards the impermeable surface coverage.

(Ord. 777, passed 7-3-08; Am. Ord. A-09-02, passed 3-16-09)

INDUSTRIAL DISTRICTS

§ 156.080 INTENT.

(A) *I-1 Light Industrial District*. The I-1 Light Industrial District is established to encourage the development and expansion of manufacturing and wholesale business establishments which are clean,

quiet, and free of hazardous or objectionable elements; operate entirely within enclosed structures; and generate little industrial traffic. This district is intended to create a higher quality business park setting with low impact industrial, flex space, warehousing and office uses.

(B) *I-2 General Industrial District.* The I-2 General Industrial District is established to encourage the development and expansion of major industrial operations which utilize both enclosed and unclosed space for storage, fabricating, and manufacturing.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.081 USES.

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this chapter. Uses are grouped into major categories and only those uses listed under each category are permitted. Land and/or buildings in the districts indicated at the top of the Table may be used for the purposes denoted by the following abbreviations:

(A) *P: Permitted use.* Land and/or buildings in this district may be used for the purposes listed by right.

(B) *S: Special exception use.* Land and/or buildings in this district may be used for this purpose by obtaining Special Exception approval when all applicable standards cited in §§ 156.245 *et seq.* and 156.095 *et seq.* are met.

(C) *-: Not permitted.* The use is not permitted in the district. Uses not listed in the table are also not permitted.

TABLE 08.02 SCHEDULE OF PERMITTED USES			
<i>Use</i>	<i>I1</i>	<i>I2</i>	<i>Requirements</i>
<i>Agriculture, forestry, fishing and hunting</i>			
Greenhouse, nursery and floriculture production	P	P	156.096(A)
Kennels	-	P	
Liquid fertilizer storage	-	S	156.096(D)
Slaughterhouse, custom/commercial	-	S	156.096(G)
Wholesale produce terminal	P	P	

<i>Use</i>	<i>I1</i>	<i>I2</i>	<i>Requirements</i>
<i>Retail Trade</i>			
Appliance service	P	P	
Home improvement and building material stores	S	S	
Dairies, retail	P	P	
Nursery, garden center, farm supply, lawn and garden equipment and supplies stores	P	P	
Manufactured home sales	S	S	
<i>Motor Vehicle Dealers, Parts and Service</i>			
Auto rental	P	P	
Auto storage disabled vehicles (indoors)	P	P	156.098(A)
Auto storage disabled vehicles (outdoors)	S	S	156.098(A)
Automotive parts, accessories and tire stores	P	P	
Minor automotive repair and maintenance	P	P	156.098(B)
Major automotive repair and bodywork	P	P	156.098(B)
Service stations	S	S	156.098(D)
Motorcycle, boat, and recreational vehicle dealers	S	-	
Tractor and farm equipment dealers	S	S	
Truck sales	S		
Truck and moving van rental	S	S	
Truck stops and truck repair services	-	S	156.098(D)
<i>Food Services</i>			
Carryout restaurants	S	S	156.100(B)
Caterers	S	S	
Sit-down restaurants	S	S	156.100(B)
Taverns	S	S	156.100(B)

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<i>Use</i>	<i>I1</i>	<i>I2</i>	<i>Requirements</i>
<i>Other Services</i>			
Dry cleaning establishments	P	P	
Laundromats	P	P	
Low-impact home occupation	P	P	156.095(C)
<i>Finance, Insurance, Real Estate, Professional, Scientific, and Technical Services</i>			
Banks with no more than 3 drive-thru teller lanes	P	P	156.102(A)
Banks with more than 3 drive-thru teller lanes	S	S	156.102(A)
Computer systems design and related services	P	P	
Laboratories for testing and research excluding the raising of animals for research and excluding testing of fissionable material	P	P	
Business offices for professions such as advertising, accounting, bookkeeping, architecture, engineering, legal service and other administrative services	P	P	
Publishing industries	P	P	
Radio/TV station or studios	P	-	
Radio/TV towers	S	S	
Real estate, insurance and investment brokers	P	P	
Telecommunications	P	P	
<i>Health Care and Social Assistance</i>			
Child day care centers	S	S	156.103(A)
<i>Arts, Entertainment and Recreation</i>			
Adult regulated uses	S	-	156.104(A)
Fitness centers	S	S	
Ice skating or roller rink	P	P	
Race tracks	-	S	
Shooting ranges, indoor	-	S	

<i>Use</i>	<i>I1</i>	<i>I2</i>	<i>Requirements</i>
<i>Religious, Civic, Social and Similar Organizations</i>			
Assembly halls, non-profit	P	P	
Charitable institutions	P	P	
Conference centers and convention halls	P	P	
Lodges/private clubs	S	S	156.105(B)
<i>Educational Services</i>			
Technical and vocational trade schools	P	P	
<i>Public Administration</i>			
Executive, legislative, and other general government buildings	P	P	
Penal Institution (Correctional/Juvenile Facility)	S	S	156.107(A)
Post offices	S	S	
<i>Transportation and Warehousing</i>			
Airports/heliports	S	S	156.108(A)
Railroad passenger stations, bus depots or other passenger terminal facilities	P	P	
Garages for public parking	-	P	
Outdoor material storage accessory to a permitted use	S	S	
Mini-storage/self storage warehouses including mini storage buildings and storage garages - leased or condominium	P	P	156.108(C)
Parking areas/public	P	P	
Storage, boat-inside	P	P	
Storage, boat-outside	S	S	
Terminals truck freight	-	P	156.108(D)
Transfer stations	S	S	
Transmission lines, gas and oil	P	P	

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<i>Use</i>	<i>I1</i>	<i>I2</i>	<i>Requirements</i>
Warehouses for commercial and industrial uses			
<i>Utilities and Waste Disposal</i>			
Commercial composing facilities	-	S	
Garbage disposal plant	-	S	156.109(A)
Junk yards	-	S	156.109(B)
Power generation	S	S	
Recycling facility (Indoors)	-	S	156.109(C)
Sanitary land fill or incinerator	-	S	156.109(D)
Sewage treatment facilities	S	S	156.109(E)
Solid Waste Transfer Station	-	S	156.109(F)
Utilities and essential public services that are necessary to serve uses in the district	P	P	
Utilities and essential public service building and storage yards	P	P	
Utility exchange or substations	P	P	
Water treatment facilities	P	P	
Wind Energy Conversion Systems	See: §§ 156.350 through 156.356		
Wireless communication facilities and services	See 156.109(H)		
Asphalt and concrete plants	S	S	156.110(A)
Construction contractors offices and showrooms without storage yards	P	P	
Construction contractors including storage yards	S	S	156.110(A)
<i>Mining/mineral extraction</i>			
Mineral/soil extraction	S	S	
Oil and gas extraction	S	S	

<i>Use</i>	<i>I1</i>	<i>I2</i>	<i>Requirements</i>
<i>Manufacturing</i>			
Manufacturing of products from previously refined materials within an enclosed building including the following: apparel manufacturing, beverage bottling, computer and electronic equipment manufacturing, fabricated metal product manufacturing such as forging and stamping, food processing, furniture and related product manufacturing, leather and allied product manufacturing, machinery manufacturing, nonmetallic mineral product manufacturing, plastics and rubber products manufacturing, textile product mills, transportation equipment manufacturing and wood product manufacturing	P	P	
Bottled gas storage and distribution	S	S	156.112(A)
Chemical manufacturing	S	S	
Explosives storage/manufacturing	S	S	
Paper manufacturing	S	S	
Petroleum, coal and other fuel products manufacturing, refinement, storage and distribution	-	S	156.112(B)
Primary metal manufacturing such as foundries	S	S	
Printing and related support activities	P	P	

(Ord. 777, passed 7-3-08; Am. Ord. A-09-03, passed 12-11-09; Am. Ord. A-10-01, passed 1-7-10)

§ 156.082 LOT AREA AND WIDTH REQUIREMENTS.

All lots shall meet the following minimum area and width requirements. No new lots shall be created or altered in a means that does not comply with the following requirements. Existing lots of record that were in existence prior to the effective date of this chapter may be used subject to the nonconforming lot provisions of the nonconforming regulations of this chapter.

Table 08.03 Lot Area And Width Requirements (C)		
<i>Districts</i>	<i>Min. Lot Area (Acre/Sq. ft.) (A)(B)</i>	<i>Min. Lot Width (ft.)</i>
I-1 Light industry	2 acre	200 ft.
I-2 General industry	2 acre	200 ft.

(A) *Lot area calculation.* Lot area is calculated based upon the net area of the lot, measured in the horizontal plane, exclusive of any area that is part of a public road right-of-way, private road easement or submerged land beneath the ordinary high water mark of a lake.

(B) *Nonconforming lots of record.* New residential or commercial structures to be erected on lots of record prior to the passage of Zoning Ordinance Amendment A-96-02, which are smaller in area than the prescribed minimums of the table above, may be issued an Improvement Location Permit if well and waste system approvals have been granted by the Health Department.

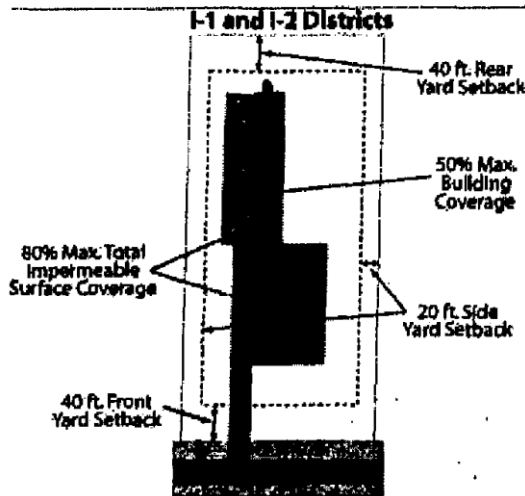
(C) *Subdivision of land.* All divisions to land shall be subject to the requirements set forth in the Chapter 157.
(Ord. 777, passed 7-3-08)

§ 156.083 BUILDING DIMENSIONAL REQUIREMENTS.

All buildings shall be subject to the dimensional regulations of the following table.

Table 08.04 Building Dimensional Requirements							
	<i>Min. Setbacks (A)(B)(C)(D)(E)(F)</i>			<i>Max. Building Height</i>		<i>Max. Lot Coverage (G)</i>	
<i>Districts</i>	<i>Front or roadside (ft.)(D)</i>	<i>Sid Yards (Each) (ft.)</i>	<i>Rear (ft.)</i>	<i>Stories</i>	<i>Feet</i>	<i>% Building Coverage</i>	<i>%Total Impermeable Surface</i>
I-1 Light Industry	50	20	50	-	80	50	80
I-2 General Industry	50	20	50	-	80	50	80

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(A) *Wetlands.* A minimum setback of 25 feet shall be maintained from all wetlands.

(B) *County-regulated drains, lakes and streams.* A minimum setback of 75 feet shall be maintained from center of tile or from top of adjacent bank for all county-regulated drains and the shoreline of any lake or stream.

(C) *Corner and double frontage lots.* Where a double frontage lot backs-up to a roadway, the minimum required front or roadside setback shall be required from both road rights-of-way.

(D) *Setback from road.* The front yard setback shall be measured from the road right-of-way or private road easement.

(E) *Setback from residential.* All parking lots shall be setback a minimum of 25 feet from any adjacent residential lot line. All loading areas and outdoor storage shall be setback a minimum of 100 feet from any adjacent residential lot line.

(F) *Loading and storage.* All truck loading and storage shall be in the rear yard or side yard and shall not be located within the front yard. All outdoor storage areas shall be completely screened with an obscuring wall or fence, not less than six feet high, so as to obscure all view from any adjacent residential, office or commercial district or from any public street.

(G) *Maximum lot coverage.* The maximum lot coverage for buildings and impermeable surface shall be measured as follows:

(1) The building coverage shall be calculated as the ratio of the footprint of all buildings, including the principal building, garages and detached accessory buildings, to the net area of the lot.

(2) The total impermeable surface coverage shall be calculated as the ratio of the ground area covered by all buildings, accessory structures, decks, pavement, parking, loading and storage areas to the net lot area. Planked decks with spacing between the planks and permeable ground beneath the deck and patios or parking areas constructed of pervious material shall be calculated at a rate of 50% towards the impermeable surface coverage.

(Ord. 777, passed 7-3-08; Am. Ord. A-09-02, passed 3-16-09; Am. Ord. A-11-02, passed 7-5-11)

USE REGULATIONS

§ 156.095 RESIDENTIAL.

The following requirements shall be complied with for the specified use:

(A) *Manufactured homes located outside of an approved manufactured home park.*

(1) *Permanent occupancy.* Single section manufactured homes, (a.k.a.: mobile homes) shall only be permitted in R-2, R-3 and MH Zoning Districts by right, and in A and EC zoning districts with special exception approval provided:

(a) All manufactured homes shall comply with the minimum requirements of the “Steuben County Unsafe Building Ordinance” and the Indiana Fire and Building Services Commission.

(b) All manufactured homes exceeding eight years in age, shall be inspected and approved by the Building Commissioner, or his or her designee, prior to the issuance of an improvement location permit.

(c) The actual minimum square footage of manufactured homes permitted is 784 square feet. If a manufactured home is less than 784 square feet, but greater than 552 actual square feet, it may be occupied if it meets the minimum requirements of the Unsafe Building Ordinance. No conventionally built (“stick-built”) additions may be included in the minimum square footage requirement.

(d) All manufactured homes shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frostline. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.

(e) All manufactured homes shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.

(f) All manufactured homes shall have a roof with a minimum 4:12 pitch and minimum eight inch eave, and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt or other acceptable shingles.

(g) All manufactured homes shall be oriented on the lot to be consistent with the configuration of dwelling units on adjacent properties and in the surrounding residential neighborhood.

(h) All manufactured homes shall be oriented toward the public right-of-way such that the facade that faces the street is manifestly designed as a front facade containing a door, windows and other architectural features customary of the front facade of a residence. There shall be a minimum of two exterior doors with one facing the street. All entrances shall be provided with steps, a stoop or porch that is permanently attached, on a frost depth foundation, either to the perimeter wall.

(i) All manufactured homes shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

(j) The Board of Zoning Appeals shall review the proposed manufactured home. The Board of Zoning Appeals shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the county at large.

(k) Prior to the issuance of an improvement location permit, the owner shall obtain:

1. A mobile home moving permit issued by the appropriate County Treasurer.
2. A letter of non-objection or well and septic permits from the County Health Department.
3. And any other required technical releases required by the office of the Plan Commission.

(l) A nonconforming manufactured home may be replaced provided the replacement unit is newer, contains equal or greater actual square footage, meets all setback requirements, and complies with division (d) above.

(m) In compliance with Steuben County Ordinance No. 658, concerning Public Environmental Nuisances, if the owner of an uninhabitable/abandoned manufactured home does not dispose of the home within 30 days after receipt of a notice to abate, the Plan Director can contract to

have it removed. The cost of removal, disposal and an administrative fee equal to 25% of the cost of removal and disposal, shall be charged to the owner of the real estate where the mobile home is located. The owner of the real estate shall be the title holder of the real estate as listed in the records of the County Auditor.

(n) The placement of all manufactured homes, including the sites within mobile home parks, shall require the issuance of an improvement location permit.

(2) *Temporary occupancy.* Outside of mobile home parks, the Plan Director may grant a permit for temporary occupancy of a mobile home for a period of not more than one year provided all the following are met:

(a) The mobile home is to be located on the same property with an existing residence; or is to be located on property on which a permanent residence is to be constructed within one year.

(b) The mobile home is served by the same water supply and sewage facilities serving the existing residence; or is served by the same water supply and sewage facilities that are intended to serve the permanent residence to be constructed.

(c) The mobile home shall remain on its wheels and not be placed on a permanent foundation.

(d) All applicable setbacks are observed.

(e) Occupancy of the mobile home is restricted to relatives or employees (employed on the premises of the property of the owner), or restricted to the property owner who intends to construct or have constructed a permanent residence on the site.

(f) A performance guarantee sufficient to cover the cost of removing the mobile home shall be provided in accordance with § 156.290.

(3) *Mobile homes.* No mobile home shall be placed on a lot in a camp ground or recreational vehicle park without first obtaining a special exception from the Board of Zoning Appeals.

(4) *Recreational vehicles.* Recreational vehicles may only be located on a lot outside of a recreational vehicle park if granted a special exception by the Board of Zoning Appeals.

(5) In compliance with Steuben County Ordinance No. 658, concerning Public Environmental Nuisances, if the owner of an uninhabitable/abandoned manufactured home does not dispose of the home within 30 days after receipt of a notice to abate, the Steuben County Plan Director can contract to have it removed. The cost of removal, disposal and an administrative fee equal to 25% of the cost of removal and disposal, shall be charged to the owner of the real estate where the mobile home is located. The owner of the real estate shall be the title holder of the real estate as listed in the records of the Steuben County Auditor.

(6) The placement of all manufactured homes, including the sites within mobile home parks, shall required the issuance of an improvement location permit.

(7) *Non-residential occupancy.*

(a) No manufactured home or converted conveyance shall be used for any non-residential purpose, unless a Special Exception is granted by the Board of Zoning Appeals.

(b) Mobile homes, trailers or vans may be utilized as contractors' offices, watchmen's shelters, or tool and equipment storage only on the site and only during the period of construction or improvement projects.

(B) *Accessory dwelling units.*

(1) One accessory dwelling unit may be created on a lot containing an existing single family dwelling through the following methods:

(a) Converting existing living area, attic, basement or garage;

(b) Adding floor area to the principal building; or

(c) Constructing a detached accessory dwelling unit on a site with an existing dwelling.

(2) The size of the accessory dwelling unit may be no more than 33% of the living area of the principal dwelling or 800 square feet, whichever is more.

(3) The exterior finish material must compliment in type, size and placement, the exterior finish material of the principal dwelling.

(4) The roof pitch must compliment the predominant roof pitch of the principal dwelling. The eaves must project from the building walls the same distance as the eaves on the principal dwelling;

(5) Trim must compliment the same in type, size, and location as the trim used on the principal dwelling.

(6) Windows must compliment those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).

(7) All Health Department requirements for water and sanitary sewage disposal shall be met.

(8) When an accessory dwelling is located within the principal dwelling, only one entrance may be located on the facade of the building facing the street, unless the building contained additional entrances before the accessory dwelling unit was created. An exception to this requirement is entrances that do not have access from the ground such as entrances from balconies or decks.

(9) Detached accessory dwelling units must be setback at least 50 feet from the front lot line or ten feet behind the main house and must meet the side and rear yard setbacks of the district unless specified otherwise in this chapter.

(C) *Home occupations.*

(1) All home occupations shall comply with the following standards:

(a) The use of the dwelling and property for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.

(b) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one sign, not exceeding three square feet in area, non-illuminated, and mounted flat against the wall of the principal building.

(c) No traffic shall be generated in greater volumes than would normally be expected in a residential neighborhood, and any need for parking for a home occupation shall be met off the street and outside of the required front yard.

(d) No equipment or process shall be used that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(2) Low-impact home occupations shall comply with the following additional standards:

(a) No more than 25% of the floor area of the dwelling shall be used.

(b) All business should be conducted entirely within the primary structure.

(c) All employees must be members of the family residing on the property.

(d) There shall be no on-site sales to or visits by customers.

(3) All other home occupations shall comply with the following additional standards:

(a) No more than 33 % of the floor area of the dwelling shall be used.

(b) An accessory structure may be used.

(c) The business may employ up to two people who are not members of the family residing on the property.

(d) There shall be no more than four customer visits to the property per day. Those visits must be between 8:00 a.m. and 7:00 p.m.

(e) The special exception approval shall be for the specific individual and use and shall not run with the land.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.096 AGRICULTURE, FORESTRY, FISHING AND HUNTING.

The following requirements shall be complied with for the specified use:

(A) Commercial greenhouse.

(1) The minimum front yard setback shall be 100 feet.

(2) The minimum side and rear yard setback shall be 40 feet.

(3) A minimum buffer of 50 feet shall be provided between the parking lot, and loading area and any adjacent residential district.

(B) Confined feeding.

(1) The minimum lot area shall be 40 acres.

(2) All front, side and rear yard setbacks shall be a minimum of 300 feet.

(3) A minimum setback of 1,000 feet shall be provided from any adjacent residential district in existence at the time of establishing or expansion to the confined feeding use.

(C) Keeping of livestock and other animals.

(1) The keeping of animals other than domesticated pets is only permitted as provided for in the following table. These provisions do not apply to farms in all districts, properties located in Agricultural zoning districts, Environmental Control, Lake Residential with special exception, confined feeding operations approved under division (B) above and livestock operations that were in existence at the time of adoption of this chapter.

<i>Animal</i>	<i>Minimum Lot Area for First Animal</i>	<i>Lot Area for Each Additional Animal</i>
Chickens, turkeys or rabbits	0.5 acre	0.05 acre
Sheep or goats	2 acres	0.25 acre

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<i>Animal</i>	<i>Minimum Lot Area for First Animal</i>	<i>Lot Area for Each Additional Animal</i>
Swine	3 acres	0.5 acre
Horses, ponies, mules, burros, llamas or alpaca	3 acres	1 acre
Cattle, bison, ostriches or elk	3 acres	1 acre

(2) The above standards may be reduced if the following conditions are met:

(a) The livestock waste will not have a negative impact on the surrounding properties, wetlands, or water,

(b) There will be no increase of odor or noise to the surrounding properties beyond what is allowed above, and

(c) A plan is submitted and approved outlining where the additional animals will be relocated if the above conditions are no longer satisfied.

(3) All grazing areas shall be fenced. An accessory structure shall be provided to house the animals. Any barn, or stable structure and any outdoor feed (non-grazing) area training or exercising corrals shall be setback at least 100 feet from any occupied dwelling or any adjacent building used by the public. All stables shall be enclosed by a suitable fence and shall be maintained so that dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.

(D) *Liquid fertilizer storage and distribution (commercial)*. All front, side and rear yard setbacks shall be a minimum of 300 feet.

(E) *Riding stable*.

(1) The minimum lot area shall be 20,000 square feet plus 5,000 square feet per horse.

(2) All front, side and rear yard setbacks shall be a minimum of 100 feet.

(F) *Sales barn for livestock resale*.

(1) All front, side and rear yard setbacks shall be a minimum of 300 feet.

(2) A minimum buffer of 50 feet shall be provided between the parking lot and any adjacent residential district.

(3) A minimum buffer of 100 feet shall be provided between the loading area and any adjacent residential district.

(G) *Slaughterhouse.*

- (1) The minimum lot area shall be five acres.
- (2) All front, side and rear yard setbacks shall be a minimum of 300 feet.
- (3) A minimum buffer of 50 feet shall be provided between the parking lot and any adjacent residential district.
- (4) A minimum buffer of 300 feet shall be provided between the loading area and any adjacent residential district.

(H) *Wineries.*

- (1) Wineries may include a retail component, restaurant or tourist home/bed and breakfast inn. Accessory tourist home/bed and breakfast inn uses shall also be subject to the requirements of § 156.099(A).
- (2) The minimum front yard setback shall be 100 feet.
- (3) The minimum side and rear yard setback shall be 40 feet.
- (4) Parking shall be provided for all employees plus parking required any accessory retail component, restaurant or tourist home/bed and breakfast inn. A minimum buffer of 50 feet shall be provided between the parking lot, and loading area and any adjacent residential district or residential use.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.097 RETAIL TRADE.

The following requirements shall be complied with for the specified use:

(A) *Shopping centers with more than 60,000 square feet of floor area.*

- (1) The design of the center shall ensure that vehicular circulation patterns will minimize conflicts between vehicles and pedestrians on-site.
- (2) Internal drives defined by the ends of aisles shall have raised curbed landscape islands at appropriate locations to define circulation paths and control movements through the parking lot.
- (3) A minimum buffer of 25 feet shall be provided between the parking lot and any adjacent residential district.

(4) A minimum buffer of 50 feet shall be provided between the loading area and any adjacent residential district.

(5) Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.

(6) Any outlots shall have access, circulation and parking designed to complement the entire site.

(B) *Drive-through accessory to a retail use.*

(1) The drive-through facility must be attached to the structure.

(2) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway.

(3) The drive-through service, including any lighting associated therewith shall be screened from adjacent residential land uses such that it will not impact the use and enjoyment of the residential land use.

(4) Clear identification and delineation between the drive-through facility and the parking lot shall be provided.

(5) There shall be a minimum of three stacking spaces.

(6) Each drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served. The Plan Director may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse impact on public safety or the convenience of patrons of the facility.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.098 MOTOR VEHICLE DEALERS, PARTS AND SERVICE.

The following requirements shall be complied with for the specified use:

(A) *Auto storage disabled vehicles.*

(1) Minimum lot area shall be five acres.

(2) No outdoor storage shall be permitted in any required yard (setback) of buildings for the district in which the storage use is located.

(3) The site shall include a building of at least 500 feet of gross floor area for office use in conjunction with the use.

(4) All outdoor storage area shall be screened with a six foot high screen wall or fence.

(B) *Automotive repair and maintenance.*

(1) All repair work shall be conducted completely within an enclosed building.

(2) Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless such storage is required under police or court order. Vehicles awaiting repair shall not be stored outdoors for more than seven days and shall be screened with a six foot high screen wall or fence.

(3) There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment or other merchandise, except within an area defined on the site plan which extends no more than ten feet beyond the building.

(C) *Automobile wash.*

(1) Only one ingress/egress driveway shall be permitted on any single street.

(2) All washing facilities shall be within a completely enclosed building.

(3) Where adjoining a residential district, a solid wall six feet in height shall be erected along any common lot line.

(4) Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least 50 feet from any residential district.

(5) All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums.

(D) *Service stations and truck stops.*

(1) There shall be a minimum lot area of one acre and minimum lot frontage of 200 feet.

(2) Pump islands shall be a minimum of 20 feet from any public right of way or lot line, and at least 40 feet from any residential lot line.

(3) Access driveways shall meet the standards of §§ 156.180 *et seq.*; turning movements may be restricted in consideration of traffic conditions. Only one driveway shall be permitted from each street.

(4) Where adjoining residentially zoned or used property, a solid wall eight feet in height shall be erected in accordance with § 156.145(C).

(5) All vehicle service shall comply with division (B).

(6) The design and materials of the canopy shall be compatible with the main building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo on the canopy shall be considered part of the maximum wall sign permitted. Canopy lighting shall be recessed such that the light source cannot be seen from off site.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.099 LODGING ACCOMMODATION.

The following requirements shall be complied with for the specified use:

(A) Tourist homes/bed and breakfast inns.

(1) The bed and breakfast inn shall be a private residence, owned by the innkeeper and the residence in which the innkeeper resides while renting the rooms to transient tenants.

(2) A restaurant that is open to the general public shall not be permitted and the tourist home/bed and breakfast inn may only offer breakfast to the transient tenants.

(3) The tourist home/bed and breakfast inn shall be operated in its entirety within the principal dwelling and not within any accessory building, except for incidental storage in use of a residential type garage.

(4) There shall be no exterior evidence, other than a permitted sign, to indicate that the residence is being utilized for any purpose other than that of a dwelling.

(5) There shall be no alteration or construction not customarily found in residential dwellings; except for modifications as recommended by the Fire Department such as fire protection and fire suppression equipment.

(6) Guests are not allowed to stay longer than 14 consecutive days or 30 days in any one calendar year at any tourist home/bed and breakfast location.

(7) All tourist home/bed and breakfast operations shall maintain on the premises a guest register and all guests shall be legibly registered and such register is subject to inspection during reasonable hours by the County Plan Director.

(8) Sufficient off street parking shall be required as for commercial lodging establishments. Existing buildings and structures that contribute towards the residential character of the site shall be

retained and incorporated into the site design to the maximum extent practical. All required parking for any tourist home/bed and breakfast inn shall be screened from adjacent residential uses.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.100 FOOD SERVICES.

The following requirements shall be complied with for the specified use:

(A) Restaurants with drive-through service.

- (1) The drive-through facility must be attached to the structure.
- (2) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway.
- (3) The drive-through service, including any associated lighting shall be screened from adjacent residential land uses so that it will not impact the use and enjoyment of the residential land use.
- (4) Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
- (5) There shall be a minimum of ten stacking spaces.
- (6) Each drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served.
- (7) Only one access shall be provided onto any street.
- (8) Where the restaurant is constructed adjacent to other commercial uses, a direct vehicular access connection shall be established with the adjoining property if possible. If the adjacent properties are vacant or a direct, vehicular access connection is not possible, the property shall be designed to allow for such a connection at a future time.

(B) Restaurants in industrial districts.

- (1) The restaurant shall be located within an office structure or industrial building or shall be located in a freestanding building as part of an overall industrial or office park.
- (2) The restaurant shall be planned as a part of an overall plan for development and shall be part of a service establishment complex for such development.
- (3) The restaurant shall comprise not more than 20% of the land area of an overall development.

(4) There shall be no more than one restaurant in a freestanding building per business park.

(5) Drive-in or drive-through restaurants shall be prohibited.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.101 OTHER SERVICES.

The following requirements shall be complied with for the specified use:

(A) *Funeral homes and mortuaries.*

(1) Minimum lot area shall be one acre and minimum lot width shall be 150 feet.

(2) An off-street vehicle assembly area shall be provided for use in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

(B) *Cemetery or crematory.*

(1) The minimum lot area shall be ten acres.

(2) All front, side and rear yard setbacks shall be a minimum of 50 feet.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.102 FINANCE, INSURANCE, REAL ESTATE, PROFESSIONAL, SCIENTIFIC, AND TECHNICAL SERVICES.

The following requirements shall be complied with for the specified use:

(A) *Banks with drive-through tellers.*

(1) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private roadway.

(2) The drive-through service, including any associated lighting shall be screened from adjacent residential land uses such that it will not impact the use and enjoyment of the residential land use.

(3) Clear identification and delineation between the drive-through facility and the parking lot shall be provided.

(4) There shall be a minimum of four stacking spaces for the first drive-through lane and three stacking spaces for each additional lane.

(5) Each drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served. The Plan Director may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse impact on public safety or the convenience of patrons of the facility.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.103 HEALTH CARE AND SOCIAL ASSISTANCE.

The following requirements shall be complied with for the specified use:

(A) *Child day care.*

(1) There shall be a minimum of 110 square feet of outdoor play area per child on site at any given time.

(2) The minimum side and rear yard setback shall be 20 feet.

(3) A minimum 20 foot buffer shall be provided between the parking lot and any adjacent residential use.

(4) Outdoor play areas shall be enclosed with a fence at least four feet high.

(B) *Hospital.*

(1) The minimum lot area shall be five acres.

(2) The minimum front yard setback shall be 100 feet.

(3) The minimum side and rear yard setback shall be 40 feet.

(4) A minimum 25 foot buffer/setback shall be provided between the parking lot and any adjacent residential district.

(5) A minimum 100 foot buffer shall be provided between the loading area and any adjacent residential district.

(6) A hospital may be erected to a height not greater than 75 feet.

(C) *Nursing homes and senior assisted living.*

(1) Independent senior housing and senior apartments may be developed in a multiple-family or cluster housing form with full facilities for self-sufficiency in each individual unit. A community center for this overall development may be provided.

(2) Senior assisted living housing shall be developed in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall development shall be provided to support recreational and social activities.

(3) Personal service uses such as a dry cleaning pickup station, beauty shop, barber shop or similar use for the exclusive service to residents of a complex may be allowed within a housing development. In no instance shall such service use be provided with direct access to a street for the use of the public in general, it being the purpose of this provision to allow such use to only be provided as a convenience to occupants of the complex in which such service is located. No signs of any nature shall be visible from outside the building in which the use is located.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.104 ARTS, ENTERTAINMENT, AND RECREATION.

The following requirements shall be complied with for the specified use:

(A) Adult regulated uses.

(1) In the development and execution of this section, it is understood there are some uses which, because of their nature, are recognized as having serious objectionable, operations characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effects upon adjacent areas. Special regulations for these uses are necessary to insure that the potential adverse effects will not contribute to the blighting, deteriorating, and/or down grading of the area in which they are located and the adjacent areas. The control or regulation of these uses is for the purpose of preventing their overcrowding into a particular location and requires, instead, their disbursal throughout the industrial areas of the county to minimize their adverse impact on any specific neighborhood.

(2) The prohibition against the establishment of more than one adult regulated use, within 1,000 feet of each other and other incompatible uses, serves to avoid the clustering of such uses; avoids the deleterious effects of blight and devaluation of both business and residential property; and prevents the harmful effect of blight and devaluation of recreation, educational and/or religious uses.

(3) Distance limitations shall be measured along a straight line forming the shortest distance between any portion of the subject parcel and parcels zoned residential or occupied by uses specified herein.

(4) Concern for, and pride in, the orderly planning and development of the neighborhood and area should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood and area.

(5) Unless and until approval is obtained, it shall be unlawful to hereafter establish any adult regulated use, as defined herein.

(6) Any adult regulated use/building shall be at least 1,000 feet from any of the following, except as otherwise provided by division (9) below. Distance shall be measured in a straight line from property line to property line.

- (a) Another existing adult regulated use;
- (b) Public, private or parochial school;
- (c) Library;
- (d) Park, playground or other recreation facility which admits minors;
- (e) Day care center or nursery schools;
- (f) Church, temple or other similar place of worship;
- (g) Any establishment having a liquor license;
- (h) Pool or billiard halls;
- (i) Arcades;
- (j) Pawn shops;
- (k) Hotels, motels or bed and breakfast inns;
- (l) Dance clubs catering primarily to teenagers, ice or roller skating rinks, movie theaters and other similar uses which typically cater to teenagers;
- (m) Hospitals; or
- (n) Any residential district.

(7) Any adult regulated use/building offering material described in this chapter shall comply with the following performance standards:

- (a) That any display of adult oriented material be shielded from public view either placed behind a counter, or by providing a separately established room which would have restricted access controlled by the owner or employees;
- (b) That all access to adult orientated material be restricted to person 18 years of age or older;

(c) That signage be posted regarding the restrictions to this type of material; and

(d) That the location of the counter or room be limited to an area away from the main entry.

(8) Site and building requirements.

(a) Building size shall not exceed 5,000 square feet of gross floor area.

(b) The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas, as defined in this chapter, cannot be observed by pedestrians or motorists on a public right-of-way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.

(c) The use shall be located within a freestanding building. A shared/common wall or shopping center shall not be considered to be a freestanding building.

(d) The building shall provide sufficient sound absorbing insulation so noise generated inside the premises shall not be audible anywhere on any adjacent property or public right-of-way.

(e) The Board of Zoning Appeals may require a wall, fence or berm in conjunction with landscaping to provide an appropriate screen in consideration of views from public streets, distance and surrounding land uses.

(f) The hours of operation shall be approved by the Board of Zoning Appeals.

(g) Access shall be from a major thoroughfare.

(h) Any adult regulated use, which allows customers to remain on the premises while viewing live, filmed or recorded entertainment or while using or consuming the products or services supplied on the premises, shall provide at least one security guard on duty outside the premises. The security guard shall patrol the grounds and parking areas at all times while the business is in operation.

(9) The Board of Zoning Appeals may waive the location provision requiring minimum distances between adult regulated uses and those uses identified in division (6) above. Waiver exceptions from the location provision would be from any residential zoning district, public, private, or parochial school or church, convent, monastery, synagogue or other similar place of worship, if all of the following findings are made after a public hearing:

(a) The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this chapter will be observed.

(b) The proposed use will not contribute to, create, enlarge and/or encourage a blighted or deteriorated area.

(c) All applicable regulations of this chapter will be observed.

(d) There is no other reasonable location in the county at which the use is suited.

(B) *Common use riparian/lake access lots.*

(1) The intent of this provision is to minimize the impacts of back lot development on the shoreline. Further, it is the intent of this provision to:

(a) Discourage the funneling of lake access for multiple residences through narrow access points;

(b) Establish a balanced and orderly relationship between development and the amount of Shoreline available for use by residents; and

(c) Assure responsible “lake access” for lakefront development.

(2) This section shall apply to lakefront or back lot development, including, lake front access points, lake front recreational areas, beaches, parks, playgrounds that have been designated as a common area or access point, in all zoning districts. This section shall apply to common areas for lakefront or back lot developments created as part of a residential subdivision, multiple family development, condominium cooperative, retirement community, mobile home park, mobile home subdivision, camp ground, mixed-use development with a residential component, residential development under the horizontal property regime, neighborhood association, organization, or club.

(3) Where a parcel of land contiguous to a natural body of water is proposed for residential development, a commonly owned area bordering on the body of water may be dedicated for recreational purposes.

(a) The lake access lot must be contiguous (being part of the same parcel or adjacent parcels having a common boundary) with the development being served and platted as part of the same subdivision.

(b) The common area shall be dedicated for the use of owners and occupants of dwellings contained in the development.

(c) Deed restrictions and bylaws must specify the lots that are permitted to utilize the lake access lot and moor, store, or launch boats. Deed restrictions detailing what lots have access to the

common waterfront area shall be submitted for approval by the Plan Director prior to recording. Verification that the deed restrictions have been recorded shall be required prior to issuance of any improvement location permit.

(4) Common use waterfront lots shall not be used for public marinas, public beaches or commercial recreational use operated for profit.

(5) The design, operation and use of the common waterfront lot shall not impair the natural appearance of the land, overcrowd the lake surface or produce unreasonable noise or annoyance to surrounding properties.

(6) The lake access lot shall have a minimum lot depth of 100 feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge.

(7) The maximum number of lots that can have access to a common waterfront lot shall not exceed the following:

First Residential Unit	100 feet of Shoreline
Second Residential Unit	50 feet of Shoreline
Each Additional Residential Unit	20 feet of Shoreline

(a) Shoreline length shall be measured along the lake shoreline, as shown on the parcel survey, but shall not include the shoreline length of any artificially created shoreline, such as harbors, boat wells or canals.

(b) Non-motorized watercraft less than 18 feet in length such as canoes and kayaks shall not be counted towards the above maximum number of boats.

(C) *Marinas and boat clubs.*

(1) The minimum front, side and rear yard building setbacks shall be 40 feet.

(2) All areas used for dry-dock boat storage shall be screened from any adjacent residential district or public road with landscaping consisting of evergreen trees space no more than 15 feet on center.

(D) *Outdoor commercial amusement.*

(1) The minimum front, side and rear yard building setbacks shall be 40 feet, which shall apply to all buildings, recreation activity areas, spectator seating and any other structural appurtenances.

(2) The use and parking area shall be screened from adjacent major thoroughfares with berms and/or other approved landscaping.

(3) Devices for the transmission of broadcasting of voices or music shall be directed to prevent said sound from being audible beyond the lot lines of the site.

(4) Whenever any such use abuts a residential district or use, a transitional buffer area shall be provided between all operations, buildings and structures and the residential property. Landscaping, walls and/or fences shall be required as part of this buffer as determined by the Plan Director based upon the nature of the use and the noise impact that the use may have on surrounding uses.

(5) Storage buildings, restroom facilities, facilities for the sale and consumption of food, beverages and refreshments and other similar accessory uses shall comply with all standards of the county.

(E) *Public camp/recreational vehicle park.*

(1) The minimum lot area shall be five acres.

(2) Lots for tents and tent campers must be a minimum of 2,500 square feet, and also must have modern restrooms that will be approved by local and state health departments.

(3) The minimum front yard setback shall be 100 feet.

(4) The minimum side and rear yard setback shall be 75 feet.

(5) A minimum buffer of 25 feet shall be provided between the parking lot and any adjacent residential use.

(6) Residency shall be limited to temporary seasonal/vacation occupancy. Use of any recreational vehicle, motor home or any other structure within a public camp or recreational area as a permanent dwelling shall be prohibited.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.105 RELIGIOUS, CIVIC, SOCIAL AND SIMILAR ORGANIZATIONS.

The following requirements shall be complied with for the specified use:

(A) *Churches, temples and similar places of worship.*

- (1) The minimum front, side and rear yard building setbacks shall be 40 feet.
- (2) Off-street parking spaces and circulation aisles shall not be located within 20 feet of the front lot line.
- (3) There shall be no outside loudspeaker or amplified sound outside of a totally enclosed building.
- (4) Accessory child day care shall be permitted subject to the requirements of § 156.103(A).

(B) *Lodges/private clubs.*

- (1) The minimum front, side and rear yard building setbacks shall be 40 feet.
- (2) Off-street parking spaces and circulation aisles shall not be located within 20 feet of the front lot line.
- (3) Indoor and outdoor activity shall be limited to local club members and their immediate families.
- (4) The outdoor use of loudspeakers, sound amplifying systems or paging systems shall be prohibited.
- (5) Appropriate licenses shall be required should alcoholic beverages be served.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.106 EDUCATIONAL SERVICES.

The following requirements shall be complied with for the specified use:

(A) *Schools, including elementary, middle and high schools – public, private or parochial.*

- (1) The minimum front, side and rear yard building setbacks shall be 40 feet.
- (2) Off-street parking spaces and circulation aisles shall not be located within 20 feet of the front lot line.
- (3) An emergency plan approved by the Plan Director and Emergency Management Director.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.107 PUBLIC ADMINISTRATION.

The following requirements shall be complied with for the specified use:

(A) *Penal institution.*

(1) All front, side and rear yard setbacks shall be a minimum of 100 feet.

(2) A minimum buffer of 300 feet shall be provided between the parking lot, loading or fenced area and any adjacent residential district.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.108 TRANSPORTATION AND WAREHOUSING.

The following requirements shall be complied with for the specified use:

(A) *Airport or heliport.*

(1) Runway clear zones shall be located entirely on the airport property.

(2) The airport terminal, hangar area, runway, taxiway, and clear zones shall be setback a minimum of 100 feet from any adjacent residential property.

(B) *Boat storage inside or outside.*

(1) The minimum front, side and rear yard building setbacks shall be 40 feet.

(2) All areas used for dry-dock boat storage shall be screened from any adjacent residential district or public road with landscaping consisting of evergreen trees space no more than 15 feet on center.

(C) *Mini/self storage warehouses.*

(1) Minimum lot size shall be three acres. There shall be a minimum of 1/4 acre of land for each building.

(2) Minimum building and parking setback shall be 50 feet from any public street right-of-way line, 200 feet from any residential district and 25 feet from any non-residential zoning district. Where mini/self storage warehouses are being developed through a condominium or subdivision for sale of individual storage buildings, buildings shall be spaced a minimum of ten feet from all other buildings and shall be set back a minimum of ten feet from the internal circulation road.

(3) Yards adjacent to residential districts shall include wrought iron, similar fencing and evergreen plantings spaced a maximum of ten feet apart on center.

(4) Mini/self storage warehouses shall have perimeter fencing, security lighting, and a gated entrance, consistent with § 156.145(E).

(5) All storage shall be within completely enclosed buildings or structures, unless a separate special exception approval is granted for commercial outdoor storage.

(6) The use shall be limited to storage only. The premises shall not be used for operating any other business or repairing of any vehicles.

(7) No storage of combustible or flammable liquids, combustible fibers, or explosive materials as defined in the fire prevention code, or toxic materials, shall be permitted within the self-storage buildings or upon the premises.

(D) *Truck freight terminal.* A minimum buffer of 100 feet shall be provided from any adjacent residential district.

(E) *Warehouse/grain elevator.*

(1) The minimum lot area shall be three acres.

(2) The minimum front yard setback shall be 100 feet.

(3) The minimum side yard setback shall be 75 feet.

(4) The minimum rear yard setback shall be 35 feet.

(5) A minimum buffer of 100 feet shall be provided between the parking lot or loading area and any adjacent residential district.

(F) *Wholesale produce terminal.*

(1) The minimum lot area shall be 15 acres.

(2) The minimum front yard setback shall be 100 feet.

(3) The minimum side yard setback shall be 75 feet.

(4) The minimum rear yard setback shall be 35 feet.

(Ord. 777, passed 7-3-08; Am. Ord. A-10-01, passed 1-7-10; Am. Ord. A-11-02, passed 7-5-11)

§ 156.109 UTILITIES AND WASTE DISPOSAL.

The following requirements shall be complied with for the specified use:

(A) *Garbage disposal plant.*

- (1) The minimum lot area shall be 25 acres.
- (2) The location, size and layout of the site, and its relation to streets giving access to it, shall be such that traffic to and from the use will not conflict with the normal traffic of the area.
- (3) The location, size, intensity, site layout and periods of operation must be designated to eliminate any possible nuisance that might be noxious to the occupants of any other nearby permitted uses, whether by reason of odor, dust, noise, fumes, vibration, smoke or lights.
- (4) Stacking area for a minimum of five vehicles must be provided on site. Any area used for parking or unloading materials must be screened with a minimum six foot tall wall or solid fence to prevent materials from leaving the unloading area.
- (5) Storing or disposing of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered. The surface water detained on the site shall be purified of contaminants before leaving the site or must be disposed of in accordance with the requirements of the Health Department. All storage, processing and disposal areas shall be a minimum of 100 feet from any wetland, drain stream or body of water.
- (6) Depositing, storing or disposing of garbage or wastes shall not attract vermin, insects or other pests or allow the wastes to become a breeding place for mosquitoes, flies or other disease-carrying insects. Offensive odors shall not interfere with the enjoyment of adjacent properties.
- (7) The county may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises, excessive traffic patterns, obnoxious and unhealthy odors, and any detrimental effects from the general operation of the use.

(B) *Junk yard.*

- (1) The minimum lot area shall be ten acres.
- (2) A minimum setback of 1,000 feet shall be provided from any adjacent residential district.
- (3) The location, size and layout of the site, and its relation to streets giving access to it, shall be such that traffic to and from the use will not conflict with the normal traffic of the area.

(4) The location, size, intensity, site layout and periods of operation must be designated to eliminate any possible nuisance that might be noxious to the occupants of any other nearby permitted uses, whether by reason of odor, dust, noise, fumes, vibration, smoke or lights.

(5) The entire site must be screened with a minimum eight foot tall wall or solid fence. Material shall not be stacked higher than the screening enclosure. All material shall be screened so as to not be visible from any public road.

(6) Any area used for parking or unloading materials must be located within the site. Parking of trucks and loading or unloading of materials in the public road right-of-way shall be prohibited.

(7) Storing or disposing of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered. The surface water detained on the site shall be purified of contaminants before leaving the site or must be disposed of in accordance with the requirements of the Health Department. All storage areas shall be a minimum of 100 feet from any wetland, drain stream or body of water.

(8) The county may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises, excessive traffic patterns, obnoxious and unhealthy odors, and any detrimental effects from the general operation of the use.

(C) *Recycling facility (indoors).*

(1) The location, size and layout of the site, and its relation to streets giving access to it, shall be such that traffic to and from the use will not conflict with the normal traffic of the area.

(2) The location, size, intensity, site layout and periods of operation must be designated to eliminate any possible nuisance that might be noxious to the occupants of any other nearby permitted uses, whether by reason of odor, dust, noise, fumes, vibration, smoke or lights.

(3) Stacking area for a minimum of five vehicles must be provided on site. Any area used for parking or unloading materials must be screened with a minimum six foot tall wall or solid fence to prevent materials from leaving the unloading area.

(4) Overnight storage of any refuse material in the building shall be prohibited and the dumping or storage of any material on the site outside the building at any time shall be prohibited.

(5) Storing or disposing of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered. The surface water detained on the site shall be purified of contaminants before leaving the site or must be disposed of in accordance with the requirements of the Health Department. All storage, processing and disposal areas shall be a minimum of 100 feet from any wetland, drain stream or body of water.

(6) Depositing, storing or disposing of garbage or wastes shall not attract vermin, insects or other pests or allow the wastes to become a breeding place for mosquitoes, flies or other disease-carrying insects. Offensive odors shall not interfere with the enjoyment of adjacent properties.

(7) The county may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises, excessive traffic patterns, obnoxious and unhealthy odors, and any detrimental effects from the general operation of the use.

(D) *Sanitary land fill or incinerator.*

(1) The minimum lot area shall be 100 acres.

(2) A minimum setback of 1,000 feet shall be provided from any adjacent residential district.

(3) The location, size and layout of the site, and its relation to streets giving access to it, shall be such that traffic to and from the use will not conflict with the normal traffic of the area. All truck access to and from the site shall be upon a major thoroughfare.

(4) In order to fully assess all implications and effects of the project, an in-depth environmental impact assessment shall be prepared by the petitioner and submitted for review at the public hearing and approval by the county.

(5) The facility shall be equipped with an approved waste water recycling system to avoid contaminated water or liquids from being discharged to ground water, surface water or storm sewers. This shall include a washout, wash- down, and secondary containment system to recover and recycle impurities and other byproducts processed from trucks, machinery products, supplies or waste.

(6) All driveways, surface roads and storage areas on the premises shall be paved with concrete or deep strength asphalt;

(E) *Sewage disposal plant.* All front, side and rear yard setbacks shall be a minimum of 300 feet.

(F) *Solid waste transfer station.*

(1) The minimum lot area shall be ten acres.

(2) The location, size and layout of the site, and its relation to streets giving access to it, shall be such that traffic to and from the use will not conflict with the normal traffic of the area.

(3) No portion of any structure, facility, access drive, parking area or storage area shall be located within 300 feet of a residential district.

(4) All areas adjacent to the transfer point, such as the tipping floor and the turning, standing, parking, and storage areas shall be paved with sealed concrete. Adequate standing and parking facilities shall be provided on the site so that no packers or other collection vehicles, at any time, are standing on a public road awaiting entrance to the site. Areas subject to leakage or wash down areas shall have a secondary containment system. All other roads on the premises shall be paved with concrete or a bituminous hard surface.

(5) Storing or disposing of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered. The surface water detained on the site shall be purified of contaminants before leaving the site or must be disposed of in accordance with the requirements of the Health Department. All storage, processing and disposal areas shall be a minimum of 100 feet from any wetland, drain stream or body of water.

(6) Emission of smoke, dirt, dust and fly ash shall be controlled through the use of electrostatic precipitator or other equipment of equal or better efficiency, which shall meet all applicable federal, state and local air pollution control regulations.

(7) All salvage and transfer operations shall be conducted totally within an enclosed building. The transfer facility and the adjacent area shall be kept clean and free of litter.

(8) If refuse is to remain at the transfer facility beyond the working day, that material shall be stored in a leak proof, fly and rodent resistant structure or container located within the building. No overflow from containers shall be permitted.

(9) No refuse shall be burned at the transfer facility. Arrangements shall be made for adequate fire protection and extinguishing of accidental fires. Refuse which is burning, or at a temperature which is likely to cause a fire, or is of highly flammable or explosive nature, shall not be accepted at the transfer facility.

(10) Storing or disposing of garbage or wastes shall not attract vermin, insects or other pests or allow the wastes to become a breeding place for mosquitoes, flies or other disease-carrying insects. Offensive odors shall not interfere with the enjoyment of adjacent properties.

(11) The county may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noises, excessive traffic patterns, obnoxious and unhealthy odors, and any detrimental effects from the general operation of the use.

(G) *Wireless communication facilities and services.*

(1) *Purpose and intent.* The regulations of this section are intended to conform to federal laws and administrative rules governing facilities needed to operate wireless communication systems and to

set forth procedures and standards for review and approval for the location of such facilities within the county.

(a) It is the county's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the county.

(b) Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the county that all users should co-locate attached wireless communication facilities and wireless communication towers, where practicable. Collocation is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services.

(c) In recognition of the county's concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.

(2) *Zoning districts and approval process for wireless communication facilities.* Wireless Communication Facilities may be located within the county as follows:

TABLE 9.15 WIRELESS COMMUNICATION FACILITIES		
<i>Type/Location of Wireless Communication Facility</i>	<i>Districts Permitted</i>	<i>Approval Procedure</i>
<i>Attached Wireless Communication Facilities on Existing Structures</i>		
Attached to an existing building or structure that will not be materially altered or changed in appearance	All districts, except on lots occupied by a single family residential use	Approval by the Plan Director
Attached to an existing utility structure that will not be modified or materially alter the pole or impair sight lines or compromise safety	All districts	Approval by the Plan Director
Collocation upon an existing wireless communication facility	All districts	Approval by the Plan Director
<i>New Wireless Communication Tower</i>		
Lattice tower and monopole up to 150 feet in height	A district and on religious, civic, educational, and public sites in EC, RI, R2, and R3 districts	Special exception approval by the Board of Zoning Appeals

TABLE 9.15 WIRELESS COMMUNICATION FACILITIES		
<i>Type/Location of Wireless Communication Facility</i>	<i>Districts Permitted</i>	<i>Approval Procedure</i>
<i>New Wireless Communication Tower</i>		
Lattice tower and monopole maximum 200 feet in height	AB, LB, GB, I-1 and I-2 districts	Special exception approval by the Board of Zoning Appeals

(3) *Application requirements - collocation.* The following information shall be provided with the application, in addition to other site plan submittal requirements for an attached wireless communication facility collocated on an existing structure:

[Next page of text is page 147]

- (a) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- (b) The owner and/or operator of the existing tower or structure.
- (c) Legal description of the parent tract and leased parcel (if applicable).
- (d) Elevation drawings and construction details of all existing and proposed wireless communication facilities including accessory structures and equipment shelters.
- (e) The reason or purpose for the wireless communication facility with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives.
- (f) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
- (g) The structural capacity and whether it can accommodate the facility, as proposed or modified.
- (h) Limits and type of fencing, the method of screening and illumination.
- (i) A description of compliance with this section and all applicable federal, state or local laws.
- (j) A description of performance guarantee to be posted upon issuance of a building permit to ensure removal of the facility if it is abandoned or is no longer needed.

(4) *Application requirements for new wireless communication tower.* The following information shall be provided with the application to construct any new wireless communication tower, in addition to the submittal requirements in division (C) above:

- (a) A description of performance guarantee to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the county for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the county's administrative costs in the event that the applicant or its successor does not remove the wireless communication facility in a timely manner.

(b) Inventory all existing towers, antennas, or sites approved for towers that are within three miles of the proposed site, including specific information about the location, height, and design of each tower.

(c) In recognition of the county's policy to promote collocation, a written agreement, transferable to all assessors and assigns, that the operator shall make space available on the facility for collocation.

(d) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(e) Prior to issuing an improvement location permit, a signed certification by a professional engineer licensed by the state shall be provided to the county that describes the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. "fall zone"), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

(5) *Design standards applicable to all facilities.* All wireless communication facilities shall be constructed and maintained in accordance with the following standards:

(a) Facilities shall be located and designed to be harmonious with the surrounding areas.

(b) Fencing shall be provided for protection of the tower and associated equipment and security from children and other persons who may otherwise access the facilities. All fencing shall be black vinyl-coated chain link fencing or a brick wall.

(c) Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way.

(d) Accessory buildings shall be a maximum of 14 feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.

(e) All attached wireless communication facilities proposed on the roof of a building shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

(f) The requirements of the Federal Aviation Administration and Federal Communication Commission, shall be noted. Any aviation hazard lighting shall be detailed on the plans.

(g) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(6) *Design standards applicable to new towers.* In addition to the design standards in division (G)(5) above, all wireless communication towers shall be constructed and maintained in accordance with the following standards:

(a) *Feasible collocation.* A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible collocation is not available for the coverage area and capacity needs.

(b) *Collocation agreement.* All new and modified wireless communication facilities shall be designed and constructed to accommodate collocation, with a written agreement in a format approved by the County Attorney.

(c) *Height.* The applicant shall demonstrate that the requested height of the new or modified tower and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future collocation where appropriate. The height of the tower shall not exceed a maximum of 200 feet. Taller towers shall require approval from the Board of Zoning Appeals.

(d) *Tower setbacks.* The wireless communication tower shall be setback from all non-residential property lines a distance at least equal to $\frac{1}{2}$ the height of the tower and from all residential property lines a distance at least equal to the height of the tower.

(e) *Accessory structure setback.* Accessory structures and guys must satisfy the minimum zoning district building setback requirements.

(f) *Access.* There shall be unobstructed access to the tower, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

(g) *Soils report.* The tower shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the state. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.

(h) *Color.* Towers shall be painted a neutral color so as to reduce visual impact or be constructed of galvanized steel.

(i) *Lighting.* Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(7) *Collocation.*

(a) *Statement of policy.* It is the policy of the county to minimize the overall number of newly established locations for wireless communication facilities and towers within the county by encouraging the use of existing structures. If a provider fails or refuses to permit collocation on a facility owned or controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with county policy. Collocation shall be required unless an applicant demonstrates that collocation is not feasible.

(b) *Antennas on existing towers.* An antenna which is attached to an existing tower may be approved by the Plan Director and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

1. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Plan Director allows reconstruction as a monopole.

2. An existing tower may be modified or rebuilt to a taller height, not to exceed 15 feet over the tower's existing height, to accommodate the collocation of an additional antenna with approval by the Plan Director. A height increase of more than 15 feet shall require approval by the Board of Zoning Appeals.

(c) *Antennas mounted on structures or rooftops.* Wireless communication antennas placed on the roofs of buildings may be approved by the Plan Director, if the principal use is a conforming use and the building is a conforming structure. The antenna shall not exceed the height of its supporting structure by more than 12 feet.

(d) *Antennas mounted on utility structures.* Wireless communication antennas attached to utility structures such as water towers or electrical transmission line towers may be approved by the Plan Director. The equipment cabinet or structure used in association with antennas shall be located in accordance with the chapter requirements for accessory structures.

(8) *Variances.* The Board of Zoning Appeals may consider a variance from the standards of this section, based upon a finding that one or more of the following factors exist, as appropriate for the type of variance requested:

(a) *Location.* The applicant must demonstrate that a location within a district or location in accordance with the standards of this section cannot reasonably meet the coverage or capacity needs of the applicant.

(b) *No collocation.* The applicant must demonstrate that a feasible collocation is not available for the coverage area and capacity needs because existing structures cannot support the facility, that collocation would result in unreasonable interference, or that reasonable financial terms are not available for collocation.

(c) *Tower setback.* The applicant has provided engineering information that documents that the tower is self-collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

(d) *Height.* The height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the county.

(e) *Mitigation.* The applicant has proposed means to mitigate any negative impacts through provision for future collocation, if found to be appropriate by the county, and special design of the facility and site.

(f) *Design.* The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.

(9) *Removal.* Wireless communication facilities shall be removed by the owner if the facility is no longer in use. The facilities must be removed within a year of the end of use. A performance guarantee shall be provided to the county at the time of receiving an improvement location permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the county for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the county's administrative costs in the event that the applicant or its successor does not remove the wireless communication facility in a timely manner.

(Ord. 777, passed 7-3-08; Am. Ord. A-09-03, passed 12-11-09; Am. Ord. A-11-02, passed 7-5-11; Am. Ord. A-15-01, passed 2-1-16)

§ 156.110 CONSTRUCTION.

The following requirements shall be complied with for the specified use:

(A) *Contractors yards.*

(1) Outdoor storage shall be located in the side or rear yard of the lot and setback a minimum of 40 feet from any adjacent residential district. Outdoor storage area shall be screened by a minimum six foot tall wall or solid fence.

(2) Any stockpiles of soil, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.

(3) The height of all material and equipment stored within 20 feet of the screening wall or fence shall not exceed the height of the screening wall or fence.

(4) All loading and truck maneuvering shall be accommodated on-site.

(5) Restroom facilities shall be provided on the site.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.111 MINING/MINERAL EXTRACTION.

The following requirements shall be complied with for the specified use:

(A) *Mineral extraction, borrow pit, or top soil removal, and their storage areas.*

(1) *Application.* The following additional information shall be included with the special exception and site plan applications:

(a) Report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed of the area, with particular attention being devoted to the water table, and, if water bodies are to be created, the anticipated permanence of such.

(b) A detailed description of the method of operation including an operations and restoration plan for the extraction of the natural resources deposits. The operations and restoration plan shall include the following:

1. A progressive cell unit mining plan that divides the mining area into sections and delineates the progressive mining proposal on the extractive resources available.

2. A transportation plan showing access to the site, proposed truck traffic and planned on-site roads. The applicant shall submit these proposed routings for review relative to the physical and design capabilities of these routes to accommodate the potential traffic.

3. An overburden and stockpiling plan which shows how the top soil will be stripped and stored on the site as well as the stockpiling of the extracted sand or gravel.

4. A re-vegetation plan which shows the staging of restoration through the grading process as well as replacing the top soil and the planting of grasses, trees and shrubs.

5. End use plan which shows the ultimate use of the property once restored to assure the county the site is being restored in accordance with the County Comprehensive Plan.

6. A detailed explanation of how the applicant intends to comply with the operating requirements of this section.

(2) *Operations.* The removal of sand, gravel, limestone or similar materials by excavation, stripping, mining or otherwise taking, and including on-site operations appurtenant to the taking, including washing, grading, sorting, (excluding grinding operations) shall be carried on within the limits of an area approved for such activities. All extractions from new pits begun subsequent to the effective date of this chapter shall be washed, graded, and further processed and/or stored within the limits of the area approved, and no natural resource extracted outside the limits of this area shall be brought in for washing, grading, or further processing. Resource related industries including, but not limited to: gravel grinding operations, concrete mixing plants and asphalt hatching plants shall not be permitted as a part of the operation unless the activity is located in a zoning district which would permit such a use.

(3) *Setbacks.* Excavation, washing and stockpiling of extracted material shall not be conducted closer than 150 feet to the outer boundary of the area approved for extractive operation. The setback area shall not be used for any activity in conjunction with the extractive operation, except access roads, public notice signs identifying the operation. Greenbelt plantings and landscaping shall be provided in the setback area as required by the Board of Zoning Appeals. To reduce the effects of airborne dust, dirt, and noise, all equipment for loading, weighing, and other operations structures shall not be built closer than 300 feet from any public street right-of-way or from any adjoining residentially zoned district.

(4) *Access.* All means of access to the property shall be from arterial roads as classified by the county. No access shall be allowed from residential streets. All private access roads shall be treated so as to create dust-free surface for a distance of 300 feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the county.

(5) *Fencing.* Any excavation operation that results in, standing water for a period of at least one month during the year or slopes as described below shall be subject to the following safety requirements:

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(a) Where slopes steeper than 30 degrees exist for a period of one month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six feet high; at least 50 feet outside the edge of the excavation, with suitable gates controlling access to the excavation area.

(b) Where collections of water are one foot or more in depth for any period of at least one month, and occupying an area of 200 square feet or more, access to such collections shall be similarly fenced, as required in division (a) above.

(c) In those instances where the extractive area is situated in marginal land areas consisting of swamp land, or is bounded by natural bodies of water, the fence shall be required only on those sides accessible to public rights-of-way or as the Board of Zoning Appeals may determine as requiring fencing so as to secure safety. The Board of Zoning Appeals may require the posting of signs "KEEP OUT -DANGER" as needed.

(6) *Slopes.* Finished slopes of the banks of the excavation shall in no event exceed a minimum of five feet to one foot (five feet horizontal to one foot vertical) and where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five feet. These slopes shall be established as the work in any one section of the excavation is completed and proceeds to the next section. Sufficient top soil shall be stockpiled on the site so the entire area may be covered with a minimum of six inches of top soil when excavating operations are completed. The replacement of top soil shall be made immediately following termination of excavating operations. In order to prevent erosion of slopes, all replaced top soil shall immediately be planted with grass or other plant material acceptable to the Plan Director.

(7) *Hours of operation.* Extraction and material processing activities permitted in the plant area shall be limited to the hours of 6:00 a.m. to 10:00 p.m., except in the following situations:

- (a) Where required by public authorities;
- (b) Where work requires a continuous flow of materials;
- (c) Where necessary due to public emergencies;
- (d) Where any necessary and reasonable repairs to equipment are required.

(B) *Oil and gas extraction.*

(1) Drilling shall not be permitted for oil or gas wells within 300 feet of a residential structure, school, church or hospital. Drilling shall not be permitted for oil and/or gas wells within 1,000 feet of any well used public use by a municipal water utility. All distances as set forth in this section shall be those distances as measured from the exact center of a proposed drilling site.

(2) Oil well storage tanks must be located a minimum of 500 feet from any commercial, or residential structures, church or hospital and at least 150 feet back from a public road or street.

(3) Access to the site shall be provided by a driveway constructed to county driveway standards.

(4) A minimum six foot tall fence shall be maintained around the drilling site in accordance with good oil field practice.

(5) The well site shall be landscaped in accordance with the landscaping requirements for industrial sites contained in § 156.166.

(6) The drilling preparation used in wells drilled with rotary equipment shall be capable of sealing off each oil, gas, brine or fresh water stratum above the producing horizon or objective formation and shall be capable of preventing blowouts and flows of salt or fresh water, in accordance with good well drilling practice.

(7) Drilling operations shall be controlled so that the noise level of actual drilling does not exceed the noise level of 65 decibels in a 500 foot radius during maximum noise production periods. Drilling may occur only during daylight hours on wells located within 1,000 feet of a residential dwelling.

(8) It shall be the duty of the permittee to seal gas and oil wells to protect fresh water wells from salt water or other pollution or contamination in such proper manner as is in accordance with good practice. Both the permittee and his or her driller shall establish contingency plans for the immediate furnishing of potable water to affected residents for such period as may be required to reestablish proper potability on any polluted or contaminated well or wells.

(9) No waste, sludge, water, brine or effluents of any type emanating from an oil or gas well shall, in any manner, be emptied or drained into any storm or sanitary sewer or water body or stream. Such wastes shall be removed from the site in trucks, tanks or similar vehicles for disposal in suitable licensed and permitted disposal sites.

(10) All oil well storage tanks or groups of tanks shall be diked or other suitable means taken to prevent discharge of liquid from endangering adjoining property or reaching waterways. Each dike shall have a capacity of not less than that of the tank or tanks served by enclosure. Dikes shall be continuous with no openings for roadways and no residual opening shall remain as a result of piping passing through. All dikes shall be constructed of earth, clay, steel, masonry or reinforced concrete so constructed as to be watertight and afford adequate protection and, if of concrete or masonry, shall be properly reinforced and shall have footings below the frost line. All pits used for storage or disposal of sludge or lime shall be lined with plastic or comparable material to prevent leaching and shall be of sufficient size to contain all effluents.

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(11) Adequate area shall be provided onsite for trucks. Truck staging on the public road shall not be permitted. Any mud be carried onto public roads from a drilling site shall be cleaned-up by the permittee to the satisfaction of the county. Failure to take specific steps to reduce mud at a given location as requested by the county shall be grounds for revocation of a permit and/or forfeiture of the performance guarantee.

(12) The permittee shall restore the roads and other public places of the county damaged or destructed in the operations of drilling or preparing to drill to their former conditions immediately upon completion of the drilling.

(13) The permittee shall clear the area of all litter, rubbish, machinery, derricks, buildings, oil or other substances used or allied to the use of drilling or producing or brine disposal operations.

(14) In the event that a well is abandoned, it shall be the duty of the owner or lessee to notify the County Plan Director of such abandonment before the well has been abandoned and the equipment removed.

(15) All permittees shall be required to pull and/or plug a well site on abandonment and remove all aboveground appurtenances and return ground to original grade and condition and follow any other rules or regulations promulgated by the state relative to pulling, plugging and abandoning oil or gas wells. This shall be completed within six months. Landscaping may be preserved at the time of abandonment of the well, if feasible and if desired by the property owner.

(16) A permit must be issued by the Indiana Department of Natural Resources prior to obtaining an improvement location permit from the county.

(17) In order to insure continued compliance with the provisions of these regulations, the owner/operator shall sign a consent form agreeing to an annual inspection of the well site by the county.

(18) A performance guarantee shall be provided to the county in accordance with § 156.290 to guarantee compliance with this chapter. Performance guarantees shall be released when wells have been closed and site restored to pre-drilling conditions.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.112 MANUFACTURING.

The following requirements shall be complied with for the specified use:

(A) *Bottled gas storage and distribution.* All front, side and rear yard setbacks shall be a minimum of 300 feet.

(B) *Petroleum tank farm.* All front, side and rear yard setbacks shall be a minimum of 300 feet. (Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

GENERAL REGULATIONS

§ 156.120 USES PER LOT.

(A) Except as otherwise specifically provided in this chapter, no lot may contain more than one principal building, structure, or use. This provision shall not apply to agricultural uses.

(B) Groups of multiple-family buildings, site condominiums, shopping centers, retail business buildings, multi-tenant offices, leased industrial space, or other groups of buildings contained within a single integrated complex is deemed to be a principal use collectively. To be considered as an integrated complex, the site shall share parking, signs, access, or other similar features, which together form a unified function and appearance.

(C) Wireless communication facilities may be located on a lot that contains another use, except single-family and two-family dwellings.

(D) There shall be no more than one dwelling per lot, except for two family dwellings, multiple family dwellings, farm worker housing or accessory dwellings approved under the requirements of this chapter.

(E) Dwellings for security, custodial maintenance or management personnel may be approved by the Board of Zoning Appeals as an accessory use to a non-residential use.

(F) WECS may be located on a lot that contains another use. (Ord. 777, passed 7-3-08; Am. Ord. A-09-03, passed 12-11-09; Am. Ord. A-11-02, passed 7-5-11)

§ 156.121 LOT AREA ALLOCATION.

(A) No portion of a lot can be used more than once for determining compliance with the provisions for lot area and yard dimensions for construction or alteration of buildings.

(B) No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this chapter. If already less than the minimum requirements of this chapter, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this chapter.

Lots or yards created after the effective date of this chapter shall comply with the requirements of this chapter.

(Ord. 777, passed 7-3-08)

§ 156.122 VOTING PLACE.

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal, school, or other public election.

(Ord. 777, passed 7-3-08)

§ 156.123 HEIGHT LIMIT.

The building height restrictions of all zoning districts shall not apply to chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, water tanks, public monuments, church spires, belfries, cupolas, domes, ornamental towers and penthouses, or roof structures housing necessary mechanical appurtenances. Parapet walls and cornices may project above the maximum building height by up to four feet.

(Ord. 777, passed 7-3-08)

§ 156.124 PROJECTIONS INTO REQUIRED YARDS.

Certain architectural features may project into the required yard setbacks where the required setbacks are greater than five feet as follows:

TABLE 10.05 PERMITTED BUILDING PROJECTIONS INTO REQUIRED YARDS					
<i>Projection</i>	<i>Front Yard</i>	<i>Waterfront Yard</i>	<i>Rear Yard</i>	<i>Interior Side Yard</i>	<i>Corner Side Yard</i>
Awnings and canopies	3 ft.	5 ft.	5 ft.	18 in.	3 ft.
Cornices and similar architectural features	3 ft.	3 ft.	3 ft.	18 in.	3 ft.
Barrier-free ramps and other facilities	5 ft.	5 ft.	5 ft.	3 ft.	5 ft.
Bay windows	3 ft.	5 ft.	5 ft.	18 in.	3 ft.
Eaves, overhanging	3 ft.	3 ft.	3 ft.	18 in.	3 ft.
Gutters	3 ft.	3 ft.	3 ft.	18 in.	3 ft.

<i>Projection</i>	<i>Front Yard</i>	<i>Waterfront Yard</i>	<i>Rear Yard</i>	<i>Interior Side Yard</i>	<i>Corner Side Yard</i>
No roofs, unenclosed porches, decks, and terraces	10 ft.	--	10 ft.	3 ft.	10 ft.
Window air conditioning units	--	2 ft	2 ft.	2 ft.	--
Window wells	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.

(A) Building projections and structures shall not be located closer than five feet from the side lot line and six feet from the building on the adjoining lot, except for single family attached buildings and buildings in the business districts where a fire rated wall is provided between two adjoining uses. Structures within the side yard shall not impede access around the building between the front and rear yards.

(B) Gutters shall be required on any cave or roof overhang that projects into the setback.

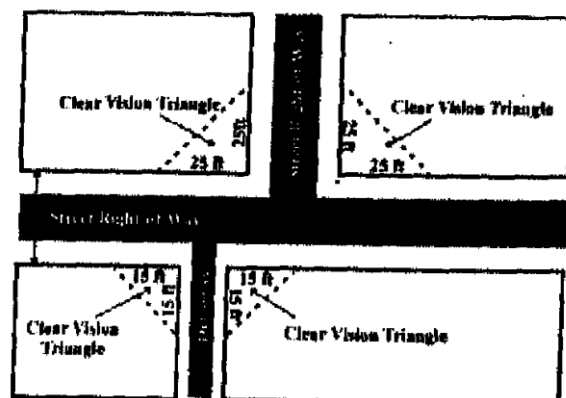
(C) An unroofed, residential handicapped ramp shall be permitted to encroach into a required yard when there are no other reasonable alternatives for the location of such a ramp on the property or other means of ingress/egress into or from the residence.

(Ord. 777, passed 7-3-08; Am. Ord. A-10-01, passed 1-7-10; Am. Ord. A-11-02, passed 7-5-11; Am. Ord. A-14-01, passed 1-21-14; Am. Ord. A-15-01, passed 2-1-16; Am. Ord. A-18-02, passed 5-21-18)

§ 156.125 CORNER CLEARANCE.

(A) No fence, wall, structure, or planting shall be erected, established, or maintained on any lot that will obstruct the view of drivers in vehicles approaching the intersection adjacent to a corner lot or a driveway on any lot.

(B) Fences, walls, structures, or plantings located in the clear vision triangle, as depicted, shall not be permitted to exceed a height of 30 inches above the lowest point of the intersecting street(s). The unobstructed triangular area is described as follows:



(1) The area formed at the corner intersection of two street rights-of-way or easement lines, the two sides of the clear vision triangle being 25 feet in length measured along abutting public right-of-way lines, and third side being a line connecting these two sides; or

(2) The area formed at the corner intersection of a street right-of-way, easement, or alley and a driveway, the two sides of the triangular area being 15 feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.126 PERFORMANCE STANDARDS AND GENERAL REQUIREMENTS FOR ALL DISTRICTS.

(A) *Noise.* No use shall produce noise in such a manner as to be objectionable because of volume, frequency, or beat. Noise shall be muffled or otherwise controlled so as not to become detrimental; provided, however, fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement. Noise shall not exceed the maximum sound pressure levels prescribed below, as measured at the street or property line:

TABLE 10.07 MAXIMUM PERMITTED SOUND PRESSURE LEVELS IN DECIBELS		
<i>Octave Band (cycles per second)*</i>	<i>Decibels</i>	
	<i>Day**</i>	<i>Night**</i>
00 to 74	76	70
75 to 149	70	62
150 to 299	64	56
300 to 599	57	49
600 to 1,199	51	44
1,200 to 2,399	45	39
2,400 to 4,799	38	33
4,800 and above	36	31

* Sound level meter set on the “C” or “flat” scale, slow response.

** Day: 7:00 a.m. to 6:00 p.m. Night: Between 6:00 p.m. and 7:00 a.m.

(1) A sound level meter and an octave band analyzer shall be used to measure the level and frequency of the sound or noise during the day and/or the night. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer.

(2) Objectionable sounds, of an intermittent nature or characterized by high frequencies, even if falling below the specified decibel levels shall be controlled so as not to become a nuisance to adjacent uses.

(B) *Vibration*. Industrial operation or activity shall not cause at any time or at any point along the nearest adjacent lot line earthborn vibrations that are detectable without the aid of instruments.

(C) *Air contaminants*. No person shall cause, let, permit, suffer, or allow to be discharged from any air contaminant source whatsoever any air contaminant for more than three minutes in any hour at the emission point which is:

(1) Greater than the density that is published as No. 2 smoke on the Ringlemann Chart as published in the U.S. Bureau of Mines Information Circular 6888.

(2) Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke described in division (1) above.

(D) *Exceptions*. The following exceptions to the above provisions of this section shall be permitted:

(1) Smoke the shade or appearance of which is equal to but not darker than No. 3 on the Ringlemann Chart for a period or periods aggregating six minutes in any one hour, when cleaning a fire or when building a new fire; or when breakdown of equipment occurs such as to make it evident that the emission was not reasonably preventable;

(2) To discharge pollutants into the atmosphere (indoor and outdoor) air contaminants so as to cause air pollution and create a public nuisance is contrary to the policy of Steuben County and the provisions of this chapter;

(3) No one shall discharge from any air contaminant source whatsoever air contaminants in sufficient quantities and/or such characteristics and duration as to cause an injury, detriment, nuisance, or annoyance to any considerable number or persons or to the public or which endanger or may tend to endanger the comfort, repose, health, or safety of any such persons or the public which cause or have a natural tendency to cause injury or damage to business or property. The escape of such material, in addition to constituting a violation of this chapter, is also declared to be public nuisance and action to abate the same may be taken by the Plan Director.

(E) *Glare and heat*. Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner so as not to create a public nuisance or hazard along lot

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lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Determination of the nuisance factor in regard to glare or heat intensity shall be made by the Plan Director.

(F) *Waste disposal.* Any person proposing waste treatment or disposal facilities or planning a discharge of waste material into surface waters or groundwater of the State of Indiana shall have such facility or discharge approved by the Indiana Department of Environmental Management.

(G) *Health and safety.* No use shall be permitted which is injurious to health and safety of humans, animals, or vegetation, or which is noxious by reason of the emission of visual pollution, or other undesirable nuisance which effects extend beyond the lot line of the lot where the use exists.

(H) *Agricultural uses.* Farms and other agricultural uses are exempt from the regulations of this Section, provided they are following generally accepted agricultural practices, as defined by the Indiana State Department of Agriculture.
(Ord. 777, passed 7-3-08)

§ 156.127 AIRSPACE.

In compliance with I.C. 8-21-10-3, a person shall not erect a residential building or other building designed for noise sensitive uses within an area lying 1,500 feet on either side of the extended centerline of a runway for a distance of one nautical mile from the boundaries of any public-use airport, unless a permit has been granted for said structure by the Indiana Department of Transportation.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.128 ALTERATION OF SHORELINES.

No alteration of the shoreline or bed of a public lake shall be made until the United States Army Corps of Engineers has reviewed the proposal, written approval is obtained from the Indiana Department of Natural Resources, and the provisions of this chapter are complied with. Alteration includes, among other things, the construction of channels and seawalls, dredging of the lake bed, filling of the lake and ditch excavation within ½ mile of the lake.
(Ord. 777, passed 7-3-08)

§ 156.129 WATER POLLUTION.

No authorization of a use under this chapter includes the authority to discharge liquid or solid waste into public waters. Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved by the Indiana Department of Environmental Management.
(Ord. 777, passed 7-3-08)

ACCESSORY BUILDINGS, STRUCTURES AND USES

§ 156.140 ACCESSORY USES.

The following accessory uses are permitted in any yard of all districts: arbors, trellises, bird baths and houses, dog houses, curbs, driveways, flagpoles, lamp posts, mail boxes, name plates, parking spaces, play equipment sidewalks and boardwalks, trees, shrubs, plants, and flowers, rain barrels, solar energy collectors, wind energy conversion systems, residential TV tower and satellite dish and utility installations for local service (such as poles, lines, hydrants, pump enclosures, and telephone booths). (Ord. 777, passed 7-3-08; Am. Ord. A-09-03, passed 12-11-09; Am. Ord. A-10-01, passed 1-7-10)

§ 156.141 RESIDENTIAL ACCESSORY BUILDINGS.

The following regulations shall apply to residential accessory buildings, such as garages, storage sheds, pole barns, gazebos, pavilions and other roofed buildings. These regulations do not apply to agricultural, commercial, office, institutional or industrial accessory buildings. (See § 156.154)

(A) *Relation to principal building.* Detached garages, storage buildings, gazebos or other accessory use structures shall not be constructed on a property in a residential district or area unless the owner also has an existing residence or a residence under construction on property located within 300 feet.

(B) *Number of buildings.*

(1) There shall be no more than one detached accessory building per lot on lots less than two acres in size.

(2) There shall be no more than two detached accessory buildings per lot on lots two to five acres in size.

(3) A gazebo of 100 square feet and a shed of 120 square feet or less shall be permitted in addition to the accessory buildings listed in divisions (1) and (2) above.

(C) *Locations for detached accessory buildings.*

(1) Detached accessory buildings, storage sheds and gazebos shall only be located in the yards listed below:

TABLE 11.02 ACCESSORY BUILDING LOCATIONS AND SETBACKS	
<i>Locations Permitted</i>	<i>Minimum Setback from Lot Line</i>
Front Yard	Not permitted (4)

<i>Locations Permitted</i>	<i>Minimum Setback from Lot Line</i>
Side Yard	5 feet from side lot line
Rear Yard	5 feet from rear lot line
Waterfront Yard	Meeting average shoreline setback (4) 20 ft. from shoreline
Corner lot side-street yard	Front yard setback of corner and double frontage lots

(2) When an accessory building is the only structure located on a lot, it shall be considered the primary structure, which will have to meet all zoning district setbacks of primary structures.

(3) Detached accessory buildings shall be setback a minimum of ten feet from the adjacent residential buildings. Sheds of 120 square feet or less shall be setback a minimum of three feet from adjacent buildings on the same parcel; and a fire-rated wall is provided between structures.

(4) On lakefront lots, an accessory building may be located in the street-front yard, provided it is setback a minimum of ten feet from the front lot line and five feet from the side lot line. Accessory buildings in the waterfront yard shall be limited to storage sheds not exceeding 50 square feet in area and gazebos. Accessory buildings in the waterfront yard shall meet the shoreline setback applicable to principal buildings.

(D) *Height limitations.* The maximum height of detached accessory buildings shall be one story. Attic storage shall be permitted, provided the space shall only be used for storage.

(1) For residential accessory buildings located in all zoning districts, the maximum dimensional height shall be 18 feet, measured from the lowest floor to a height halfway between the eaves and ridge to the peak of the roof.

(2) For sheds of less than 120 square feet, located in all zoning districts, the maximum dimensional height shall be 12 feet, measured to the peak of the roof. An improvement location permit is required prior to installation.

(3) Only pull down stairs allowed into attic space.

(E) *Use.*

(1) Accessory buildings shall not be occupied for dwelling purposes, except for approved accessory dwellings.

(2) Accessory buildings shall not have plumbing for sewer or water. A single, frost-free faucet may be allowed if drainage is approved by the Health Department.

(F) *Attached garages.* Garages that are structurally attached to a principal building by connection of walls or a roof shall be subject to, and must conform to, all regulations of this chapter applicable to the principal building, including setbacks and lot coverage, and not the regulations of this section. Attached garages shall not exceed the height of the living portion of the dwelling and shall have a common wall and roof shared with the principal dwelling.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11; Am. Ord. A-12-01, passed 10-1-12; Am. Ord. A-14-01, passed 1-21-14; Am. Ord. A-15-01, passed 2-1-16; Am. Ord. A-18-02, passed 5-21-18)

§ 156.142 PORCHES, DECKS AND PATIOS.

(A) *Front yard.* An open, unenclosed porch, deck, patio or terrace may project into a required front yard setback for a distance not exceeding ten feet. A covered or enclosed porch, deck, patio, or terrace must meet the front yard setback applicable to the primary building.

(B) *Side yard.* An open, unenclosed porch, deck, patio, or terrace must not be closer to a side lot line than provided in Table 10.05. A covered or enclosed porch, deck, patio, or terrace must meet the minimum required side yard setback applicable to the primary building.

(C) *Rear yard.* An open, unenclosed porch, deck, or terrace are permitted to extend up to ten feet into the minimum required rear yard setback, provided they are no closer than 20 feet from the rear lot line. A covered or enclosed porch, deck, patio, or terrace must meet the minimum required rear yard setback applicable to the primary building.

(D) *Waterfront yard.* All decks, porches, and terraces are required to meet the lakefront setback requirement applicable to primary buildings.

(E) *Second-story decks.* Second story decks, including any walkway connecting the second story deck to a first story deck, a ground-level deck, or a deck located above a walk-out basement, may extend into the rear yard setback as provided in Table 10.05, provided it does not extend more than 14 feet from the rear of the dwelling.

(F) *Privacy fences and screens.* Any privacy fence or privacy screen attached to a deck or porch shall be permitted in the rear yard, not exceeding six feet in height, measured from the floor of the deck or porch.

(G) *Exempt accessory structures.* Docks and seawalls are not regulated by this section, but shall meet all Indiana Department of Natural Resources standards. However, any structure placed on a seawall or dock shall be regulated by this section.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11; Am. Ord. A-18-01, passed 5-21-18)

§ 156.143 STEPS.

Steps that are at grade or even with slopes shall be permitted within all yards. Landings between flights of stairs shall be permitted in all yards, provided any landing that is wider than the stairway shall be subject to the deck and patio restrictions of § 156.142.

(Ord. 777, passed 7-3-08)

§ 156.144 POOLS AND HOT TUBS.

(A) *Location.* Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard and shall meet waterfront setback requirements. Swimming pools, spas, hot tubs and similar devices shall be setback at least ten feet from the rear lot line and meet the side yard setback of the district.

(B) *Security fencing.* Swimming pools, as defined by the One and Two Family Building Code, shall be enclosed entirely by a five foot fence with self-closing gates or covers which meet the aforementioned code.

(Ord. 777, passed 7-3-08)

§ 156.145 FENCES, WALLS, AND GATED ENTRANCES.

(A) *All districts.*

(1) Unless specifically authorized elsewhere in this chapter, fences and walls located within the side yard or rear yard in any district shall not exceed a height of six feet.

(2) Fences and walls shall not be erected within any public right-of-way.

(3) Fences located in the front yard shall be setback a minimum of five feet from all street right-of-way lines and private road easements. Fences or walls shall not be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways or at intersections in accordance with § 156.125.

(4) The minimum property line setback shall be two feet. This distance may be reduced without requiring a variance if a letter of non-objection is obtained from the neighboring property owner.

(5) All exposed posts of a fence shall be located on the inside of the property they are intended to fence.

(6) Fences shall not contain barbed wire, electric current or charge of electricity, except in the Agricultural, Environmental Control and Industrial zoning districts.

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(B) *Fences in residential districts.*

(1) Fences or walls located within the front yard shall not exceed four feet in height and shall not be in excess of 60% solid or opaque.

(2) Fences or walls located within the side or rear yard shall not exceed a height of six feet.

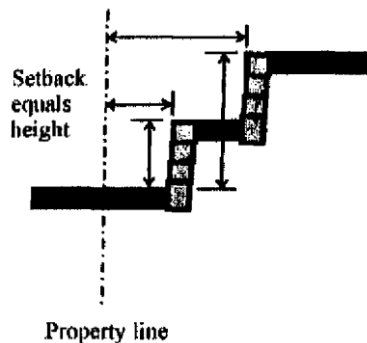
(C) *Non-residential districts.*

(1) Fences and walls shall be permitted in the front, side and rear yard in an agricultural, business or industrial district. For residential lots in the Agricultural district, fences in the front yard shall not exceed four feet in height.

(2) Fences in the nonresidential district shall not exceed eight feet in height.

(3) Fences up to eight feet in height shall be permitted along all property lines on farms in all districts.

(D) *Retaining walls.*



(1) Retaining walls shall be located at least two feet from any property line. Distance may be reduced without a variance if a letter of non-objection is obtained from the neighboring property owner.

(2) The maximum height of any retaining wall shall be four feet. Where taller walls are required, the retaining wall shall be tiered. The maximum height may be increased without a variance by up to three feet if the wall is concrete, a fall-prevention railing is installed, and the Plan Director determines that a single wall is consistent with the requirements of § 156.145(D)(5).

(3) Grades at the property line shall not be changed without a variance unless a letter of non-objection is obtained from the neighboring property owner and the change will not negatively impact natural drainage patterns.

(4) Retaining walls shall be setback from all lot lines and shorelines a distance equal to their height. For tiered retaining walls, each tier shall be setback so that the cumulative total height of all tiers equals the setback of the top tier. Distance may be reduced without a variance if a letter of non-objection is obtained from the neighboring property owner.

(5) The Board of Zoning Appeals may approve taller retaining walls than allowed in division (2) above and reduce the setbacks from that which is required in division (1) or (4) above. The Board of Zoning Appeals may grant approval for such retaining wall, following a public hearing under § 156.302, based upon the following criteria:

(a) Steep topography on the site prevents development of the lot within the limits set for the retaining wall height and setback. The decrease in setback or increase in height shall be the minimum possible to provide for a reasonable building site on the lot.

(b) Views from adjacent property shall not be obstructed as a result of the increased retaining wall height or decreased setback, above and beyond the obstruction that would be caused by alternative construction methods.

(c) The impact to topography and woodlands shall be no more than the impact from development of the site with a greater number of lower, tiered retaining walls or other alternative construction methods.

(d) Stormwater drainage and soil erosion will be properly managed in accordance with § 156.170 and there will not be an increase in stormwater runoff to adjacent property.

(e) Adequate emergency access is provided around the building site.

(6) A retaining wall whose lowest point would be below the elevation of the shoreline or waterline and within ten feet landward of the shoreline or waterline of a public freshwater lake, as measured perpendicularly from the shoreline or waterline, shall not be permitted unless a permit is first obtained from the Indiana Department of Natural Resources.

(7) A person may not excavate place fill or place, modify, or repair a temporary, or permanent structure over, along, or lakeward of the shoreline or waterline of a public freshwater lake unless a permit is obtained from the Indiana Department of Natural Resources.

(E) *Gated entrances.*

(1) Gated entrances shall be equipped with sound activated entry systems which will automatically open the gate upon detecting an emergency siren for two and one-half to four and one-half seconds or sooner.

(2) Gated entrances shall be equipped with backup power supply.

(3) Gated entrances shall be equipped with a silent secondary access system which shall permit quiet entry for law enforcement personnel.

(4) Gated entrances shall be equipped with a fail-safe mode to allow for manual control of the gate.

(5) All gated entrances will require review and written approval by local police, fire, and EMS.

(Ord. 777, passed 7-3-08; Am. Ord. A-09-01, passed 3-16-09; Am. Ord. A-10-01, passed 1-7-10; Am. Ord. A-11-02, passed 7-5-11)

§ 156.146 RESTRICTIONS ALONG LAKES AND STREAMS.

No structures other than docks, seawalls, retaining walls, sidewalks, boardwalks, and patios are permitted within 20 feet of the meander, or high water line of any lake or stream.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.147 RECEPTION ANTENNAS.

Television and radio antennas including satellite dish antennas and transmission or reception antennas, may be permitted as an accessory use in any district. All antennas shall meet the setback requirements for principal buildings in the zoning district.
(Ord. 777, passed 7-3-08)

§ 156.148 STORAGE OF RECREATIONAL EQUIPMENT.

(A) A resident may store recreational equipment they own on their individual lot in garages or other accessory structures. Recreational equipment may also be stored in the side or rear yard, provided all recreational equipment shall be located a minimum of five feet from the side or rear lot line.

(B) Recreational equipment may not be stored in a waterfront yard, except for watercraft.

(C) In a residential district, recreational equipment may only be stored outdoors on the same lot as the owner's principal dwelling. Recreational equipment may not be stored outdoors on a back lot that contains only accessory buildings.

(D) All recreational equipment parked or stored shall not be connected to sanitary facilities and shall not be occupied.
(Ord. 777, passed 7-3-08)

§ 156.149 VEHICLE REPAIRS AND STORAGE.

An automobile may not remain on any property longer than ten days while being repaired, stored, parked, or sold. Only one such automobile may be repaired, stored, parked, sold at a time and the vehicle shall be owned by the occupant of the residence. Only properly licensed automobile dealers, operating in properly zoned locations, are exempt from this requirement.
(Ord. 777, passed 7-3-08)

§ 156.150 PARKING OF SEMI-TRUCKS, SHIPPING CONTAINERS AND CONSTRUCTION EQUIPMENT.

(A) The storage or parking of semi tractor trucks and/or semi trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery in an agricultural or residential district is prohibited with the exception of the following:

(1) Parking and storage of larger vehicles for fanning operations is permitted, provided such vehicles are used for an agricultural use.

(2) Parking of one semi-tractor without a trailer is permitted on a residential lot where the operator of the semi-truck resides within the principal dwelling on that lot. The semi-tractor shall not be located within the front yard or a side yard setback and shall be parked in a location that will not have an adverse impact on the aesthetic character of the surrounding area. Semi-trucks shall not be running in idle for more than 15 minutes. Semi-trailers, shipping containers and other types of storage units may not be parked or stored in a residential zoning district, except when a resident is moving into or out of a dwelling.

(3) Construction vehicles may be parked while in use for approved construction on the property only while a current building permit is in effect or during other site landscaping or utility work not subject to a building permit. Such vehicles shall only be parked on the property while in use for a construction project that is being diligently carried on toward completion.

(B) In all nonresidential districts, semi-trailers may not remain on any property longer than 60 days while being parked, stored, repaired, or sold. Only one such semi-trailer may be parked, stored, repaired, or sold in any 12-month period. Only properly licensed semi-trailer dealers operating in properly zoned districts are exempt from this requirement. Storage of semi-trailers, shipping containers and other types of storage units shall only be permitted in the industrial districts as an accessory use to an approved industrial use.

(Ord. 777, passed 7-3-08)

§ 156.151 HOUSEBOATS.

A houseboat that is not propelled by its own power shall not be permitted to anchor to a dock or land or to remain in any waterway within Steuben County for more than six hours. A boat or houseboat that is propelled by its own power shall not be permitted to anchor to a dock or land, or to remain in any of the waterways within the county without the written consent and approval from the owner of the property to which the boat is tied or anchored or from which the dock is built. All such boats shall meet State Board of Health and Department of Natural Resources sanitation requirements. Further, no boat shall be used or occupied as a permanent residence.

(Ord. 777, passed 7-3-08)

§ 156.152 ENTRANCEWAYS.

In all zoning districts, entranceway structures, including but not limited to walls, columns and gates marking entrances to one-family subdivisions, multiple-family housing projects, business centers and industrial and office parks may be permitted and may be located in a required yard.

(Ord. 777, passed 7-3-08)

§ 156.153 GARAGE SALES.

Persons holding garage, yard, porch sales, flea markets, and the like are allowed three per year of three days at a time. A Special Exception is required if the sale is of a longer duration. Signs are to be removed within two days after sale is concluded. Vehicles must be parked in the driveway or off the traveled portion of the roadway so as to not cause an obstruction to traffic.

(Ord. 777, passed 7-3-08)

§ 156.154 NON-RESIDENTIAL ACCESSORY BUILDINGS.

Storage buildings and other buildings that are accessory to a non-residential use shall be permitted subject to the same restrictions as the principal use and building. Accessory buildings for commercial, office, institutional or industrial uses shall be subject to the same district dimensional requirements (setbacks and height) as the principal building.

(Ord. 777, passed 7-3-08)

§ 156.155 MAN-MADE PONDS/LAKES.

The following standards apply to man-made ponds/lakes larger than 10,000 square feet in area:

(A) The design and location must be approved by the Steuben County Drainage Board.

(B) The top of the bank must be 40 feet from all property lines.

(Ord. A-11-02, passed 7-5-11)

SITE DEVELOPMENT PROVISIONS**§ 156.165 BUILDING DESIGN REQUIREMENTS.**

(A) *Purpose.* The purpose of this section is to provide a set of exterior building wall material standards, the intent of which is to enhance the visual environment of the county. Furthermore, the review of exterior building wall design and the consistent administration of standards can help maintain the county's sense of place by encouraging consistent quality and character when structures are built or redeveloped. All development shall utilize quality architecture to ensure that a building protects the investment of adjacent landowners, blends harmoniously into the streetscape, and maintains a positive image for the county's various commercial shopping districts.

(B) *Applicability.*

(1) This section shall apply to all new multiple family residential, office, commercial, and institutional buildings. Agricultural, one-family detached and two-family residential structures and their associated accessory buildings shall not be subject to this section.

(2) Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and rhythm of openings.

(3) Architecture shall be reviewed by the Plan Director as a part of site plan review under the requirements of this section.

(C) *Exterior building design.*

(1) Buildings shall possess architectural variety, but enhance the overall cohesive community character. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.

(2) Building walls and roofs over 50 feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, and awnings.

(3) Window area shall make up at least 20% or more of the exterior wall area facing the principal street(s) from which access is gained.

(4) A portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.

(5) Overhead doors shall not face a public street or residential district. The Plan Director can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping.

(D) *Building materials.*

(1) Durable building materials which provide an attractive, quality appearance must be utilized.

(2) The predominant building materials should be quality materials that are characteristic of the state. The predominant building materials on the front facade shall be as follows:

(a) Multiple family residential buildings shall use earth-toned brick, siding (wood vinyl, or fiber cement), stone or glass as the predominant building material.

(b) Commercial, office and institutional buildings shall use earth-toned brick, decorative brick tilt-up panels, siding (wood vinyl or fiber cement), stone, textured concrete masonry units (such as split face block) or glass as the predominant building material.

(3) Other materials such as smooth-faced concrete block, undecorated tilt-up concrete or dryvit panels, or prefabricated steel panels should only be used as accents and not dominate the exterior of the structure.

(4) All building materials shall be durable, weather-resistant, rustproof, and shall be maintained by the property owner or tenant at all times.

(5) The Board of Zoning Appeals may allow other building materials when a particular building design and the materials or combinations of materials proposed to be used are found by the Board of Zoning Appeals to be in keeping with the intent and purpose of this section and compatible with the character of surrounding uses.

(E) *Roof design.*

(1) Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.

(2) Architectural methods shall be used to conceal flat roof tops and mechanical equipment.

(F) *Customer entrances.* Clearly defined, highly visible customer entrances shall be included in the design. Features such as canopies, porticos, arcades, arches, wing walls or integral planters shall be used to identify such entrances. New buildings shall have at least one principal building entrance oriented parallel toward the front lot line.

(Ord. 777, passed 7-3-08)

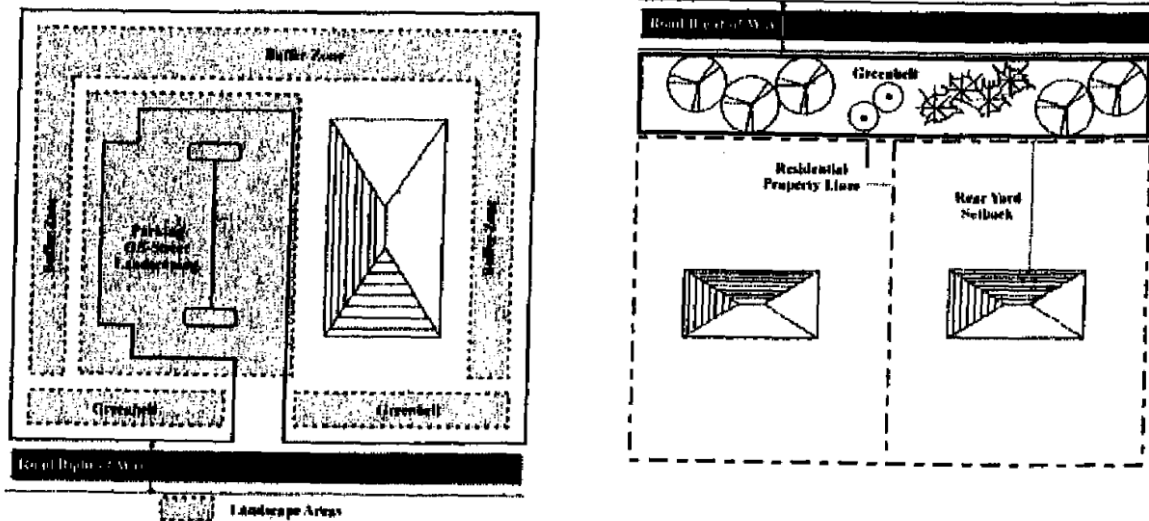
§ 156.166 LANDSCAPING REQUIREMENTS.

(A) Purpose.

(1) The following section is intended to establish minimum standards for the design, installation and maintenance of landscaping, greenbelts and buffer zones.

(2) Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses.

(3) Landscaping and greenbelts enhance the visual image of the county, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction. Buffer zones protect less intense uses from the noise, light, traffic, litter and other impacts.



(B) Required greenbelt along street frontage.

(1) All non-residential sites shall provide a greenbelt along the front lot line within the minimum required front yard setback along each public or private street right-of-way that is landscaped with a minimum of one canopy tree, one ornamental tree, and six shrubs, rounded upward, for every 40 linear feet of frontage. The Plan Director may approve substitution of evergreen trees for up to 50% of the required trees.

(2) All residential developments (subdivisions, condominiums and multiple family) shall provide a 20 foot deep greenbelt along all public road frontages that form the exterior boundary of the development. The greenbelt shall be landscaped with a minimum of one canopy tree, one evergreen tree, one ornamental tree, and six shrubs, rounded upward, for every 40 linear feet of frontage. This requirement shall not apply to residential homes being built on existing lots of record, except where the subdivision plat was approved with a landscape greenbelt on the lot.

(C) *Required buffer zones.* The following buffer zones shall be required where a proposed use shares a common lot line with an adjacent use. The buffer zone required and the required landscaping therein shall be as described in Tables 12.02 and 12.02.B. The proposed use is required to install the buffer zone.

TABLE 12.02.A BUFFER ZONE REQUIRED			
	<i>District that Proposed use is adjacent to:</i>		
<i>Proposed Use:</i>	<i>A, EC, R-1, R-2, R-3, LR, MR</i>	<i>AB, LB, GB</i>	<i>I-1, I-2</i>
One/two-family residential	None	C (1)	C
Multi-family residential	B	C	C
Manufactured home park	B	C	C
Office	B	None	None
Commercial	B	C (2)	None
Institutional	A	B	B
Industrial	A	B	None
Public and recreation	B	None	None
Planned Unit Development	Determined during PUD Plan approval using above as a guide		

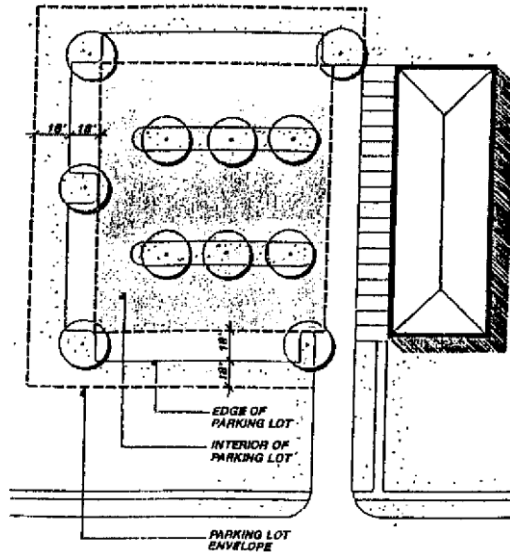
TABLE 12.02.B REQUIREMENTS FOR BUFFER ZONES		
<i>Buffer Type</i>	<i>Minimum Depth (1)</i>	<i>Minimum Plant Materials</i>
A	50 feet	1 canopy tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the property line, rounded upward
B	20 feet	1 canopy tree, 1 evergreen tree and 4 shrubs per each 30 linear feet along the property line, rounded upward
C	10 feet	1 canopy or evergreen tree or 4 shrubs per each 20 linear feet along the property line, rounded upward

(1) The requirement for one/two-family residential to provide a buffer zone from a nonresidential district shall be required for any proposed subdivision plat. The requirement shall not apply to individual one/two family residential construction on an existing lot of record.

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(2) The Plan Director may waive or modify buffer zone requirements between adjacent compatible uses where the district allows a lesser or zero side yard setback or a reduction in parking lot setbacks where shared access and circulation is provided between uses.

(D) *Parking lot screening.*



(1) Parking lots which are visible from a public right-of-way (excluding a public alley) shall have the following landscaping between the parking lot and right-of-way:

- (a) A landscaped strip of at least 20 feet in width.
- (b) One tree for every 40 feet or fraction thereof of street frontage of the parking lot.
- (c) A hedge row planted with two foot tall evergreen shrubs spaced 2 ½ feet, or a three - foot tall berm.

(2) Off-street parking areas containing 20 or more parking spaces shall provide landscaping at the rate of one canopy tree and 100 square feet of landscaped area per ten parking spaces.

(a) A minimum of 1/3 of the trees shall be placed on the interior of the parking area and the remaining may be placed surrounding the parking lot within 18 feet, as illustrated.

(b) The landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot.

(E) *Required detention/retention pond landscaping.* Detention/retention ponds shall be landscaped to provide a natural setting in open space areas.

(1) Where possible, ponds or basins shall be “free form” following the natural shape of the land to the greatest practical extent. Side slopes shall not exceed one foot vertical for every four feet horizontal.

(2) One deciduous shade or evergreen tree and ten shrubs shall be planted for every 50 lineal feet of pond perimeter as measured along the top of the bank elevation. The required trees and shrubs shall be planted in a random pattern or in groupings. The placement of required landscaping is not limited to the top of the pond bank, where the plant species is adapted to saturated soil conditions.

(3) Detention and retention ponds shall be landscaped in character with properties and shall be required to provide lawn areas, shrubs and trees to accomplish a suitable appearance compatible with development on the property and on nearby properties. Landscaping shall be required on all areas disturbed by grading to establish detention/retention ponds.

(F) *Residential street trees.* For all new residential dwellings, including all new residential subdivisions and new homes being constructed on existing lots, one deciduous canopy tree shall be provided for each dwelling unit. The tree shall be planted within the front yard setback outside of any corner clearance area required by § 156.125.

(G) *Plant material size.*

(1) Deciduous canopy trees shall not be less than 2 ½ inches in caliper. Examples of deciduous canopy trees include oak, maple, birch, beech, linden and hickory trees.

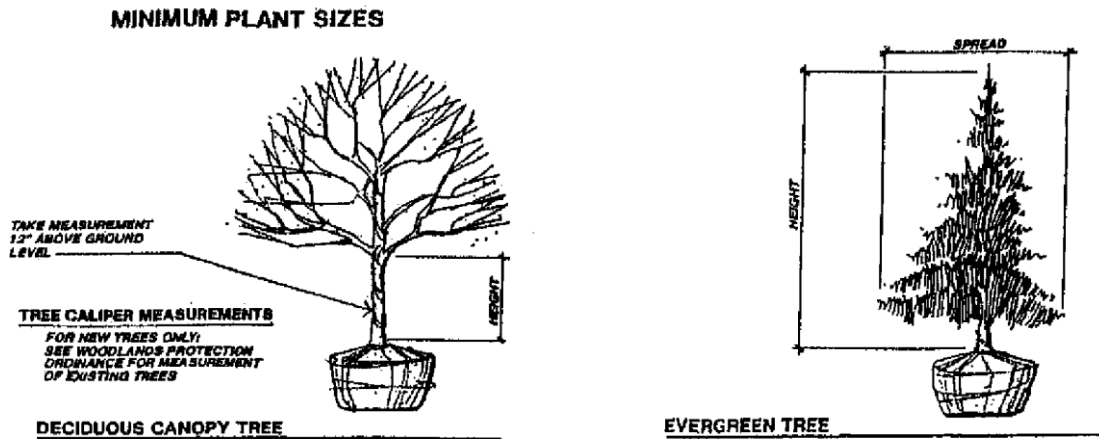
(2) Deciduous ornamental trees shall not be less than 1 1/2 inches in caliper. Examples of deciduous ornamental trees include dogwood, hawthorn, flowering crabapple, flowering plum, and flowering pear trees.

(3) Evergreen trees shall not be less than six feet in height. Examples of deciduous evergreen trees include fir, hemlock, spruce and pine trees.

(4) Narrow evergreen trees shall not be less than four feet in height. Examples of narrow evergreen trees include arborvitae and junipers.

(5) Shrubs shall not be less than 30 inches in height. Examples of shrubs include boxwood, dogwood shrubs, forsythia, holly, sumac, lilac, viburnum, juniper and yews.

(6) Spreading shrubs shall not be less than 30 inches in spread. Examples of spreading shrubs include cotoneaster, cypress and juniper.



(H) *Installation and maintenance provisions.*

- (1) All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six months.
- (2) Landscaped areas shall be covered by grass, living ground cover or mulch.
- (3) Trees required on the site plan must be maintained to remain in compliance with the site plan. Unhealthy vegetation must be replaced. Required landscaping shall not be removed unless approved as a site plan amendment.
- (4) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

(I) *Waiver from landscaping and screening requirements.* The Plan Director during site plan review may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Plan Director may also determine dimensional conditions unique to the parcel would prevent development of off-street parking area landscaping, greenbelts or buffer zones. If such determination is made, the Plan Director may waive, in whole or in part, the landscaping provisions of this section. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:

- (1) Existing natural vegetation.
- (2) Topography.
- (3) Existing and proposed building placement.

- (4) Building heights.
- (5) Adjacent land uses.
- (6) Distance between land uses.
- (7) Dimensional conditions unique to the parcel.
- (8) Traffic sight distances.

(Ord. 777, passed 7-3-08)

§ 156.167 LIGHTING REGULATIONS.

(A) *Applicability.* The regulations of this section shall apply to all uses, except residential and agricultural uses. Where any change is made to a site requiring an improvement location permit or existing light fixtures are replaced, site lighting shall be upgraded to comply with the regulations of division (C) below.

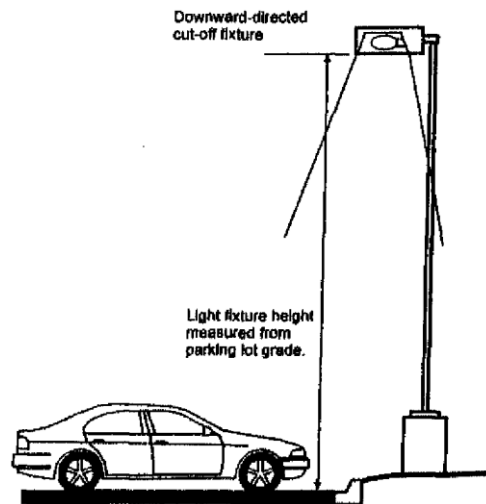
(B) *Lighting intensity.*

- (1) Lighting shall not exceed 0.5 footcandles at a residential lot line.
- (2) Light shall not exceed 1.0 footcandle at a non-residential lot line, except along the street frontage.
- (3) The maximum light level on the site shall be ten footcandles.
- (4) Additional lighting intensity for canopies may be allowed by the Plan Director where it is determined necessary for safety reasons, provided lighting under canopies may not exceed 20 footcandles.

(C) *Light fixtures.*

- (1) All fixtures shall be metal halide or better quality light.
- (2) Outdoor lighting in all zoning districts shall be directed toward and confined to the ground areas of lawns or parking lots except as noted elsewhere in this section.
- (3) Lighting shall utilize cutoff fixtures that are recessed sufficiently such that the light source is not visible from off site.

- (4) Floodlight type fixtures shall not be permitted except for building accent and sign lighting.



(D) *Fixture height.* Light fixtures shall have a maximum height of 20 feet within 300 feet of a residential district. Light fixtures shall have a maximum height of 30 feet where not adjacent to a residential district.

(E) *Signs.* Illumination of signs shall be directed or shielded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

(F) *Constant light.* All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

(G) *Photometric plan.* Any site plan application for new or revised lighting shall include a photometric plan overlaid on the site plan illustrating the planned layout and footcandles of site lighting. The following are required for review:

- (1) Lighting plan showing light pole and fixture locations and type designations;
 - (2) Photometric plan showing horizontal luminance levels in a point by point format with contour lines. Canopy lighting will also be included in luminance levels;
 - (3) Lighting manufacturers equipment specifications and data sheets; and
 - (4) Any other presentations required to convey the intent of the design.
- (Ord. 777, passed 7-3-08)

§ 156.168 WASTE RECEPTACLES.

(A) *Applicability.* The regulations of this section shall apply to all uses that have their refuse removal needs serviced by collective refuse containers.

(B) *Location.*

(1) Waste receptacles including dumpsters with enclosures, shall be located in the rear yard or non-required side yard, unless otherwise approved by the Plan Director.

(2) For non-residential uses adjoining a residential district, the waste receptacle enclosure shall be as far as practical, and in no case less than 20 feet from any adjacent residential district.

(3) Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.

(4) The waste receptacle must be oriented to not directly face a street or driveway, unless approved by the Plan Director.

(C) *Enclosure materials and screening required.*

(1) All waste receptacles including dumpsters and compactors must be enclosed on three sides with a six foot high masonry enclosure constructed of the primary building materials of the principal building on the site.

(2) All waste receptacles, associated enclosures and receptacle contents must be screened from public view.

(3) Supplemental landscaping to screen the waste receptacle enclosure shall be provided.

(4) The enclosure shall also include a gate, made of wood or other high quality material, as determined by the Plan Director, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.

(D) *General.*

(1) The waste receptacle base shall be at least nine feet by six feet in area, constructed of six inches of reinforced concrete pavement.

(2) The base shall extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.

(3) Posts, bollards or bumpers shall also be provided to protect the enclosure from damage.

(4) The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste.

(Ord. 777, passed 7-3-08)

§ 156.169 MECHANICAL EQUIPMENT.

(A) *Applicability.* Any mechanical equipment or utilities and similar equipment associated with a commercial use, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar equipment, shall comply with the following standards:

(B) *Roof-mounted equipment screening.* All roof-mounted equipment shall be screened by a solid wall or architectural feature that is compatible in appearance with the principal building or the equipment shall be setback away from the edge of the building a distance sufficient to ensure that it is not visible from the public road or adjacent property. This requirement shall not apply to industrial buildings in an industrial district.

(C) *Ground-mounted equipment.* All ground-mounted equipment shall be screened by a solid wall, fence or landscaping. Landscaping must create a continuous screen with the starting size of the plant material equal to or greater than the height of the equipment at the time of planting.

(Ord. 777, passed 7-3-08)

§ 156.170 STORMWATER.

(A) *Applicability.* A storm water management plan approved in accordance with this section shall be required for any earth change and any development requiring an improvement location permit. Every site shall control the release of storm water in accordance with the design standards contained in the County Storm Drainage and Erosion Control Ordinance.

(B) *Stormwater management.* All developments shall be designed, constructed, and maintained to control runoff, prevent flooding and protect water quality. The particular facilities and measures required onsite shall reflect the natural features, wetland, and watercourses on the site; the potential for onsite and offsite flooding, water pollution, and erosion; and the size of the site.

(1) Storm water facilities shall be designed to prevent flood hazards and water pollution related to storm water runoff, soil erosion, and channel erosion from the proposed earth change.

(2) Existing storm water from upstream and offsite locations shall be conveyed around or through the site, or stored onsite.

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(3) Unless otherwise approved, storm water runoff shall be conveyed through swales and vegetated buffer strips so as to decrease runoff velocity, allow for natural infiltration and passive storage, allow suspended sediment particles to settle, and to remove pollutants.

(4) Stormwater shall not be discharged directly into a lake or stream without some form of pre-treatment to remove sediments and other contaminants.

(5) Alterations to natural drainage patterns shall not increase runoff, create flooding or water pollution for adjacent or downstream property owners and shall not cause flooding of roadways.

(6) Increased offsite release of storm water shall be minimized to the maximum extent practicable. The volume of storm water shall be managed and stored on-site to the maximum extent practicable.

(7) The increased volume of water discharged due to earth changes and/or development of the site shall not create adverse impacts to adjacent property owners, roads and watercourses. These adverse impacts may include, but are not limited to flooding, excessive soil saturation, crop damage, erosion, and/or degradation in water quality or habitat.

(8) In the Lake Residence District, all buildings shall be equipped with gutters and downspouts to collect rooftop drainage. Drain tile systems or other storm drains shall be utilized to direct stormwater runoff to lakes. Appropriate measures shall be incorporated to prevent erosion and sedimentation into the lake.

(9) In all zoning districts, on properties adjacent to a lake and less than one acre in area, all buildings shall be equipped with gutters and downspouts to collect rooftop drainage. Drain tile systems or other storm drains with dry wells or rain barrels shall be utilized to direct stormwater runoff to lakes. Appropriate measures shall be incorporated to prevent erosion and sedimentation into the lake.

(C) *Erosion control.* All earth changes shall be conducted in a manner to prevent erosion and the discharge of sedimentation from the site. Cutting, filling, and grading shall be minimized and the natural topography of the site shall be preserved to the maximum extent practicable. All development and other earth changes shall be designed, constructed, and completed so that the exposed area of any disturbed land is limited to the shortest possible period of time.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11; Am. Ord. A-14-01, passed 1-21-14; Am. Ord. A-15-01, passed 2-1-16)

OFF-STREET PARKING, LOADING, ACCESS AND CIRCULATION REQUIREMENTS**§ 156.180 OFF-STREET PARKING REQUIREMENTS.**

There shall be provided in all districts at the time of erection or enlargement of any principal building or structure, automobile off-street parking spaces with adequate access to all spaces.

(A) *Schedule of parking requirements.* The minimum number of off-street parking spaces by type of use shall be determined in accordance with Table 13.01.

<i>Use</i>	<i>Minimum Number of Parking Spaces</i>
<i>Residential</i>	
Single family attached/detached and two-family dwellings	1 parking space for each bedroom. Back lots and/or detached garage may be used to calculate parking space, if the dwelling is located directly across from the back lot and both parcels shall be tied together.
Mobile home dwellings	2 parking space for each family dwelling unit.
Multi-family dwellings	2 parking space for each family dwelling unit.
Fraternity, sorority, student housing cooperatives	1 parking space for each 5 active members, plus 1 additional space for the householder or manager
<i>Agriculture, Forestry, Fishing and Hunting</i>	
Farms, forestry and logging greenhouse, nursery, and floriculture production kennels slaughterhouse, grain storage and produce terminals	1 parking space for each employee
Roadside produce sales	1 parking space for each 250 square feet of floor area.
Seasonal hunting and/or fishing lodge	1 parking space for each 3 persons occupancy of lodge
Winery	1 parking space for each employees plus parking required for any accessory retail component, restaurant or bed and breakfast inn.

<i>Use</i>	<i>Minimum Number of Parking Spaces</i>
<i>Retail Trade</i>	
Retail and general merchandise stores including: clothing stores, department/variety stores, dressmaking shops, fireworks sales, flower/garden shops, office supplies, gifts/stationary stores, hardware/paint stores, jewelry stores, luggage/leather goods stores, manufactured home sales, pet shop supplies/ grooming, pharmacies/drug stores, sporting goods, hobby, book, and music stores and warehouse clubs	1 parking space for each 250 square feet of floor area.
Food store including grocery stores/supermarkets, bakeries, beer, wine, and liquor stores, convenience stores and meat markets	1 parking space for each 200 square feet of floor area.
Appliance, and electronics stores and appliance service	1 parking space for each 400 square feet of floor area.
Home improvement and building material stores	1 parking space for each 200 square feet of useable floor area.
Furniture and home furnishings stores	1 parking space for each 800 square feet of floor area.
Nursery, garden center, farm supply, lawn and garden equipment and supplies stores	1 parking space for each 500 square feet of land area being used for display, plus one parking space for each employee.
Video-retail	1 parking space for each 150 square feet of useable floor area.
Sales/auction barn-livestock	1 parking space for each 400 square feet of floor area.
Drive-thru window accessory to any of the above permitted retail uses	3 stacking spaces in addition to parking required for retail use.
<i>Motor Vehicle Dealers, Parts and Service</i>	
Automotive parts, accessories, and tire stores	1 parking space for each 250 square feet of floor area.
Automotive repair and maintenance	2 parking spaces for each service stall.

<i>Use</i>	<i>Minimum Number of Parking Spaces</i>
Auto-new/used salesrooms, motorcycle, boat, and recreational vehicle dealers and marina/sales/service	1 parking space for each 400 square feet of floor area.
Automobile wash, full service	1 parking space for each one employee. In addition, stacking spaces equal in number to 5 times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 24. Automobile wash, self service parking space for each drying space.

<i>Use</i>	<i>Minimum Number of Parking Spaces</i>
Service stations	1 parking space for each employee plus 1 parking space for each 100 square feet of floor area used for cashier, office or retail sale of food, beverages and other products in addition to space provided at each fuel pump dispenser. In no instance shall such facility provide fewer than three spaces for cashier's and office use. Additional spaces shall be provided as required for auto repair or car washes.
Truck stops	1 parking space for each employee plus 1 automobile space and 1 truck space for each 100 square feet of floor area used for cashier, office or retail sale of food, beverages and other products in addition to space provided at each fuel pump dispenser. In no instance shall such facility provide fewer than 3 spaces for cashier's and office use. Additional spaces shall be provided as required for auto repair or car washes.
<i>Lodging Accommodation</i>	
Boarding/lodging houses	1 parking space for each 2 guests, plus 1 additional space for the owner or manager if the owner or manager resides on the premises.
Hotels/motels	1 parking space for each guest or sleeping rooms and suites, plus 1 parking space for each 300 square feet of floor area devoted to supplementary activities such as bars, ballrooms, dining rooms, and nightclub facilities.
Tourist homes/bed and breakfast inns	1 parking space for each guest or sleeping room or suite, plus 1 additional space for the owner or manager.
RV (recreational vehicle) parks and recreational camps	1 parking space for each trailer space.
<i>Food Services</i>	
Banquet hall	1 parking space for each 75 square feet of usable floor area or 1 parking space for each two persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.

<i>Use</i>	<i>Minimum Number of Parking Spaces</i>
Carryout restaurants	6 parking space for each service or counter station, plus 1 for each employee.
Caterers	1 parking space for each 400 square feet of floor area.
Delicatessens	1 parking space for each 200 square feet of floor area.
Night clubs	1 parking space for each 75 square feet of usable floor area or 1 parking space for each 2 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.
Sit-down restaurants	1 parking space for each 100 square feet of floor area or 1 parking space for each 4 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.
Restaurants, drive-in and drive-thru	1 parking space for each employee, 1 parking space for each 75 square feet of dining area and 8 stacking spaces for each drive-through window.
Taverns	One parking space for each 75 square feet of usable floor area or 1 parking space for each 2 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.
<i>Other Services</i>	
Barber/beauty shops	2 parking space for each beauty or barber chair plus 1 parking space for each employee.
Cemeteries/crematoriums	1 parking space for each employee.
Funeral homes and mortuaries	1 parking space for each 50 square feet of usable floor area.
Dry cleaning establishments	1 parking space for each 500 square feet of useable floor area.
Laundromats	1 parking space for each 2 washing and/or dry-cleaning machines.

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<i>Use</i>	<i>Minimum Number of Parking Spaces</i>
Photographic studios	1 parking space for each 400 square feet of floor area.
Shoe repair shops and tailoring	1 parking space for each 250 square feet of floor area.
Tanning salons	2 parking spaces for each tanning booth plus 1 parking space for each employee.
<i>Finance, Insurance, Real Estate, Professional, Scientific, and Technical Services</i>	
Banks	1 parking space for each 250 square feet of floor area. Drive-up windows shall be provided 4 stacking spaces for the first window, plus 3 spaces for each additional window.
Business offices for professions such as advertising, accounting, bookkeeping, architecture, engineering, legal services and other administrative services, computer systems design, publishing industries, radio/ TV station or studios and telecommunications	1 parking space for each 300 square feet of floor area.
Laboratories for testing and research, excluding the raising of animals for research and excluding testing of fissional material	1 parking space for each 300 square feet of floor area.
Real estate, insurance and investment brokers	1 parking space for each 250 square feet of floor area.
<i>Health care and Social Assistance</i>	
Child day care centers	1 parking space for each caregiver, plus 1 parking space for each 10 children
Hospitals	1 parking space for each hospital bed, plus 1 additional space for each staff or visiting doctor.
Nursing homes, and senior assisted living	1 parking space for each 6 patient beds, plus 1 additional space for each staff or visiting doctor. Offices and clinics of physicians and dentist regular employees, including nurses or 1 parking space for each 250 square feet of usable floor space.

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<i>Use</i>	<i>Minimum Number of Parking Spaces</i>
Veterinary hospital, small animal	3 parking spaces for each doctor, plus 1 space for each 2 regular employees or 1 parking space for each 250 square feet of usable floor space.
<i>Arts, Entertainment, and Recreation</i>	
Adult regulated uses	1 parking space for each 75 square feet of usable floor area or 1 parking space for each two persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.
Amusement arcade	1 parking space for each game table and amusement device.
Billiard halls	1 parking space for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes or 1 parking space for each 200 square feet of gross floor area, whichever is greater.
Boat access ramps	1 parking space for each boat permitted to be launched into lake at the same time as set by DNR requirements.
Bowling alleys	3 parking spaces for each alley plus additional spaces determined by the Plan Director required by this chapter for affiliated uses such as bars and restaurants.
Dance –academies	1 parking space for each 50 square feet of floor area used for assembly.
Fitness centers	1 parking space for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes plus 1 parking space for each employee.
Golf courses and country clubs	6 parking spaces for each golf hole and 1 parking space for each employee, plus spaces required for each accessory use such as a restaurant or bar.
Ice skating or roller rink	1 parking space for each seat or 6 feet of benches, or 1 parking space for each 150 square feet of skating area, whichever is the greater.

<i>Use</i>	<i>Minimum Number of Parking Spaces</i>
Marinas and boat clubs	1 parking space for each boat slip
Public camps	1 parking space for each camp site.
Commercial outdoor recreation facilities (such as batting cages, driving ranges and put-put golf)	2 parking space for each batting cage, driving tee, put-put golf hole or similar activity station.
Shooting ranges	2 parking spaces for each shooting range
Stadiums/coliseums/athletic fields, race tracks	1 parking space for each 4 seats, based on the maximum seating capacity.
Swimming pools	1 parking space for each 4 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes plus 1 parking space for each employee.
Tennis club, paddle-ball club, racquetball club and other similar uses	6 parking spaces for each court, plus such additional spaces as may be required herein for affiliated uses such as restaurants, plus 1 parking space for each employee.
Theaters	1 parking space for each 3 seats plus 1 parking space for each 2 employees.
<i>Religious, Civic, Social and Similar Organizations</i>	
Assembly halls, conference centers and convention halls, lodges/private clubs	One parking space for each 75 square feet of usable floor area or 1 parking space for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.
Charitable institutions	1 parking space for each 300 square feet of floor area.
Churches, temples and places of worship	1 parking space for each 4 seats provided in the main auditorium.
Pre-school/nurseries	1 parking space for each member of the staff; plus 1 drop-off/parking space each 10 children
Elementary schools – public, private or parochial	1 parking space for each member of the staff.

<i>Use</i>	<i>Minimum Number of Parking Spaces</i>
High Schools – public, private or parochial	1 parking space for each member of the staff, plus 1 parking space for each 10 students.
Libraries and museums	1 parking space for each 250 square feet of usable floor area.
Technical and vocational trade schools	1 parking space for each member of the staff, plus 1 parking space for each 2 students.
University or college building	1 parking space for each member of the staff, plus 1 parking space for each 2 students.
Government buildings including executive, legislative, justice, public safety and post offices	1 parking space for each 300 square feet of floor area.
<i>Transportation and Warehousing</i>	
Airports/heliports, railroad passenger stations, bus depots or other passenger terminal facilities	The number of spaces deemed adequate for employees and passengers, by the Board of Zoning Appeals.
Boat storage	1 parking space for each 20 storage units
Terminals, truck freight and transfer stations	5 plus 1 for every one employee in the largest working shift, or 5 plus 1 for every 1,700 square feet of usable floor space, whichever is the greater.
Warehouses, public “u-store”/self storage including mini storage buildings and storage garages	1 parking space for each 20 storage units plus 2 for manager’s residence
Warehouses for commercial and industrial uses	5 plus 1 for every one employee in the largest working shift, or 5 plus 1 for every 1,700 square feet of usable floor space, whichever is the greater.
<i>Utilities and Waste Disposal</i>	
Commercial composing facilities, power generation, sanitary landfills, water, sewage, and treatment facilities and utility public service buildings, and storage yards	1 parking space for each employee

<i>Use</i>	<i>Minimum Number of Parking Spaces</i>
<i>Construction</i>	
Construction contractors offices and storage yards and asphalt, and concrete plants	5 plus 1 for every one employee in the largest working shift, or 5 plus 1 for every 1,700 square feet of usable floor space, whichever is the greater.
<i>Mining/mineral extraction</i>	
Mineral, soil, oil and gas extraction	1 parking space for each employee
<i>Manufacturing</i>	
Manufacturing uses	1 parking space for each three 3 employees, based upon the maximum number of persons to be employed at any one work period during the day or night or 1 for each 500 square feet of usable floor area in those instances where shift size is not known plus any additional parking facilities required for all vehicles used in the conduct of the enterprise.

(B) *Usable floor area.* For the purpose of computing the number of parking spaces required, the definition of “usable floor area” in § 156.005 shall govern.

(C) *Fractional spaces.* When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including $\frac{1}{2}$ shall be disregarded and fractions over $\frac{1}{2}$ shall require one parking space.

(D) *Uses not listed.* For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use that the Plan Director considers similar.

(E) *Maximum allowed parking.* In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by more than 20% shall only be allowed with approval by the Plan Director. In granting additional space, the Plan Director shall determine that the parking will be required, based on documented evidence, to accommodate the use on a typical day.

(F) *Collective or shared parking.* Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately, except as provided for

below. Where the two uses are on separately-owned lots, a legal agreement for shared parking shall be recorded and a copy provided to the county.

(G) *Reduction of parking requirements.* The Plan Director may reduce the parking requirements based upon a finding that there will be a lower demand for parking due to one or more of the following:

(1) Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses. Where uses are on separate lots, the lots shall be adjacent, pedestrian, and vehicular connections shall be maintained between the lots and shared parking agreements shall be filed with the County Recorder.

(2) Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.

(3) Availability of other forms of travel such as transit. The Plan Director may require the site design incorporate transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities.

(H) *Land banked parking.* Where the conditions of division (G) above are not met, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the Plan Director may defer some of the parking, provided the site plan designates portions of the site for future construction of the required parking spaces. Areas reserved for future parking shall be maintained in a landscaped appearance and not used for building area, storage, or other accessory use. The deferred parking shall be required to meet ordinance requirements if constructed and may not occupy required greenbelts. Construction of the deferred parking area to add parking spaces may be initiated by the owner or required by the Plan Director, based on parking needs or observation, and shall require administrative approval of an amended site plan.

(I) *Existing parking.* Off-street parking existing at the effective date of this chapter, in connection with the operation of an existing building or use, shall not be reduced to an amount less than that required in this chapter for a similar new building or new use.

(J) *Location.* Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.

(K) *Residential parking.* Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they

are intended to serve, Lawn and yard areas, other than designated parking areas, shall not be utilized for off-street parking.

(L) *Storage in parking lots prohibited.* The open storage of merchandise, materials, trucks, trailers, construction trailers, recreational vehicles and equipment for periods in excess of a total of 48 hours in any given calendar year is prohibited in areas of the property which are designed to accommodate the off-street parking requirements of the site.

(M) *Parking for handicapped.* Off-street parking facilities required for physically handicapped-accessible buildings shall be based on Table 13.01.B.

TABLE 13.01.B HANDICAPPED-ACCESSIBLE PARKING REQUIREMENTS	
<i>Total Parking in Lot</i>	<i>Required Minimum Number of Accessible Spaces</i>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

(Ord. 777, passed 7-3-08; Am. Ord. A-15-01, passed 2-1-16)

§ 156.181 OFF-STREET PARKING FACILITY DESIGN.

(A) *Applicability.* Whenever the off-street parking requirements in this chapter require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

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(B) *Access.*

(1) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles meeting the requirements of § 156.183.

(2) Ingress and egress to parking lot lying in an area zoned for other than one-family residential use shall not be across land zoned for one-family residential use. Each entrance to and exit from any off-street parking lot located in an area zoned for other than one-family residential use shall be at least 25 feet distant from adjacent property located in any one-family residential district.

(C) *Maneuvering lanes.* All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street is prohibited. All maneuvering lane widths shall permit one way traffic movement, except that the 90 degree pattern may permit two way movement.

(D) *Minimum dimensional requirements.* Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements of Table 13.04.

TABLE 13.02 MINIMUM DIMENSIONAL REQUIREMENTS				
<i>Parking Pattern</i>	<i>Maneuvering Lane Width</i>		<i>Parking Space</i>	
	<i>One-Way</i>	<i>Two Way</i>	<i>Width</i>	<i>Length</i>
0° (parallel parking)	12 ft. ¹	24 ft.	8 ft.	23 ft.
30° to 53°	12 ft.	24 ft.	8 ft. 6 in.	18 ft.
54° to 74°	15 ft.	24 ft.	8 ft. 6 in.	18 ft.
75° to 90°	20 ft.	24 ft.	9 ft.	18 ft.
¹ Will be required to be increased in those instances where fire or safety apparatus is required to utilize maneuvering lane				

(E) *Stacking spaces.* Required stacking spaces shall be a minimum nine feet wide and 20 feet in length.

(F) *Pavement.* For commercial and industrial uses, the entire parking area, including parking spaces and maneuvering lanes shall be paved with asphalt or concrete surfacing, in accordance with county engineering specifications. However, it is the intent of this chapter to minimize the amount of impermeable paved surface; therefore the Plan Director may approve alternative paving materials, such as permeable/grass pavers or gravel parking for low-usage parking areas or seasonal uses. The parking area shall be surfaced within one year of the issuance of a certificate of occupancy with the provision of a performance guarantee in accordance with § 156.290.

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(G) *Drainage.* All parking lots shall be graded or drained to dispose of stormwater runoff. No surface water from a commercial or industrial parking lot shall be permitted to drain directly onto adjoining property unless a drainage easement has been obtained. Discharge of drainage into a public right-of-way or county drain shall require written approval of the county.
(Ord. 777, passed 7-3-08)

§ 156.182 OFF-STREET LOADING REQUIREMENTS.

On premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods. Where loading and unloading is not proposed, the applicant shall include a notation stating such on the site plan. The Plan Director may permit central loading areas to be shared by multiple uses, such as in a retail shopping center or office park.

(A) *Number of loading spaces.* The minimum number of loading spaces shall be provided in accordance with Table 13.03:

TABLE 13.03 OFF-STREET LOADING REQUIREMENTS	
<i>Institutional Commercial and Office Uses</i>	
Up to 5,000 sq. ft. GFA	1 space
5,001 - 60,000 sq. ft. GFA	1 space, plus 1.0 space per each additional 20,000 sq. ft. GFA
60,001 sq. ft. GFA and over	3 spaces, plus 1.0 space per each additional 50,000 sq. ft. GFA
<i>Industrial uses</i>	
up to 1,400 sq. ft. GFA	0
1,401 - 20,000 sq. ft. GFA	1 space
20,001 sq. ft. GFA or more	1 space, plus 1.0 space per each additional 20,000 sq. ft. GFA in excess of 20,000 sq. ft.

(B) *Exceptions.* For office uses that will not require a large truck deliveries, loading may take place in undesignated places in parking lots provided such loading is of a short-term nature.

(C) *Size.* The size of all required loading/unloading spaces shall be at least ten feet by 50 feet or 500 sq. ft. in area, with a clearance of at least 14 feet in height. The Plan Director may modify this requirement for uses that will involve smaller delivery trucks such as offices.

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(D) *Location.* Loading/unloading areas and docks shall not be provided in the front yard. Where possible, loading areas shall be integrated into the design of the building to minimize visibility.

(E) *Traffic flow.* The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.

(F) *Screening.* Loading docks and loading areas facing a residential district or a public street shall be adequately screened by a wall and/or landscaping.

(G) *Not included with parking.* Required loading areas shall not be included in calculations for off-street parking space requirements.

(Ord. 777, passed 7-3-08)

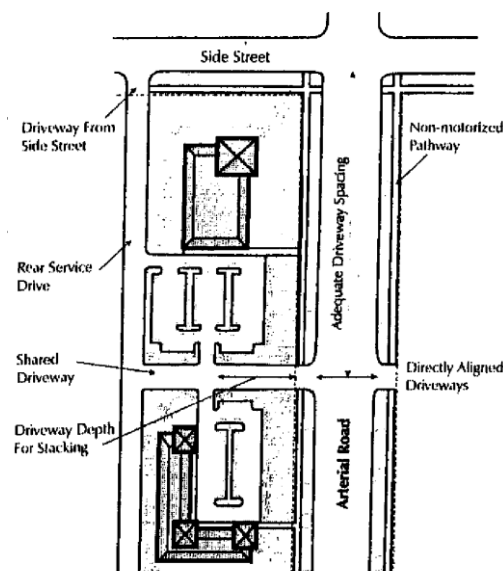
§ 156.183 DRIVEWAY ACCESS MANAGEMENT.

(A) *Driveway location in general.*

(1) All driveways serving multiple-family, commercial, office, institutional or industrial uses, hereafter referred to as “commercial driveways,” shall comply with the requirements of this section.

(2) Commercial driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.

(3) Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the county and the adjacent property owner upon written certification from



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(B) *Driveway spacing standards.*

(1) Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but in no instance shall be less than the distances listed in Table 13.04.A. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

TABLE 13.04.A INTERSECTIONS MINIMUM COMMERCIAL DRIVEWAY SPACING FROM STREET INTERSECTIONS		
<i>Location of Driveway</i>	<i>Minimum Spacing for a Full Movement Driveway</i>	<i>Minimum Spacing for Channelized Driveway Restricting Left Turns</i>
Along major thoroughfare, intersecting street is a major thoroughfare	250 feet	125 feet
Along major thoroughfare, intersecting street is not a major thoroughfare	200 feet	125 feet
Along other streets	75 feet	50 feet
For sites with insufficient street frontage to meet the above criterion, the Plan Director may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road.		

(2) Minimum spacing between two commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated in Table 13.04.B. are measured from centerline to centerline.

(3) To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the street where possible. If alignment is not possible, driveways shall be offset a minimum of 250 feet along arterial streets and 150 feet along collector and local streets from those on the opposite side of the street. These standards may be reduced by the Plan Director where there is insufficient frontage and shared access with an adjacent site is not feasible. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.

TABLE 13.04.B MINIMUM COMMERCIAL DRIVEWAY SPACING FROM ANOTHER DRIVEWAY	
<i>Posted Speed Limit (MPH)</i>	<i>Minimum Driveway Spacing (in Feet)</i>
up to 30	185
35	245
40	300
45	350
50	395
55 and higher	435

(4) In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum commercial driveway spacing standards, the Plan Director may modify the driveway spacing requirements. Such modifications shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than 60 feet, measured centerline to centerline.

(C) Number of commercial driveways.

(1) The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public street.

(2) Access shall be provided for each separately owned parcel. This access may be an individual driveway, shared driveway or via a service drive. Additional driveways may be permitted for property only as follows:

(a) One additional driveway may be allowed for properties with a continuous frontage of over 300 feet, and one additional driveway for each additional 300 feet of frontage, if the Plan Director determines there are no other reasonable access opportunities.

(b) The Plan Director determines additional access is justified without compromising traffic operations along the public street.

(c) Two one-way driveways may be permitted where the frontage is at least 125 feet.

(D) Commercial driveway design.

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(1) All commercial driveways shall be designed according to the standards of the county or Indiana Department of Transportation, as appropriate.

(2) For high traffic generators, or for commercial driveways along streets experiencing or expected to experience congestion, the Plan Director may require two egress lanes.

(3) Where a boulevard entrance is desired by the applicant or Plan Director, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will use the driveway.

(E) *Shared driveways, frontage roads and service drives.*

(1) Where noted above, or where the Plan Director determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road or rear service drive connecting two or more properties or uses may be required. In particular, service drives may be required near existing traffic signals or near locations having potential for future signalization; along major arterial streets with high traffic volumes; and along segments with a relatively high number of accidents or limited sight distance.

(2) Shared commercial driveways and service roads shall be within an access easement. A draft of the access easement shall be provided to the county for review prior to filing.

(3) The number of accesses along a service road shall be according to the standards of this section. The Plan Director may allow temporary access where the service road is not completed if a performance bond or other financial guarantee is provided which assures elimination of the temporary access upon completion of the service road. Building permits shall not be issued until such financial guarantee has been submitted to the county.

(4) *Service road design standards.*

(a) *Location.* Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service road, the Plan Director shall consider the setbacks of existing buildings and anticipated traffic flow for the site.

(b) *Access easement.* The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be 50 feet wide, except an access easement parallel to a public street right-of-way may be 40 feet wide, if approved by the Plan Director. The required width shall remain free and clear of obstructions, unless otherwise approved by the Plan Director.

(c) *Construction and materials.* Service roads shall have a base, pavement and curb with gutter in accordance county standards for public streets, except the width of the service road shall have a minimum pavement width of 24 feet.

(d) *Parking.* The service road is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The Plan Director may require the posting of “no parking” signs along the service road. In reviewing the site plan, the Plan Director may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road.

(e) *Access to service road.* The Plan Director shall approve the location of all accesses to the service road, based on the driveway spacing standards of this section, provided the Plan Director may allow additional driveways if approved by the county or the Indiana Department of Transportation, and consistent with purpose of this chapter.

(f) *Temporary access.* The Plan Director may approve temporary accesses where a continuous service road is not yet available and a performance bond or escrow is created to assure elimination of temporary access when the service road is continued. Building permits shall not be issued until monies have been deposited with the county.

(g) *Elevation.* The site plan shall indicate the proposed elevation of the service road at the property line and the county shall maintain a record of all service road elevations so that their grades can be coordinated.

(h) *Maintenance.* Each property owner shall be responsible for maintenance of the easement and service drive.
(Ord. 777, passed 7-3-08)

SIGNS

§ 156.195 INTENT.

This section of the Zoning Ordinance for Steuben County is intended to regulate signs and to minimize outdoor advertising within the county to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of visibility; promote public convenience; preserve property values; and enhance the aesthetic appearance and quality of life within the county. The requirements contained herein are intended to be content neutral. The following objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the county in order to:

(A) Protect the public right to receive messages, including religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.

(B) Maintain and improve the image of the county by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.

(C) Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.

(D) Recognize that the principal intent of commercial signs, to meet the purpose of these requirements and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.

(E) Eliminate potential conflicts between business signs and traffic control signs, which could create confusion and hazardous consequences.

(F) Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.

(G) Prevent placement of signs which will conceal or obscure signs of adjacent uses.

(H) Prevent off-premise signs from conflicting with other land uses.

(I) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair

(J) Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

(Ord. 777, passed 7-3-08)

§ 156.196 SCOPE OF REQUIREMENTS.

A sign shall not hereafter be erected, re-erected, constructed, altered or maintained without receiving the proper sign location permit, except as provided by this section.

(Ord. 777, passed 7-3-08)

§ 156.197 SIGNS NOT REQUIRING PERMIT.

A sign of the following type shall be permitted without the issuance of a sign permit, subject to all other requirements of this chapter:

- (A) *Device signs.* Permanent signs on vending machines or other containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed three square feet.
- (B) *Flags.* Flags provided there shall be no more than three flags per lot, the maximum size of each flag shall be 50 square feet, and the flag poles comply with relative height limitations.
- (C) *Employment signs.* “Help wanted” signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall not exceed six square feet.
- (D) *Enclosed signs.* Any sign that is located completely within a building and is not visible from the outside.
- (E) *Historical signs.* Plaques or signs designating a building or premises as a historic structure or premises not to exceed six square feet.
- (F) *Identification signs.* Signs for the sole purpose of designating an assigned house number, owner name, occupant, or building name. Identification signs shall not be counted in the total sign area allowed on the premises, however, such signs in excess of one square foot in surface display area may be allowed as part of the total sign area otherwise allowed by this chapter.
- (G) *Incidental signs.* Small signs, emblems, or decals informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on business affiliations. The total of all such incidental signs shall not exceed two square feet.
- (H) *Murals.* Murals shall be allowed providing no text, commercial logos or other identifiable commercial representation are included.
- (I) *Nonconforming signs.* Legal nonconforming signs existing on the effective date of the adoption of the chapter. Removal of the sign shall constitute an elimination of the non-conforming status.
- (J) *Public signs.* Public signs, including the authorized signs of a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.
- (K) *Temporary signs.* Temporary signs shall be permitted provided they are setback a minimum of ten feet from the public right-of-way or any lot line and in accordance with Table 14.03.

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TABLE 14.03 TEMPORARY SIGN REGULATIONS

<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>Maximum Number</i>	<i>Permitted Duration</i>
Community Special Event Signs	64 sq. ft.	15 ft.	1 per street frontage	Shall be installed up to 3 weeks prior to event and removed within 1 day after event
Construction Signs	64 sq. ft.	15 ft.	1 per lot, 2 on corner lot (1 facing each street)	Shall be removed from premises within 30 days after issuance of the occupancy permit or temporary occupancy permit
Garage Sale Signs	6 sq. ft.	6 ft.	1 per lot, 2 on corner lot (1 facing each street)	Shall be erected no more than 10 business days before and removed within 1 business day after the sale
Grand Opening Sign, Special Sale and Promotional Signs	16 sq. ft.	Ground sign 6 ft. Wall sign not higher than building	1 per lot, 2 on corner lot (1 facing each street)	May be erected for a maximum of 15 consecutive days each 6 months
Political signs	16 sq. ft.	- -	- -	The owner of the property or the person in charge thereof shall be responsible for the removal of the signs
Real Estate: Sale or lease of individual business or lot	8 sq. ft.	6 ft.	1 per lot, 2 on corner lot (1 facing each street)	Shall be removed within 15 days of sale closing, or the leasing or rental of the premises
Real Estate: Development Signs	32 sq. ft.	8 ft.	1 per lot, 2 on corner lot (1 facing each street)	Remove within 7 days after all units or lots sold or leased

(L) *Traffic control signs.* Signs directing and guiding traffic and parking on private property, but bearing no advertising, including logos.

(M) *Window signs.* Window signs shall be permitted in all Non-Residential Districts, up to 25% of the glass surface provided the following:

(1) The area of permanent window signs shall be counted in determining compliance with requirements for total area of wall signs.

(2) Window signs that are faded, yellowed, ripped, or otherwise damaged shall be removed immediately.

(Ord. 777, passed 7-3-08)

§ 156.198 PROHIBITED SIGNS.

The following devices and locations are specifically prohibited:

(A) *Any sign not expressly permitted.*

(B) *Banners.* Pennants, spinners, and streamers, and banners bearing any logo, product name, business name or other advertising, and balloons, except those temporarily attached to automobiles or temporarily displayed as part of a special sale, promotion or community event.

(C) *Commercial vehicles used as signs.* An unlicensed or inoperable stationary or abandoned motor vehicle, trailer or water craft parked on public or private property used specifically for signage and not for the intended use of the vehicle. No commercial vehicle may be parked on a business or industrial premise for a time period exceeding 48 hours for the intended purpose of advertising a product or serving as a business sign.

(D) *Emergency vehicles simulation signs.* Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals, or have an appearance similar to traffic safety signs or lights.

(E) *Exterior string lights.* String lights used in connection with a commercial enterprise, other than holiday decorations which are strung no more than 60 days before the holiday and removed within ten days following the holiday for which they were erected.

(F) (Reserved).

(G) *Moving signs.* Signs having moving members or parts or appearance of movement.

(H) *Snipe signs.* Signs attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.

(I) *Obsolete signs.* A sign that advertises a product that is no longer made an event that has already occurred, or that advertises a business that has closed. The Plan Director shall provide a letter to the property owner giving a set time for removal of the obsolete sign.

(J) *Off-premise signs.* A sign, except for billboards, which identifies a use or advertises products and services not available on the site or parcel on which the sign is located (e.g. garage sale signs, residential open house signs, signs providing directions to a business).

(K) *Portable signs.* Except where expressly allowed in this chapter.

(L) *Roof signs.* A sign erected above the roof line of a building.

(M) *Signs that confuse traffic.* Signs that make use of the words “Stop”, “Look”, “Go”, “Slow”, “Caution”, or “Danger”, or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

(N) *Signs that obstruct access.* Signs that prevent free and unobstructed access to any door, window, fire escape, or other required exit.

(O) *Signs that obstruct vision.* Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver’s view of approaching, merging or intersecting traffic.

(P) *Signs located in public right-of-way.* Signs located in, encroaching upon or overhanging public right-of-ways shall be removed.

(Q) *Structurally unsafe signs.* Signs which are deemed structurally unsafe or are constructed in violation of the requirements of any adopted construction code.
(Ord. 777, passed 7-3-08; Am. Ord. A-19-01, passed 11-18-19)

§ 156.199 GENERAL PROVISIONS FOR PERMITTED SIGNS.

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this section.

(A) *Determination of sign display area.* No sign shall exceed the maximum sign display area allowed for a district. The sign display area is to be expressed in square feet, computed to the nearest tenth of a square foot, and shall be computed as follows:

(1) *Single-faced sign.* The allowable area for a single-faced sign shall be measured by calculating the square footage of the sign face as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle, including any frame.

(2) *Wall signs.* Where a sign consists of individual letters and/or a logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.

(3) *Double-face signs.* Where a sign has two or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back and are separated by no more than two feet.

(B) *Design requirements.*

(1) *Architectural features.* All signs shall be placed in a manner that does not obstruct or intrude upon architectural features of a building.

(2) *Materials.* Sign materials shall be designed to complement the original construction materials and architectural style of the building façade to promote an overall unified and aesthetic effect as permitted in the various zoning districts. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

(C) *Illumination.*

(1) *General requirements.* Signs may be illuminated only by steady, stationary, shielded light sources using approved electrical devices directed solely at the sign, or internal to it.

(2) *Timer controls.* Each illuminated sign shall be equipped with a functional timer control. No sign shall be illuminated after 10:00 p.m. or ½ hour following the close of the business, whichever is later. No sign shall be illuminated before 6:00 a.m., or ½ hour prior to the beginning of the opening of the business, whichever is earlier.

(3) *Non-glare, shielded lighting.* Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded and/or shielded downward so as not to project onto adjoining properties or thoroughfares.

(4) *Traffic hazards.* Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.

(5) *Illumination by other sources.* Illumination by bare bulbs, neon or flames is prohibited.

(6) *Wiring.* Underground wiring shall be required for all illuminated signs not attached to a building.

(D) *Location.*

(1) *Setbacks.*

(a) All signs, unless otherwise provided for, shall be set back a minimum of ten feet from any public road right-of-way. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

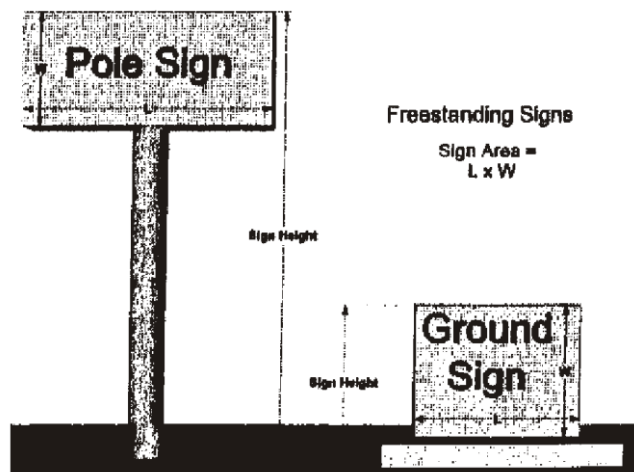
(b) Side yard setbacks for signs shall be the same as that required for the main structure or building, and provided that all non-residential signs shall be setback at least 100 feet from any residential district.

(2) *Measurement.* The following guidelines shall be used to determine compliance with setback and distance measurements:

(a) *Two signs.* The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.

(b) *Sign and property line.* The distance between a sign and a property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the property line.

(c) *Sign and other.* The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the sign and the outer edge of the parking lot or building.



(E) *Construction requirements.* The following construction requirements apply to all permanent signs.

(1) *Fastenings.* All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept

painted and free from corrosion. No sign may be placed upon a tree or utility pole, except signs of a unit of government or utility.

(2) *Support location.* No pole, cable or support of any nature shall be placed on any publicly owned property, road right-of-way, or proposed road right-of-way.

(3) *Sign safety.*

(a) All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least 20 pounds per square foot.

(b) All signs shall be erected so that any part including cables, guys, etc. shall have a minimum clearance of four feet from any electrical conductor, electric light pole, road lamp, traffic light, or other public utility pole or standard.

(c) All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code. Signs with electrical connections shall comply with Electrical Code requirements, including the application, inspection, and approval of an electrical permit.

(4) *Safety triangle.* No sign shall be located within, project into, or overhang the triangular area formed at the intersection of any two road right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection.

(Ord. 777, passed 7-3-08)

§ 156.200 PERMITTED SIGNS.

(A) The number, display area, and height of signs within the non-residential zoning districts are provided in Table 14-06 and its accompanying set of additional requirements.

TABLE 14-06 SPECIFIC SIGN REQUIREMENTS				
<i>Type of Sign</i>	<i>Max. Height (8)</i>	<i>Max. Size (1)</i>	<i>Max. Number</i>	<i>Additional Requirements</i>
Billboard	25 ft.	500 sq. ft.		(2)
Business Center	25 ft.	50 sq. ft. per face	1 per street frontage	(3)

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<i>Type of Sign</i>	<i>Max. Height (8)</i>	<i>Max. Size (1)</i>	<i>Max. Number</i>	<i>Additional Requirements</i>
Development and Subdivision Entry	42 in.	20 sq. ft. per face	1 per entrance	(4)
Gasoline Price	10 ft.	12 sq. ft. per face	1 per street frontage	(5)
Home Occupation	--	3 sq. ft.	- -	- -
Marquee (Canopy)	- -	25% of surface	1 per street frontage	(6)
Menu Boards (incl. A-frame; Sandwich Boards)	5 ft.	16 sq. ft. per side	1 per entrance	- -
Wall	Must not exceed height of building	10% of wall up to a maximum of 100 sq. ft.	1 per façade facing a street or public right-of-way	(7)
Monument or Ground	6 ft.	30 sq. ft. per side	1 per street frontage	- -

(B) Signs noted in Table 14-06 shall comply with the following requirements:

(1) The BZA may permit a 15% increase in the allowable sign area where the site has shared access with an adjoining site in accordance with § 156.183, the sign has a brick base, and additional landscaping is provided around the base of the sign.

(2) *Billboard.*

(a) *Special exception use.* The erection of any billboard requires special exception use approval, conditioned upon the terms of this and other county ordinances. Following a special exception use approval, a sign permit may be granted, subject to compliance with all of the following requirements:

1. *Allowable zoning districts.* Billboards are allowed as a principal use subject to special exception use approval in the business or industrial zoning districts abutting I-90/I-80 and I-69/U.S. 27 Freeways. The billboard must be constructed in such a manner as to be viewed principally from the freeway(s) and not from auxiliary roadways, side road, traffic intersections, or residential areas.

2. *Location.* Billboards shall be constructed so that its principal view is fully screened from an interchange area involving merging traffic. Any billboard shall comply with the

following:

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a. Shall be located at least 500 feet from any residentially zoned area, historic district or outdoor park/recreational facility.

b. The premises must have a roadway easement to a non-freeway primary or secondary road such that the persons maintaining and servicing the sign may reach the site without danger.

(b) *Billboard construction details.* A billboard shall be constructed according to building requirements, codes, and zoning regulations then in effect for the county that may apply to it and its surrounding premises. A billboard shall comply with the following height requirements:

1. A maximum height of 25 feet in height above the median ground level within a 500 feet radius of the site.

2. Shall be prohibited from:

a. Extending above the tree line or horizon when viewed from any portion of the roadway that it faces.

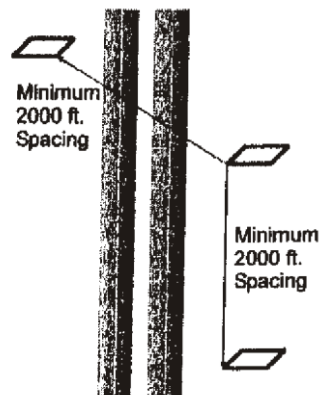
b. Being located on or over the roofs of buildings.

c. Projecting over any public easement or right-of-way.

(c) *Spacing and setbacks.* A billboard shall maintain all of the following spacing and setback requirements:

1. A minimum of 2,000 feet between any other billboard, measured in all directions and including billboards in an adjacent municipality and county.

2. At least 300 feet from any park, school, church, hospital, cemetery, or government building.



(d) *Setbacks.* Billboards shall comply with all setback requirements for a structure in the district in which they are located.

(e) *Sign face limitations.* A billboard shall be limited to one face. Faces may not be joined horizontally or vertically. A billboard shall be prohibited from having moving, flashing, oscillating or other distracting parts visible to drivers or vehicles.

(f) *Illumination.* A billboard may be illuminated subject to all of the following requirements:

1. Illumination must be directed in such a manner that all incidental light generated falls on the sign face.

2. All lights must be shielded such that the light is not visible to traffic or surrounding homes or businesses.

3. Billboards within 500 feet of any residential district may not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

(g) *Non-use.* Any billboard not in use shall have the unused surface display a scenic view, consistent with the County scenery, or a public service display.

(h) *Maintenance and unsafe conditions.* Any billboard that collapses, topples or disintegrates shall be made safe within 30 days or the site shall be cleared of the debris.

(i) *State compliance required.* All billboards shall comply with applicable requirements and conditions the state.

(j) *Identification plate.* The framework, foundations or superstructure of the billboard shall have a metal identification plate, as defined, firmly attached thereto.

(3) *Business centers.* Each business center with at least 300 feet of major road frontage may be allowed one on-premises freestanding business center sign, subject to the following:

- (a) May be directly or indirectly illuminated.

- (b) May be double-faced.

- (c) Shall not reduce the number of signs or sign area otherwise allowed for the premises included within the business center, but shall prohibit any other freestanding signs from being permitted within the business center.

(4) *Community, neighborhood, development or subdivision entry signs.*

(a) Freestanding signs of low profile design.

(b) May be directly or indirectly illuminated.

(5) *Gasoline service stations.* Each gasoline service station may be allowed the following signs in addition to the signs otherwise allowed by this chapter:

(a) Gasoline pump signs not exceeding three square feet per pump containing customary information regarding the brand, type of gasoline sold, and service provided.

(b) Shall be a low profile sign.

(c) May not project into the public right-of-way.

(d) May contain up to two pump island signs located on the structural supports identifying “self-serve” and “full-serve” operations, provided that there is no business identification or advertising copy on such signs and that such signs do not exceed four square feet in area.

(6) *Marquee signs.* Signs on marquees and canopies may be allowed, subject to compliance with all of the following requirements:

(a) The display area of the sign on a marquee, or canopy shall be counted toward determining compliance with the requirements for total allowable area of wall signs allowed on the parcel.

(b) Marquee signs are prohibited from projecting over any public easement or right-of-way.

(c) Any lettering used solely for the purpose of presenting the numerals of a road address shall not be included within the computed sign area on a marquee, or canopy, provided that the height or width of the numerals does not exceed the height or width of other letters or numerals on the marquee, or canopy.

(d) Awnings and canopies shall not be internally illuminated.

(7) *Wall signs.*

(a) Sign shall not extend more than 12 inches beyond the surface of the portion of the building wall area upon which it is painted, erected, or fastened.

(b) For businesses that face directly onto adjacent public street right-of-way, the maximum allowable wall sign area may be increased as indicated in the table below up to a maximum of 140 sq. ft.

<i>Distance of Sign From ROW Line</i>	<i>Allowable Increase in Sign Area</i>
200 - 300 ft.	25%
301 - 400 ft.	30%
401 - 500 ft.	35%
501+ ft.	40%

(c) Wall signs may be directly or indirectly illuminated.

(8) Signs within 500 feet of the interchange of I-69 and the 80/90 Toll Road shall be permitted to be increased an additional 20 feet in height due to topographical differences at this interchange area.

(Ord. 777, passed 7-3-08)

§ 156.201 SIGN LOCATION PERMITS.

(A) No person shall erect, place, construct, structurally alter, inflate any aerial balloon or add to any sign for which a permit is required, nor attach any sign to an existing sign, that shall either increase the area thereof or constitute a structural alteration thereof or an addition thereto, without first obtaining all permits to do so in the manner hereinafter provided.

(B) No sign shall be erected without securing a sign location permit from the County Plan Commission. Before such a permit is issued, an inspection shall be made to determine that the sign location complies with the provisions of this section.

(C) As a condition to approval of a county sign location permit, all signs to be located along state highway right-of-way shall obtain the proper state sign permit or written non-objection from the Indiana Department of Transportation, and a copy shall be provided to the Plan Director prior to erecting the sign.

(D) No off-premise sign shall be located on a property without written consent of the property's owner or legal representative.

(E) The sign location permit shall be valid prior to actual placement of the sign for a period not exceeding 90 days, provided that when a sign permit is issued in connection with a improvement location permit for a structure on the site where the sign is to be located, the sign permit shall run concurrent with the improvement location permit. Only one 90 day extension can be issued by the office of the Plan Commission, after which time the permit shall be null and void.

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(F) A permit card along with a permit number and number tag shall be issued upon proper application.

(G) The applicant needs to secure the permit number tag to the appropriate outdoor advertising structure in a location visible from the public way.

(H) No permit shall be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Furthermore, a permit shall not be required of signs which are stated as being allowable without a permit.
(Ord. 777, passed 7-3-08)

§ 156.202 APPLICATION PROCEDURE.

(A) *Application form.* Application for a permit for a sign shall be filed with the County Plan Department and shall provide the following information:

- (1) Name, address, and telephone number of the applicant.
- (2) Location of the building, structure, or lot on which the sign is to be attached or erected.
- (3) Position of the sign in relation to buildings, structures, and property lines within 100 feet of the proposed sign.
- (4) Plans showing the dimensions, materials, method of construction, and attachment to the building or in the ground.
- (5) Copies of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.
- (6) Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.
- (7) Information concerning required electrical connections.
- (8) Written consent of the owner or lessee of the premises upon which the sign is to be erected.
- (9) Other information required by the County Planner to make the determination that the sign is in compliance with all applicable laws and regulations.

(B) *Application review.*

(1) *Plan Commission review.* All locations for placement of a sign submitted in conjunction with the proposed construction of a new building or addition to an existing building or as part of a site plan review required by this chapter shall be reviewed by the Plan Commission as a part of the required site plan review. The location, size and height of all existing and proposed signs must be shown on the site plan.

(2) *County Planner review.* The County Planner shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.

(3) *Issuance of a permit.* Following review and approval of a sign application by the County Planner, as appropriate, the County Planner shall have the authority to issue a sign permit upon payment by the applicant of the required fees.

(4) *Denial of a permit.* The County Planner shall deny the application for any sign that does not comply with the requirements of this chapter.
(Ord. 777, passed 7-3-08)

§ 156.203 SIGN INSPECTION AND MAINTENANCE.

(A) *Sign inspection.*

(1) *Responsibility for compliance.* The owner of any property on which a sign is located is declared to be responsible for the permit, erection, inspection, safety, condition, and removal of a sign and the area in the vicinity thereof.

(2) *Inspection of new signs.* All signs for which a permit has been issued shall be inspected by the County Planner when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable requirements of county ordinances and codes.

(3) *Inspection before enclosure.* In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Plan Director when such fastenings are to be installed so that inspection may be completed before enclosure.

(4) *Inspection of existing signs.* The Plan Director may, at such times as deemed necessary, inspect any sign allowed under this section, and if upon inspection a sign is found to be unsafe or in a condition that does not comply with all the provisions of this section, the Plan Director shall give notice of such condition to the owner for such sign and cause to be made the necessary repairs or alterations, or remove the sign.

(B) *Sign maintenance.*

(1) *Maintenance of signs.* All signs for which a permit is required and all supports therefore shall:

(a) Be kept in compliance with the plans and specifications filed and approved for issuance of the construction permit.

(b) Be kept and maintained in a safe condition, consistent with adopted building and mechanical codes.

(c) At all times conform to all the provisions of this chapter.

(2) *Correction of defects.* If the Plan Director finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the Plan Director. Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired within 12 hours of notification.

(C) *Obsolete signs.*

(1) An obsolete sign and its supporting structure shall be removed by the property owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises within ten days after written notice from the Plan Director.

(2) A sign which is in conformity with the other provisions of these regulations may remain in place if such sign is obscured by the use of a blank panel attached within the frame of the sign and shall be permitted to remain for a period not to exceed 120 days.

(3) Where a successor to an inactive business agrees, within 30 days of the date of written notice by the Plan Director, to maintain the sign as provided for by these regulations, this removal requirement shall not apply, provided that the existing sign and structure conforms to all current sign requirements.

(D) *Legal nonconforming signs.*

(1) *Continuance.* Any sign lawfully existing at the time of the adoption of this chapter that does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as herein provided.

(2) *Nonconforming sign.* The nonconforming sign may continue as long as it is not destroyed, abandoned, or discontinued. A sign damaged in excess of 50% of its replacement cost is considered destroyed.

(3) *Restrictions.* A nonconforming sign shall not be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of this section. For the purpose of this chapter only, the term “altered” or “reconstructed” shall not include any of the following:

- (a) Normal maintenance.
- (b) Changing of surface sign space to a lesser or equal area.
- (c) Ornamental molding, frames, trellises, or ornamental features or landscaping below the base line.
- (d) The addition, construction, installation, or changing of electrical wiring or electrical devices.
- (e) Changing backgrounds, letters, figures, or characters, or other embellishments.

(4) *Requirements.* Nonconforming signs shall comply with the following requirements:

(a) *Repairs and maintenance.* Normal maintenance shall be allowed, provided that any nonconforming sign that is destroyed by any means to an extent greater than 50% of the sign’s preexisting fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices.

(b) *Nonconforming changeable copy signs.* The message on a nonconforming changeable copy sign or nonconforming bulletin board sign may be changed provided that the change does not create any greater nonconformity.

(c) *Substitution.* No nonconforming sign shall be replaced with another nonconforming sign.

(d) Where an existing nonconforming sign ceases to display advertising matter, has obsolete advertising mater or is blank for a period of one year, it will be considered discontinued or abandoned.

(Ord. 777, passed 7-3-08)

§ 156.204 FEES/COSTS.

(A) *Fees.* Any application for a sign permit or other request for other action pursuant to the regulations set forth in this chapter shall be subject to and accompanied by a fee as established by the county. Such fees shall be collected in advance of any application review, inspection, or issuance of any

permit or approval. Upon notification of deficient payment of fees, the County Planner shall cause any permits to be suspended and reject applications for new permits directly associated with the request.

(B) *County costs.* All costs incurred by the county in removing signs not in accord with this chapter shall become a lien on the property on which said sign is erected and may be collected at law from those responsible for said sign or equity by foreclosure and sale of the land upon which the sign was erected or may be assessed to the property and collected as a property tax.
(Ord. 777, passed 7-3-08)

FLOODPLAIN RESTRICTIONS

§ 156.215 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES.

(A) *Statutory authorization.* The Indiana Legislature has in I.C. 36-7-4 and I.C. 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the County Commission does hereby adopt the following floodplain management regulations.

(B) *Findings of fact.* The flood hazard areas of the county are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

(C) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and

(6) Make federally subsidized flood insurance available for structures and their contents in the county by fulfilling the requirements of the National Flood Insurance Program.

(D) *Objectives.* The objectives of this chapter are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

(7) To ensure that potential homebuyers are notified that property is in a flood area.

(Ord. 777, passed 7-3-08; Am. Ord. A-10-04, passed 9-20-10; Am. Ord. A-13-01, passed 9-16-13)

§ 156.216 GENERAL PROVISIONS.

(A) *Lands to which this chapter applies.* This chapter shall apply to all special flood hazard areas (SFHAs) within the jurisdiction of the county.

(B) *Basis for establishing regulatory flood data.*

(1) This chapter'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.

(2) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Steuben County shall be as delineated on the 1% annual chance flood profiles in the Flood Insurance Study of Steuben County, Indiana and Incorporated Areas dated December 17, 2013 and the corresponding Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated December 17, 2013 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

(3) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Steuben County, delineated as an “A Zone” on the Steuben County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated December 17, 2013 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date shall be according to the best date available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.

(4) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community’s known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.

(C) *Establishment of floodplain development permit.* A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard.

(D) *Compliance.* No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.

(E) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(F) *Discrepancy between mapped floodplain and actual ground elevations.*

(1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a letter of map amendment (LOMA).

(G) *Interpretation.* In the interpretation and application of this chapter all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the county; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(H) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter 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 chapter does not create any liability on the part of the county, the Indiana Department of Natural Resources, or the state, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully hereunder.

(I) *Penalties for violation.* Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the chapter for the county. All violations shall be punishable by a fine not exceeding \$75 per day. A separate offense shall be deemed to occur for each day the violation continues to exist. The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended. 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.

(J) *Increased cost of compliance (ICC).* In order for buildings to qualify for a claim payment under ICC coverage as a repetitive loss structure, the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two occasions during a ten year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average equaled or exceeded 25% of the market value of the building at the time of each such flood event.

(Ord. 777, passed 7-3-08; Am. Ord. A-10-04, passed 9-20-10; Am. Ord. A-13-01, passed 9-16-13)

§ 156.217 ADMINISTRATION.

(A) *Designation of administrator.* The County Commissioners hereby appoint the County Plan Director to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.

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(B) *Permit procedures.* Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) *Application stage.*

- (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 development locations and existing and proposed land grades;
- (e) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
- (f) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be flood proofed;
- (g) Description of the extent to which any watercourse will be altered or related as a result of proposed development; and

(2) *Construction stage.* Upon placement of the lowest floor; or flood proofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD or NGVD elevation of the lowest floor or flood proofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When flood proofing is utilized for a particular structure the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. The permit holder shall correct deficiencies detected by the review before any further work is allowed to proceed. Failure to submit the survey or failure to make required corrections, shall be cause to issue a stop-work order for the project.

(C) *Duties and responsibilities of the Floodplain Administrator.* The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this chapter. The Floodplain Administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose. Duties and responsibilities of the Floodplain Administrator shall

include, but not be limited to:

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- (1) Review all floodplain development permits to assure that the permit requirements of this chapter have been satisfied;
- (2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
- (3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to division (C)(6), and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
- (4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
- (5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
- (6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and flood proofing data for all buildings constructed subject to this chapter.
- (7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with division (B);
- (10) Verify and record the actual elevation to which any new or substantially improved structures have been flood proofed, in accordance with division (B);
- (11) Review certified plans and specifications for compliance.

(D) *Stop work orders.*

- (1) Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease.
- (2) Such notice shall be in writing and shall be given to the owner of the property, or to his or

her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

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(E) *Revocation of permits.*

(1) The administrator may revoke a permit or approval, issued under the provisions of the chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(2) The administrator may revoke a permit upon determination by the administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(3) *Inspect sites for compliance.* For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized county officials shall have the right to enter and inspect properties located in the SFHA.
(Ord. 777, passed 7-3-08; Am. Ord. A-13-01, passed 9-16-13)

§ 156.218 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(A) *General standards.* In all SFHAs and known flood prone areas the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the flood protection grade (FPG);

(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this chapter shall meet the requirements of “new construction” as contained in this chapter; and

(10) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this chapter, shall be undertaken only if the non-conformity is not further, extended, or replaced.

(11) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood elevation (BFE) shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.

(a) The excavation shall take place in the floodplain and in the same immediate watershed in which the authorized fill or structure is located;

(b) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same immediate watershed in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled;

(c) The fill or structure shall not obstruct a drainage way leading to the floodplain;

(d) The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and

(e) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Plan Director a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this chapter.

(B) *Specific standards.* In all SFHAs, the following provisions are required:

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(1) In addition to the requirements of division (A) all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

- (a) Construction or placement of any new structure having a floor area greater than 400 square feet;
- (b) Addition or improvement made to any existing structure:
 - 1. Where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).
 - 2. With a previous addition or improvement constructed since the community's first floodplain ordinance.
- (c) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure of it's before damages condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;
- (d) Installing a travel trailer or recreational vehicle on a site for more than 180 days;
- (e) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
- (f) Reconstruction or repairs made to a repetitive loss structure.

(2) *Residential construction.* New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division (B)(4).

(3) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division (B)(4). Structures located in all "A Zones" may be flood proofed in lieu of being elevated if done in accordance with the following:

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(a) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in § 156.217(C)(10).

(b) Flood proofing measures shall be operable without human intervention and without an outside source of electricity.

(4) *Elevated structures.* New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the follow minimum criteria:

(a) Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every square foot of enclosed area);

(b) The bottom of all openings shall be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher;

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

(d) Openings are to be not less than three inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device;

(e) Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator);

(f) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms;

(g) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade; and

(h) Where elevation requirements exceed six feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final certificate of occupancy.

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(5) *Structures constructed on fill.* A residential or nonresidential structure may be constructed on a permanent land fill 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 either standard or modified proctor test method.

(b) The fill should extend at least ten feet beyond the foundation of the structure 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 top of the lowest floor including basements shall be at or above the FPG.

(6) *Standards for manufactured homes and recreational vehicles.* 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 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 in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.

(b) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations 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. 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.

(c) Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in division (B)(4).

(d) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(e) Recreational vehicles placed on a site shall either:

1. Be on site for less than 180 days; and
2. 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
3. Meet the requirements for “manufactured homes” as stated earlier in this section.

(C) *Standards for subdivision proposals.*

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.

(D) *Critical facility.* Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

(E) *Standards for Identified Floodways.* Located within SFHAs, established in § 156.216(B), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential.

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(1) If the site is in an identified floodway, the Plan Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of I.C. 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (I.C. 14-28-1-26 allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources.) If fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

(2) No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this section have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, more restrictive local regulations (if any) shall take precedence.

(3) No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

(4) For all projects involving channel modifications or fill (including levees) the county shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

(F) *Standards for identified fringe.* If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this section 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 FPG.

(G) *Standards for SFHAs without established base flood elevation and/or floodways/fringes.*

(1) Drainage area upstream of the site is greater than one square mile:

(a) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all

pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

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(b) No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the 1% annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

(c) Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

(2) Drainage area upstream of the site is less than one square mile: If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and 1% annual chance flood elevation for the site. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in § 156.218 of this chapter have been met.

(3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

(H) *Standards for flood areas.* All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per § 156.218.

(Ord. 777, passed 7-03-08; Am. Ord. A-10-04, passed 9-20-10; Am. Ord. A-13-01, passed 9-16-13)

§ 156.219 VARIANCE PROCEDURES.

(A) *Designation of variance and Appeals Board.* The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this chapter.

(B) *Duties of variance and Appeals Board.* The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this chapter. Any person aggrieved by the decision of the Board may appeal that decision to the County Circuit/Superior Court, as provided in state statute.

(C) *Variance procedures*. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and

- (1) The danger of life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The importance of the services provided by the proposed facility to the community;
- (4) The necessity to the facility of a waterfront location, where applicable;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (6) The compatibility of the proposed use with existing and anticipated development;
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and
- (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(D) *Conditions for variances.*

- (1) Variances shall only be issued when there is:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (2) No variance for a residential use within a floodway subject to § 156.218(E) or (G)(1) may be granted.

(3) Any variance granted in a floodway subject to § 156.218(E) or (G)(1) will require a permit from the Indiana Department of Natural Resources.

(4) Variances to the Provisions for Flood Hazard Reduction of § 156.218(B) 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.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances 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.

(7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See division (E)).

(8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See division (E)).

(E) *Variance notification.* Any applicant to whom a variance is granted shall be given written notice by the Floodplain Administrator that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance; and;

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(3) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

(F) *Historic structure.* Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

(G) *Special Conditions*. Upon the consideration of the factors listed in this section, and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
(Ord. 777, passed 7-3-08; Am. Ord. A-13-01, passed 9-16-13)

***IMPROVEMENT LOCATION PERMITS, SITE PLANS AND CERTIFICATES
OF OCCUPANCY***

§ 156.230 GENERAL REQUIREMENTS.

No structure shall be erected, moved, occupied, or added to; and no land shall be used or occupied without an improvement location permit, as required by this chapter. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this chapter, the Subdivision Control Ordinance, and other applicable regulations of the county, as applicable. The issuance of all Improvement Location Permits shall be subject to the applicable procedures established by the Plan Director.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.231 IMPROVEMENT LOCATION PERMITS.

An improvement location permit shall be obtained for any of the following actions. Certain activities are exempt from the requirement of obtaining an Improvement location permit, but must still be in compliance with the use, setback and other requirements of this chapter. Major activities such as commercial or industrial uses require a full engineered site plan. Minor activities such as single family residential dwellings may provide a less detailed sketch plan, provided the level of detail is sufficient to demonstrate compliance with this chapter.

<i>Activity/Use</i>	<i>Improvement Location Permit</i>
Agricultural buildings or structures	Sketch plan
Single family detached and two family dwellings	Sketch plan
Multiple family dwellings	Site plan
Non residential building	Site plan
Establishment of a new special exception use (see §§ 156.245 <i>et seq.</i>)	Site plan
Planned Development Area (see §§ 156.245 <i>et seq.</i>)	Site plan

<i>Activity/Use</i>	<i>Improvement Location Permit</i>
Decks, patios, driveways who's walking surface is not more than eight inches off finished grade at any point	Exempt
Private Road	Site plan
Construction solely on the building interior that does not increase usable floor area	Exempt
Cosmetic (non-structural) changes to any structure including the replacement of windows in existing openings, re-roofing, the installation of siding material, and repainting	Exempt
Wireless communication facility	Site plan
Change in use to an existing building to a similar or less intensive use, as determined by the Plan Director	Exempt
Change in use to an existing building to a more intensive use, as determined by the Plan Director	Sketch plan
Temporary uses, buildings, structures, and seasonal events	Sketch plan
Temporary storage/accessory structures	Sketch plan
Accessory commercial or industrial outdoor storage	Site plan
New parking lot/loading area or change in driveway access for a non-residential use	Site plan
Expanding an existing parking lot or paving an existing gravel parking lot	Site plan
Resurfacing of existing parking lot without increasing number of spaces	Exempt
Residential driveways and sidewalks that are located entirely on private property	Sketch plan
Construction, relocation or erection of signs, retaining walls, fences, walls, waste receptacle, sidewalks, antennas, lights, poles, cooling/ heating or other mechanical equipment for an nonresidential use	Sketch plan
All fences (landscaping, privacy or security) and all retaining walls except on farms and lots in the Agricultural District	Sketch plan
Residential TV towers, satellite dishes, and other similar structures	Exempt
Modifications to comply with accessibility requirements	Exempt

<i>Activity/Use</i>	<i>Improvement Location Permit</i>
Mineral extraction	Site plan
Alteration of the existing grade in excess of two feet relative to the grade at the property lines of adjoining property owners in subdivisions, and/or in R-I, R-2, R-3, LR, MH Zoning Districts	Sketch plan
Private ponds	Sketch plan

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11; Am. Ord. A-14-01, passed 1-21-14)

§ 156.232 SITE PLAN/SKETCH PLAN REQUIREMENTS.

The application for an improvement location permit shall be accompanied by the following:

(A) A description of the proposed development and legal description of the property site.

(B) A dimensioned site plan or sketch plan, drawn to scale showing existing and proposed structure locations and existing and proposed land grades. Engineered site plans must include all of the information noted with an "X;" provided the level of detail is sufficient to demonstrate compliance with this chapter.

<i>Site Plan/Sketch Plan Information</i>	<i>Sketch Plan</i>	<i>Site Plan</i>
Name, address and seal of professional engineer or land surveyor who prepared the site plan	X	X
The address of the parcel	X	X
Photograph of existing site conditions	X	X
Property survey showing topography, existing structures, utilities and floodplain elevation	X	X
Property boundaries, including dimensions	X	X
Net lot area (Exclusive of any road right-of-way, or submerged land)	X	X
Drawing scale and north arrow	X	X
Site location map showing the subject property, adjacent streets, and the nearest intersection	--	X

<i>Site Plan/Sketch Plan Information</i>	<i>Sketch Plan</i>	<i>Site Plan</i>
Zoning of site and adjacent land	X	X
Rights-of-way (with street name and classification labeled) and easements	X	X
Drainage courses, floodplains, lakes, streams and wetlands	X	X
Required setbacks and yard areas	X	X
Adjacent building, structures or pavement within 20 feet of site, including buildings and decks on adjacent waterfront lots	X	X
All existing and proposed structures or other site improvement with the dimensions of such improvements	X	X
Height of all structures	X	X
Distances from all proposed structures to the property lines	X	X
Location of any existing or proposed septic field	X	X
Well sites	X	X
Utility information including water mains, water service leads, fire hydrants, sewer lines and electrical service	X	X
Location of any existing or proposed driveway and/or parking areas	X	X
Parking space dimensions, number of required and provided parking spaces, driving aisle widths, pavement materials, curb locations	--	X
Driveway widths, intersection radii, pavement materials, curb locations, deceleration tapers, and distances to the nearest drives on the same and opposite side of the street	--	X
Location of any drive-through facilities, including vehicle stacking spaces and point of service	--	X
Location of any loading areas	--	X
Sidewalks (public and private) including construction details and accessible ramps details;	--	X
Landscaping, with plant materials labeled according to size at planting and species	--	X
Permanent or occasional outdoor storage, sales, and/or display	X	X

<i>Site Plan/Sketch Plan Information</i>	<i>Sketch Plan</i>	<i>Site Plan</i>
Fences or walls	X	X
Photometric plan and detailed specifications for all exterior lighting fixtures	- -	X
Waste containers and detail demonstrating how they are to be enclosed	X	X
Location, type, and dimensions of any storm water structures, conduits, or detention/retention ponds that are located on, cross, or adjoin the subject property	--	X
General grades on-site sufficient to determine positive drainage	X	X
Flood hazard areas, including the finished floor elevation, base flood elevation, and flood protection grade for all structures	X	X

(C) All plans shall be based on an accurate survey prepared by a licensed land surveyor. The requirement for a survey may be waived on agricultural or residential parcels greater than one acre where all buildings will be setback from all lot lines at least five feet more than the minimum required setback and building and impermeable coverages are at least 3% less than the minimum required.

(D) A driveway permit from the applicable state or county highway engineer.

(E) A letter of approval from the relative waste district, where applicable.

(F) A well and septic permit or letter of non-objection from the Health Department.

(G) A letter of approval from the County Surveyor relative to drainage plan and setbacks from legal drains.

(H) A letter of air space approval, if so applicable.

(I) A mobile home tax release from the County Treasurer, if so applicable.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.233 IMPROVEMENT LOCATION PERMITS REVIEW.

(A) Upon receipt of an application for an improvement location permit and site plan/sketch plan, the Plan Director, or his or her designee, shall determine if the site plan/sketch plan complies with the requirements of this chapter.

(B) An improvement location permit shall not be issued for a site located within an identified floodway or within the floodplain where the limits of the floodway have not yet been determined, except as follows:

(1) If the site is in an identified floodway the Building Official 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.

(a) Under the provision 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 the 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.

(b) No action shall be taken by the Plan Director 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 Plan Director may issue the local improvement location permit, provided the provisions contained in § 156.218 of this chapter have been met. The improvement location permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

(2) If the site is located in an identified floodway fringe, then the Plan Director may issue the local improvement location permit, provided the floodplain provisions contained in §§ 156.215 *et seq.* of this chapter have been met. The key provision is that the bottom of the lowest provisions contained in § 156.218 of this chapter have been met.

(3) 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 the Flood Insurance Rate Map), and the drainage area upstream for the site is greater than one square mile, the Plan Director 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.

(a) No action shall be taken by the Plan Director 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.

(b) Once the Plan Director has received the proper permit or letter of recommendation approving the proposed development, and improvement location permit may be issued provided the conditions of the Permit may be issued provided the conditions of the ILP are not less restrictive than the conditions received from the Department of Natural Resources and the provisions of this chapter have been met.

(c) If the application for an improvement location permit is approved, the applicant shall post the permit in a conspicuous location on the site of a new, or altered building or structure, or an addition, or a building or structure moved from another location.

(d) Buildings shall be completed for issuance of a certificate of compliance within one year from the date of issuance of the permit, or a new permit must be obtained.

(e) An improvement location permit may be extended by a six-month period a maximum of two times if construction has already commenced and the applicant has demonstrated a good-faith effort to complete the permit.

(f) An applicant must notify the Plan Director immediately if there are any changes to the approved plan. Significant changes may require issuance of a new improvement location permit. (Ord. 777, passed 7-3-08; Am. Ord. A-10-04, passed 9-20-10; Am. Ord. A-11-02, passed 7-5-11)

§ 156.234 CERTIFICATE OF COMPLIANCE.

(A) No application for an improvement location permit under this chapter may be considered unless the applicant has also applied for a certificate of compliance.

(B) It is unlawful to use or permit the use of any building or premises, or both, or part thereof hereinafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Plan Director stating that the proposed use of the building or land conforms to the requirements of this chapter.

(C) Within ten days after the completion of the change authorized by the improvement location permit, the Administrator shall inspect the premises. If the change conforms to this chapter and the improvement location permit, a certificate of compliance, if required by §§ 156.215 *et seq.*, will be issued.

(D) Any person utilizing, or occupying, a building prior to the issuance of a certificate of compliance will be fined \$75 per day for every day the building is utilized, or occupied, from the day he or she is informed of noncompliance in writing, until:

(1) The building is not utilized, or occupied; or

(2) The issuance of a certificate of compliance.

(Ord. 777, passed 7-3-08)

§ 156.235 INDUSTRIAL USES: CERTIFICATE OF COMPLIANCE.

If an application for an improvement location permit relates to a light or general industrial use, it must be accompanied by a certificate of compliance, subscribed by a registered professional engineer of

the state, stating that the use will meet the performance standards as set forth in § 156.126. After a ten day period has elapsed during which the Plan Director has not required additional information or objected in writing, he or she shall issue the permit.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-02, passed 7-5-11)

§ 156.236 RECORDS.

A record of each improvement location permit and each certificate of compliance shall be kept by the Plan Director. Upon request, a copy shall be furnished to any person having proprietary or possessory interest in the premises concerned.

(Ord. 777, passed 7-3-08)

SPECIAL EXCEPTION REVIEW REQUIREMENTS AND PROCEDURES

§ 156.245 SPECIAL EXCEPTION APPROVAL.

A use listed in a zoning district as a special exception use may only be established or expanded with the approval of the Board of Zoning Appeals (BZA) following the procedures and requirements of this chapter.

(Ord. 777, passed 7-3-08)

§ 156.246 APPLICATION.

The applicant shall submit a special exception use application, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to, the following:

(A) *Site plan.* A site plan, signed and dated, and clearly showing all features relevant to the special exception use request in accordance with § 156.232.

(B) *Written commitments.* Documentation of any written commitments being made as a part of the application.

(Ord. 777, passed 7-3-08)

§ 156.247 NOTIFICATION.

For all public hearings, notice shall be provided to the public consistent with the requirements of Indiana State Code. Public notice setting forth the time and place shall be given at least ten days before the date of the hearing in a newspaper of general circulation by the county. Notification shall also be

provided by regular US mail at least ten days before the date of the hearing to the applicant and the two properties in all directions that are within 600 feet of the subject property (i.e. all adjacent property and the next set of property beyond the adjacent property if within 600 feet). The cost of such notices shall be borne by the person applying for the special exception.
(Ord. 777, passed 7-3-08)

§ 156.248 PUBLIC HEARING.

The BZA will, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the special exception use application and required supporting information.

(A) *Procedures.* The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules of Procedure of the Board.

(B) *Possible action.* The BZA may approve, approve with conditions, deny, or continue the application.

(1) *Approval.* The application may be approved if findings of fact are made consistent with the requirements of § 156.249.

(2) *Approval with conditions.* The application may be approved with conditions if the Board of Zoning Appeals determines that the required findings of fact may be made only if certain written commitments are applied to the application.

(3) *Denial.* The application shall be denied if findings of fact consistent with the requirements of § 156.249 are not made.

(4) *Continued.* The application may be continued by the Board based on a request by the Plan Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request.
(Ord. 777, passed 7-3-08)

§ 156.249 DECISION CRITERIA.

The Board may grant a special exception use approval for any use listed as “special exception” in the applicable zoning district of this chapter if, after a public hearing, it makes findings of fact in writing that each of the following is true:

(A) *General welfare.* The proposal will not be injurious to the public health, safety, and general welfare of the community. The development will be served adequately by essential public facilities and services such as: highways, streets, police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.

(B) *Development requirements.* The development of the property will be consistent with the intent of the development requirements established by this chapter for similar uses. The development will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity.

(C) *Ordinance intent.* Granting the special exception use will not be contrary to the general purposes served by this chapter, and will not permanently injure other property or uses in the same zoning district and vicinity.

(D) *Comprehensive plan.* The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.
(Ord. 777, passed 7-3-08)

§ 156.250 OTHER CONSIDERATIONS.

When considering a special exception use request the Board of Zoning Appeals may examine the following items as they relate to the proposed use:

(A) The special exception will not endanger the public health, safety, or welfare.

(B) The special exception will not be injurious to the use and enjoyment of other property in the vicinity nor diminish and impair property values within the neighborhood.

(C) The special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts.

(D) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

(E) Ingress and egress points are so designated as to minimize traffic congestion in the public streets.

(F) The special exception use is authorized as a use in that district.

(G) The requirements for special exception prescribed by this chapter will be met.
(Ord. 777, passed 7-3-08)

§ 156.251 CONDITIONS AND COMMITMENTS.

The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in § 156.250 will be served. The Board may also accept written

commitments concerning the use or development of the property. Any conditions and/or commitments shall be recorded in the Steuben County Recorder's Office by the applicant within 90 days of approval.

(A) *Recording required.* A copy of the recorded document shall be provided to the Plan Director for inclusion in the petition file prior to the issuance of any improvement location permits.

(B) *Compliance required.* No improvement location permit shall be issued for any permit application which does not comply with the recorded conditions and/or commitments.

(C) *Expiration of approval.* If a person to whom an improvement location permit has been issued for a special exception use fails to begin construction within 12 months after the permit is issued, or fails to comply with the approved plan, said permittee may be required by the Board on its own initiative and shall be required by the Board upon written request of any interested person, to show cause why the permit should not be revoked. However, an order to show cause may not be issued for failure to begin construction on time if in the meantime construction has begun.

(1) In a proceeding to show cause under this division (C), the Board shall hold a public hearing, of which written notice shall be published according to law and sent by certified mail to the holder of the permit. This notice must be published and mailed at least ten days before the date set for the hearing.

(2) At the hearing, evidence may be presented by any person present. If on the evidence the Board finds that the holder of the permit has failed as described in this division (C), it shall revoke the permit. However, if it considers the failure correctable within six months, it may defer revocation and continue the hearing until a specified day within that period.

(Ord. 777, passed 7-3-08)

§ 156.252 LIMITATIONS.

Special exception use approvals shall be invalid if:

(A) Changes are made to the site that violate the ordinance or the conditions of approval; or

(B) The special exception use approval is terminated.

(Ord. 777, passed 7-3-08)

§ 156.253 SPECIAL EXCEPTION USE EXPANSION.

A use authorized as a special exception use may not be expanded, extended, enlarged or moved to a new location unless reauthorized by the Board under the procedures set forth in this chapter for granting a special exception use approval.

(Ord. 777, passed 7-3-08)

PLANNED UNIT DEVELOPMENT**§ 156.265 INTENT.**

(A) The Planned Unit Development (PUD) standards are a supplementary list of “overlay” zoning standards which apply to properties simultaneously with one of the other zoning districts established in this chapter, hereinafter referred to as the “underlying” zoning district.

(B) The PUD standards are provided as a design option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership, and variety in design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve farmland, significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment, and shopping opportunities particularly suited to residents of the county; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.

(C) The standards are intended to accommodate development on sites with significant natural, historical, and architectural features, as noted in the County Comprehensive Plan, on land which exhibits difficult development constraints, and/or to provide the opportunity to mix compatible uses or residential types, and/or to allow clustering of residential units to preserve common open space and natural features. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes set forth in this section.

(D) In order to encourage PUD developments on specific properties, these standards may allow the County to relax or waive one or more of the requirements of the underlying district. The PUD also allows the developer the opportunity to mix compatible uses or residential types on a single property, allows clustering to reduce construction costs, and may enhance marketability through the preservation of significant natural, historical, and architectural features.

(Ord. 777, passed 7-3-08)

§ 156.266 QUALIFYING CONDITIONS.

In order to qualify for PUD approval, the applicant must demonstrate in writing that each of the following criteria will be met by the proposed PUD:

(A) *Demonstrated benefit.* The PUD shall provide two or more of the following benefits not possible under the requirements of another zoning district, as determined by the Plan Commission:

- (1) Preservation of significant natural features or farmland.
- (2) A complementary mixture of uses or a variety of housing types that provides a benefit to the county over conventional development.
- (3) Common open space for passive or active recreational use.
- (4) Mitigation to offset community impacts such as public roadway improvements.
- (5) Redevelopment of a nonconforming site where creative design can address unique site constraints.

(B) *Availability and capacity of public services.* The proposed type and density of use(s) shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.

(C) *Compatibility with the Comprehensive Plan.* The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the County Comprehensive Plan.

(D) *Compatibility with the PUD Purpose.* The proposed PUD shall be consistent with the intent of this Chapter and spirit of this chapter.

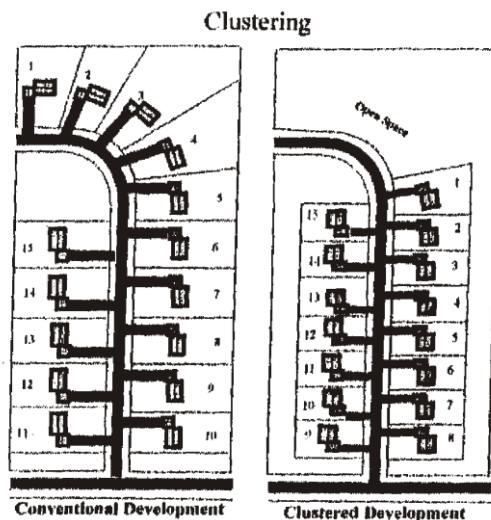
(E) *Development impact.* The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this chapter.
(Ord. 777, passed 7-3-08)

§ 156.267 PERMITTED USES.

Principal uses permitted under the PUD standards are based on the underlying zoning district.

(A) All permitted uses and special exception uses of the underlying district shall be permitted.

(B) In addition to those uses, low density multiple-family dwellings or a mixture of single and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses may be permitted within the PUD.



(1) Residential density shall be determined by a conventional development plan that illustrates how the site could be developed as a conventional subdivision, meeting all applicable county zoning and subdivision requirements. The Plan Commission shall review the design and determine the number of buildable lots that could be feasibly constructed, taking into consideration any wetlands or other non-buildable land. This number shall be the maximum number of dwelling units allowable for the PUD. Where the underlying zoning is multiple family, density shall be determined based upon the underlying zoning district and the definition of density.

(2) Once the density has been determined, residential units may be clustered on smaller lots on a portion of the site, with the remaining land area being preserved as open space.

(C) For a PUD in a residential district that has an area of at least 40 acres, up to 10% of the total site acreage may be developed with uses permitted in the LB District. Such uses must front a public street and be developed in conjunction with, or following, development of the residential uses.

(D) For a PUD in a LB or GB business district, residential uses may be permitted in a mixed use PUD such as residential apartments on a second floor above retail uses.
(Ord. 777, passed 7-3-08)

§ 156.268 DIMENSIONAL REQUIREMENTS.

(A) *Base zoning regulations.* Unless modified by the Plan Commission, according to the PUD standards, all Zoning Ordinance requirements for the zoning district shall remain in full force.

(B) *Regulatory flexibility.* To encourage flexibility and creativity consistent with the PUD concept, the Plan Commission may grant specific departures from the requirement of this chapter as a part of the approval process. Yard, lot width, and bulk standards may be modified, provided that such

modifications result in enhanced buffering from adjacent land uses or public right-of-ways, or preservation of natural features.

(C) *Approval of modifications.* Any regulatory modification shall be approved through a finding by the Plan Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Board of Zoning Appeals. No part of a PUD plan may be appealed to the Board of Zoning Appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan or the requirements of the chapter.

(D) *Table of modifications.* A table shall be provided on the site plan which specifically details all deviations from the established zoning district's lot area, height and setback regulations, off-street parking regulations, general provisions, subdivision regulations or other Zoning Ordinance provisions which would otherwise be applicable to the uses and development proposed in the absence of this PUD Chapter. This specification should include ordinance provisions, from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this chapter and the County Comprehensive Plan shall be considered.

(Ord. 777, passed 7-3-08)

§ 156.269 OPEN SPACE.

(A) *Open space requirement.* All PUD's shall set aside a minimum of 25% of the total site area as common open space. Common open space shall be planned in locations visible and accessible to all in the PUD. The common open space may either be centrally located, along the road frontage of the development, located to preserve natural features, located to buffer adjacent farmland, link with adjacent open space or recreation land or located to connect open spaces throughout the development. Open space shall be situated to maximize the preservation of any existing site woodlands.

(B) *Open space protection.* The dedicated open space shall be set aside in perpetuity by the developer through a conservation easement that is found acceptable to the county.

(1) The conservation easement shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use.

(2) The dedicated open space shall be maintained by parties who have an ownership interest in the open space.

(3) The dedicated open space shall forever remain open space, subject only to uses approved by the county on the approved site plan. Further subdivision of open space land or its use for other than

recreation, conservation or agricultural purposes shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require Plan Commission approval, and shall not diminish compliance with the requirements of this chapter.

(4) The open space or a conservation easement for the open space may be conveyed to a conservation organization or to a public agency for recreational or conservation use.
(Ord. 777, passed 7-3-08)

§ 156.270 APPLICATION AND REVIEW PROCEDURE FOR PRELIMINARY AND FINAL PUD SITE PLAN.

The application process for a PUD involves a two step process for review of a preliminary site plan and final site plan by the Plan Commission. The procedures are described below.

(A) *Pre-application meeting.* The applicant shall meet with the Plan Commission Director to review the PUD requirements and ensure that application materials are complete. An optional pre-application workshop with the Plan Commission may be requested by the applicant to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Plan Commission agenda.

(B) *Application.* The applicant shall submit the preliminary PUD site plan, meeting the requirements of § 156.271, at least 30 days prior to the meeting at which the Plan Commission shall first review the request.

(C) *Public hearing.* The Plan Commission shall review the preliminary PUD site plan, and shall conduct a public hearing. The Plan Director shall prepare and provide a legal notice consistent with the requirements of I.C. 5-3-1. Public notice setting forth the time and place shall be given at least ten days before the date of the hearing in a newspaper of general circulation by the county. Notification shall also be provided by regular US mail at least ten days before the date of the hearing to the applicant and the two properties in all directions that are within 600 feet of the subject property (i.e. all adjacent property and the next set of property beyond the adjacent property if within 600 feet. The cost of such notices shall be borne by the person applying for the PUD.

(D) *Plan Commission action.* During this review, the Plan Commission may request additional materials supporting the PUD proposal, or recommend modifications or conditions based on the standards of § 156.272. Once the Plan Commission is satisfied that all of the required information has been provided, the preliminary PUD site plan shall be approved or denied based on the standards of § 156.272. The Plan Commission may stipulate conditions to approval, which the applicant shall incorporate into the preliminary site plan and resubmit to the Plan Director to be maintained as part of the official record.

(E) *Conditions.* Any conditions imposed upon the approval of the preliminary PUD site plan by the Plan Commission shall be made part of the approval and shall be reflected in the final PUD site plan. The

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County Attorney shall prepare a PUD Agreement stating the conditions upon which the PUD is based, which shall be submitted to the Plan Commission for approval. The applicant shall reimburse the County for all costs related to the preparation of the PUD Agreement. The agreement, after approval by the Plan Commission, shall be entered into between the County and the applicant and be recorded in the office of the County Recorder. The agreement must be recorded prior to submitting an application for final site plan approval.

(F) *Effect of Approval.* Approval of the preliminary PUD site plan shall be effective for a period of one year. If a final PUD site plan for at least the first phase of the project is not submitted and approved within one year of the preliminary approval, the right to develop under the preliminary PUD site plan shall terminate and a new application must then be filed and processed. The one year period for preliminary PUD approval may be extended for one year, if applied for by the petitioner prior to expiration and granted by the Plan Commission.

(G) *Phased PUD.* If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final PUD site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of significant natural, historical, and architectural features, and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. Roads, utilities and other infrastructure for each phase shall be designed to fully operate in accordance with county engineering standards and not be dependent upon the completion of subsequent phases. Subsequent phases shall also follow the process for final PUD site plan outlined in this chapter.

(H) *Final Site Plan.* The applicant shall submit the final PUD site plan for any or all phases of, the approved preliminary PUD site plan at least 30 days prior to the Plan Commission meeting at which the Plan Commission shall first review the request. If the PUD is being developed as a subdivision, then all requirements of the Chapter 157 shall be met and the final PUD application shall also include a preliminary plat. The preliminary plat shall be reviewed concurrently with the requirements of this chapter and the Chapter 157.

(I) *Plan Commission Review.* Upon submission of all required materials and fees, the Plan Commission shall review the final PUD site plan and shall take final action on the final PUD site plan, in accordance with the standards and regulations of this chapter.

(J) *Conditions.* If the final PUD site plan was approved with conditions, the applicant shall submit a revised final PUD site plan to the Plan Director for approval prior to submitting construction plans.

(K) *Subdivision.* If the PUD is being developed as a subdivision, then the applicant shall be required to submit construction plans and final plat drawings in accordance with the Chapter 157.

(L) *Final Approval.* Approval of the final PUD site plan shall be effective for a period of two years. If construction has not begun on the first phase of the project within two years of the final PUD approval,

the right to develop under the PUD site plan shall terminate and a new application must then be filed and processed.

(Ord. 777, passed 7-3-08)

§ 156.271 PRELIMINARY PUD SITE PLAN SUBMITTAL REQUIREMENTS.

The preliminary PUD site plan shall set forth the proposed uses to be developed in the PUD. The following specific information shall be provided in the preliminary PUD site plan submittal:

(A) *Proof of ownership.* Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase agreement with written authorization from the owner.

(B) *Written documentation.* Written documentation that the preliminary PUD site plan meets the standards of § 156.272.

(C) *Application form and fees.* A completed application form, supplied by the Plan Director, and an application/review fee; a separate escrow deposit shall be required for administrative charges to review the PUD submittal.

(D) *Sheet size.* Sheet size of submitted drawings shall be at least 24 inches by 36 inches, with graphics at an engineer's scale of one inch equals 20 feet for sites of 20 acres or less; and up to one inch equals 100 feet or less for sites over 20 acres.

(E) *Cover sheet.* Cover sheet providing:

- (1) Applicant's name.
- (2) Name of the development.
- (3) Preparer's name and professional seal of architect, engineer or surveyor, license in the state.
- (4) Date of preparation and any revisions.
- (5) North arrow.
- (6) Property lines and dimensions.
- (7) Complete and current legal description and size of property in acres.
- (8) Small location sketch of the subject site and area within ½ mile, and scale.

(9) Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site.

(10) Lot lines and all structures on the property and within 100 feet of the PUD property lines.

(11) Location of any vehicle access points on both sides of the street within 100 feet of the PUD site along roads where vehicle access to the PUD is proposed.

(F) *PUD Site Plan*. A site plan sheet indicating:

(1) Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, wetlands and woodlands.

(2) Existing and proposed topography at five foot contour intervals, and a general description of grades within 100 feet of the site.

(3) Dimensions of existing and proposed right-of-way lines, names of abutting public roads, proposed access driveways and parking areas, and existing and proposed pedestrian paths.

(4) Existing buildings, utility services, and any public or private easements, noting those which will remain and which are to be removed.

(5) Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures.

(6) Proposed uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units.

(7) General engineering information for utilities and drainage.

(8) General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.

(9) Size, type, and location of proposed identification signs.

(G) *PUD Development Agreement*. A draft written PUD Development Agreement specifying all the terms and understandings of the PUD development. The content of the agreement shall be based on the extent of the proposed development, but shall, at a minimum, provide the following:

(1) A survey of the acreage comprising the proposed development.

(2) The manner of ownership of the developed land.

(3) The amount, manner of ownership, and proposed method of dedication or mechanism to protect any areas designated as common areas or open space.

(4) Land use description including list of proposed uses, residential density, dwelling types, lot dimensions, setbacks and other dimensional standards.

(5) Description of improvements to common areas, recreational facilities and non-motorized pathways.

(6) General description of any improvements to roads or utilities. The cost of installing and maintaining all roads and the necessary utilities shall be assured by a means satisfactory to the county.

(7) Provision assuring that open space areas shown on the plan for use by the public or residents of the development will be irrevocably committed for that purpose. The county may require conveyances or other documents to be placed in escrow to accomplish this.

(8) Provisions for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the county.

(9) Provisions to ensure adequate protection of natural features.

(10) The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.

(H) *Multi-Phased PUD*. If a multi-phase PUD is proposed, identification of the areas included in each phase; for residential uses identify the number, type, and density of proposed housing units within each phase.

(I) *Additional information*. Any additional graphics or written materials requested by the Plan Commission to assist the county in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impact study; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

(Ord. 777, passed 7-3-08)

§ 156.272 PUD SITE PLAN STANDARDS FOR APPROVAL.

Based upon the following standards, the Plan Commission may deny, approve, or approve with conditions the proposed preliminary PUD site plan.

(A) The PUD shall meet the qualifying conditions of § 156.266.

(B) The PUD must be consistent with the County Comprehensive Plan.

(C) The uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone or that of any other zoning district.

(D) Any modifications to the dimensional standards of this chapter, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards shall be reviewed and approved by the Plan Commission.

(E) Any increase in the density requirements of the underlying zoning district must be approved by the Plan Commission and be included under review of the preliminary PUD site plan.

(F) The number and dimensions of off-street parking shall be sufficient to meet the minimum required by §§ 156.180 *et seq.* However, where warranted by overlapping or shared parking arrangements, the Plan Commission may reduce the required number of parking spaces.

(G) All roads and parking areas within the PUD shall meet the minimum construction and other requirements of county ordinances, unless modified by Plan Commission.

(H) Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, roads, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.

(I) Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall meet or exceed the standards of §§ 156.165 *et seq.*

(J) Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land.

(K) Adequate water and sewer facilities shall be available or shall be provided by the developer as part of the site development.
(Ord. 777, passed 7-3-08)

§ 156.273 FINAL PUD SITE PLAN SUBMITTAL REQUIREMENTS.

The final PUD site plan shall include all the following information, unless the Plan Director determines that some of the required information is not reasonably necessary for the consideration of the PUD:

(A) All information required for site plan submittal in accordance with § 156.232. If the PUD is being developed as a subdivision, then all information required for a preliminary plat shall be submitted in accordance with Chapter 157.

(B) Any additional graphics or written materials requested by the Plan Commission to assist in determining the impacts of the proposed PUD site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.

(C) A written draft of PUD design guidelines specific to the PUD. Such document shall include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The design guidelines shall also include any variations to the dimensional standards of this chapter, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

(Ord. 777, passed 7-3-08)

§ 156.274 FINAL PUD SITE PLAN STANDARDS FOR APPROVAL.

The Plan Commission shall use the standards for approval of § 156.272 and any design requirements developed specifically for the PUD, in reviewing the final PUD site plan.

(Ord. 777, passed 7-3-08)

§ 156.275 DEVIATIONS FROM APPROVED FINAL PUD SITE PLAN.

(A) Deviations and amendments from the approved final PUD site plan and associated design guidelines shall be reviewed and approved by the Plan Commission. The following minor modifications can be approved by the Plan Commission without the need for a new preliminary PUD site plan:

(1) For residential buildings, the size of structures may be reduced; or increased by 5%, provided the overall density of units does not increase and the minimum square footage requirements are met.

(2) Gross floor area of non-residential buildings may be decrease; or increased by up to 5%.

- (3) Floor plans may be changed if consistent with the character of the use.
 - (4) Horizontal and/or vertical elevations may be altered by up to 5%.
 - (5) Relocation of a building by up to five feet, if consistent with required setbacks and other standards.
 - (6) Designated “Areas not to be disturbed” may be increased.
 - (7) Plantings approved in the Final Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 - (8) Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - (9) Changes of building materials to another of higher quality.
 - (10) Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (11) Changes required or requested by the county for traffic safety reasons.
- (B) If the Plan Commission determines that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required and must be approved by the Plan Commission as a new preliminary PUD site plan.
- (C) Any deviation from the approved final PUD site plan shall be considered a violation of this chapter and shall invalidate the PUD designation.
(Ord. 777, passed 7-3-08)

ADMINISTRATION AND ENFORCEMENT

§ 156.285 COUNTY PLAN DIRECTOR.

Under the terms of the enabling legislation, I.C. 36-7-4-311, *et seq.*, the County Advisory Plan Commission established the Office of the Plan Commission. The duties of this office shall be administered by the Plan Director and shall include, but are not limited to, the following:

(A) Administer the Comprehensive Plan and enforce the substance of this chapter, Chapter 157, the Public Environmental Nuisance Ordinance, the Abandoned Motor Vehicle Ordinance, and any other ordinances deemed necessary by the County Board of Commissioners.

(B) Review all development and subdivision proposals to insure compliance with the aforementioned ordinances.

(C) Maintain efficient office functions and support services.

(D) Establish and maintain an effective method for administering and enforcing Improvement Location Permits.

(E) Establish and maintain an effective method for administering the physical address numbering system.

(F) Be available to lend advice and instructions to the general public on the proper procedures for subdivision approval, rezoning requests, variance petitions, special exception petitions, improvement location procedures, flood plain hazard area procedures and interpretation, and other related issues under the jurisdiction of this office.

(G) Revise and update the zoning maps of the county.

(H) Respond to the needs of the Board of Commissioners, the Plan Commission and the Board of Zoning Appeals.

(I) Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment, Letters of Map Revision, copies of DNR permits and advisory letters, FPG elevations per IDNR letters of recommendation, federal permit documents, “as built” elevation certifications, and information on flood proofing construction techniques.

(J) Ensure that all development activities within the SFHAs of the jurisdiction of the county meet the requirements of this chapter.

(K) Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to §§ 156.215 *et seq.*, and maintain a record of such authorization.

(L) Maintain a record of the “as built” elevation of all new and/or substantially improved buildings constructed in the Special Flood Hazard Areas.

(M) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this chapter. Submit reports as required for the National Flood Insurance Program.

(N) Perform on-site inspections of all potential improvement location permits which might require Developmental Standard Variances or fall within a designated flood plain.

(O) Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

(Ord. 777, passed 7-3-08; Am. Ord. A-10-04, passed 9-20-10)

§ 156.286 ENFORCEMENT.

(A) The Commission or the Board may, by securing a mandatory injunction in the Circuit Court of the county, require the removal of a structure erected in violation of this chapter.

(B) A use that violates this chapter shall be treated as if it was a common nuisance and it may be abated in the same manner as such a nuisance.

(C) Whenever the Plan Director determines that there are reasonable grounds to believe there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, he or she shall give notice of the violation to the person or persons responsible. The notice shall:

(1) Be in writing;

(2) Include a list of violations found;

(3) Allow a reasonable time for the performance of any act it requires;

(4) Be served upon the owner or his or her agent, or the occupant, as the case may require; provided that the notice shall be deemed to be properly served upon the owner or agent, or upon the occupant if a copy is served upon him personally or is sent by registered mail to his or her last known address; or if service is effected by any other method authorized under the laws of the state.

(D) Should the violation(s), as noted in division (C)(2) of this section, not be remedied within the time allowed by division (C)(3) of this section, the Plan Director may issue a "Stop Work Order" to halt further progress until the violations are remedied.

(E) For any structure or placement of a building, mobile home, etc. that requires a permit and construction or placement has begun without a permit, a "Stop Work Order" shall be placed on that construction and the Stop Work Order shall not be or removed until a proper permit is issued.

(F) In accordance with I.C. 36-7-4-1014 (d), if the Plan Commission or any designated enforcement official is successful in an action brought to enforce this chapter, the respondent shall bear the costs of the action.

(G) Upon presentation of proper credentials, the Plan Director or his or her duly authorized representative may enter at reasonable times any property in the county, to perform any duty imposed upon him or any function necessary, for enforcement of this chapter.
(Ord. 777, passed 7-3-08)

§ 156.287 MISCELLANEOUS.

(A) *Physical environment.* All yard structures, fences, rubbish, inoperable appliances of any sort, materials, or supplies which obstruct light and/or air, harbor rats and vermin and create an undesirable environment shall be removed. All occupants shall keep every yard reasonably free from accumulation of dirt, filth, rubbish, or similar matter and shall keep the same reasonably free from vermin and rodent infestation. This section shall apply to that portion of the property over which the occupant has exclusive control. This includes one or more motor vehicles of any type, including semi-trailer, travel trailer, camper, water-craft, mobile home or any other vehicle used for living, hauling, or recreation, which is unlicensed and/or inoperable.

(B) *Buildings damaged by fire.* Buildings destroyed or damaged by fire or an act of god must be repaired or removed from the property within 180 days from the date of the damage or application made to the plan commission for an extension of time.
(Ord. 777, passed 7-3-08)

§ 156.288 FEES.

(A) Fees for all applications under this chapter shall be set by resolution of the County Board of Commissioners. Fees shall be established to cover the county's cost for items such as administration, staff review, public notice, Plan Commission and Board of Zoning Appeals cost and site inspections. The Plan Director shall collect all required fees prior to accepting any application under this chapter.

(B) All applicants for the platting of subdivisions, special exceptions, variances, appeals, zone changes, vacation of public ways, and any other petition requiring a public hearing shall pay all legal advertisement costs and all certified mailing costs to the appropriate "interested persons," as so designated by the Office of the Plan Commission.

(C) In the event an applicant or petitioner is in violation of any provision of this chapter at the time an application or petition is filed, the fee for the application or petition shall triple in amount, for the type of application or petition.

(D) When a petitioner or applicant requests a special meeting, a onetime fee will be charged. If more than one petitioner/applicant files, the fee may be divided equally among the petitions filed. The Plan Director shall collect special meeting fees as set by resolution of the county Board of Commissioners.
(Ord. 777, passed 7-3-08)

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§ 156.289 VIOLATIONS AND FINES.

(A) *Nuisances.* Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and manufactured homes, used, erected, altered, razed, or converted in violation of any provision of this chapter, are hereby declared to be nuisances per se, and may be abated by order of any court of competent jurisdiction.

(B) *Cease and desist orders.* The Plan Director shall have the authority to issue a cease and desist order in the form of a written notice for the violation of any provisions of this chapter. A cease and desist order may be issued to any person that is subject to the requirements of this chapter. The cease and desist order must be complied with within ten days from the time that it has been posted on the property where the violation has occurred. Once a cease and desist order is effective, any use or work done in violation of this chapter shall stop immediately and shall not be recommenced until the Plan Director issues written notice dissolving the cease and desist order. Any person who violates a cease and desist order shall be guilty of a municipal civil infraction as authorized below.

(C) *Fines.* Every person, corporation or firm who violates, disobeys, or omits, neglects or refuses to comply with any provision of this chapter or any permit granted hereunder, or any lawful order of the Plan Director issued in pursuance of this chapter shall be guilty of a civil infraction and upon conviction thereof shall be fined. The amount of the fine shall be based upon a schedule of civil infraction fines adopted by resolution of the county Board of Commissioners.

(D) *Remedies.* The county may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use. The rights and remedies herein provided are civil in nature. The rights and remedies provided in this chapter are cumulative and are in addition to all other remedies provided by law.
(Ord. 777, passed 7-3-08; Am. Ord. A-10-04, passed 9-20-10)

§ 156.290 PERFORMANCE GUARANTEES.

(A) Where required by this chapter or as a condition of approval for a permit under this chapter, a guarantee in a form acceptable to the county such as a cash deposit, certified check or irrevocable bank letter of credit shall be provided.

(B) In instances where all required improvements are not completed, and a temporary certificate of occupancy is requested, the estimated cost of completing the improvements shall be provided in the form of a guarantee acceptable to the county such as a cash deposit, certified check or irrevocable bank letter of credit.

(C) The guarantee shall include a schedule of costs assigned to the different improvements. Monies may be released to the applicant in proportion to work completed on the different elements after

inspection of work and approval of the Plan Director. Any partial release of funds shall not reduce the amount of the remaining guarantee to less than 10% of the original amount, which shall be retained by the county until all work has been completed and subsequently inspected and approved by the Plan Director.

(Ord. 777, passed 7-3-08)

BOARD OF ZONING APPEALS

§ 156.300 BOARDS OF ZONING APPEALS: ESTABLISHMENT AND ORGANIZATION.

Pursuant to the I.C. 36-7-4-900 series, each legislative body establishes an Advisory Board of Zoning Appeals for its jurisdiction which shall conduct business consistent with all requirements of the Indiana Code and this chapter.

(A) A Board of Zoning Appeals is established, with membership as provided by state law.

(B) At the first meeting in each calendar year, the Board shall elect from among its members a Chairman and a Vice-Chairman. Consistent with state law, it may appoint and fix the compensation of a secretary and such employees as it considers necessary to discharge its duties.

(C) The Board shall prescribe such regulation as it considers necessary to carry out this chapter.

(D) Meetings of the Board shall be open to the public unless an executive session is lawfully called.

(E) The Board shall keep minutes of its meetings, keep records of all examinations and other official actions, make all findings in writing, and record the vote of each member on each question. Minutes and records shall be filed in the office of the Board and made available to the public.

(Ord. 777, passed 7-3-08)

§ 156.301 POWERS AND DUTIES.

The powers and duties of a Board of Zoning Appeals with regard to this chapter are defined by Indiana Code, and are described in this chapter. These powers and duties are further described by Board of Zoning Appeals Rules and Procedures.

(A) *Meeting time.* Fix a reasonable time for the hearing of administrative appeals, special exception uses, and variances.

(B) *Minutes.* Keep minutes of its proceedings and record the vote on all actions taken, file all minutes and records in the office of the Board, and make written findings of fact in all cases.

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(C) *Rules and procedures.* Adopt rules concerning the filing of appeals, applications, public notice, the conduct of hearings, and the determination of whether a variance application is for a variance of use or for a variance from the development standards.

(D) *Publications.* Make adopted rules available to all applicants and other interested persons.

(E) *Variances.* Review, hear and approve or deny all applications for variances from development standards (such as height, setback, or area) and variances of use. Variances shall only be granted where the petitioner demonstrates that an exceptional hardship would result from a failure to grant the requested variance. The county requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is *NOT* exceptional. Inconvenience, aesthetic considerations, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

(F) *Special exception uses.* Review, hear and approve or deny all applications for special exception uses.

(G) *Appeals.* Review, hear, and decide appeals of decisions made under this chapter or in the enforcement of this chapter by the Plan Director, committees, administrative boards, or any other bodies (except the Plan Commission).

(H) *Other duties.* All additional duties as established by state code.
(Ord. 777, passed 7-3-08)

§ 156.302 BOARDS OF ZONING APPEALS: PROCEDURES.

(A) *Rules of procedure.* A Board of Zoning Appeals shall have sole authority to adopt any and all rules under I.C. 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms for applications, filing requirements, procedures, notices and conduct of meetings, and public hearings.

(B) *Filing.* All applications for variances, special exception uses, and appeals shall be filed by the applicant with the Planning Director in the manner prescribed by the Board. All applications shall be accompanied by a fee established by resolution of the county Board of Commissioners.

(C) *Communication with Board members.* No person (including applicants or other interested parties) may communicate directly with any member of a Board of Zoning Appeals before a hearing with intent to influence the member's action on a matter pending before the Board. Written comments may be provided to the Plan Director for distribution to the Board members consistent with the Board's rules of procedure.

(D) *Notice of public hearing.* For all public hearings, notice shall be provided to the public consistent with the requirements of state code. Public notice setting forth the time and place shall be given at least ten days before the date of the hearing in a newspaper of general circulation by the county. Notification shall also be provided by regular US mail at least ten days before the date of the hearing to the applicant and the two properties in all directions that are within 600 feet of the subject property (i.e. all adjacent property and the next set of property beyond the adjacent property if within 600 feet). The cost of such notices shall be borne by the person applying or appealing.

(E) *Site visit.* Members of the Board may make site visits prior to the hearing provided no communication is made in violation of division (C) above. If the Board visits the site as a group, the site visit shall be open to the public.

(F) *Findings of fact-developmental standard variance.* The Board of Zoning Appeals shall set out findings of fact which support the determination based upon the evidence presented for the following:

- (1) The approval will not be injurious to the public health safety and welfare of the community.
- (2) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
- (3) The need for the variance arises from some condition peculiar to the property involved.
- (4) The strict application of the terms of the ordinance will constitute an unnecessary hardship.
- (5) The approval does not interfere substantially with the County Comprehensive Plan.
- (6) The need for the variance is not the result of actions of the property owner, previous owners, or their agents.
- (7) The variance requested is the minimum necessary to mitigate an unnecessary hardship.

(G) *Findings of fact-use variance.* The Board of Zoning Appeals shall set out findings of fact which support the determination based upon the evidence presented for the following:

- (1) The approval will not be injurious to the public health, safety, and welfare of the community.
- (2) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
- (3) The need for the variance arises from some condition peculiar to the property involved.
- (4) The strict application of the terms of the ordinance will constitute an unnecessary hardship.

- (5) The approval does not interfere substantially with the County Comprehensive Plan.

(H) *Appeals and interpretations.* The Board of Zoning Appeals shall review the record and decision of the administrative body or official and determine whether the record supports the conclusion that was reached, in light of the requirements of this section. The BZA is bound by the same rules, procedures, and standards in this section as the original decision body. The BZA should uphold the original decision unless the record clearly shows that one or more of the following is true:

- (1) The original decision was arbitrary or capricious.
- (2) The body or official making the decision failed to ensure consistency with ordinance standards.
- (3) The decision was made in error, such as relying on false or inaccurate information.
- (4) The decision made constituted an abuse of discretion.
- (5) The decision was based upon erroneous interpretation of the Zoning Ordinance or zoning law.

(I) *Re-filing of denied applications.* No request for variance, special exception use, or appeal that has been denied may be re-filed for a period of one year from the date of the denial, unless changes have been made that address the reasons for denial.

(J) *Appeals.* Every decision of a Board of Zoning Appeals shall be subject to review by a court of jurisdiction (writ of certiorari) as prescribed by the I.C. 36-7-4-1000 series. All appeals shall be presented to a court of jurisdiction within 30 days of the Board's decision.

(K) *Improvement location permit required.* If a Board grants a special exception use or variance, it shall direct the applicant to apply for an improvement location permit, if required. If such application complies with all established requirements and this chapter, an improvement location permit for the execution of the approved variance or special exception use shall be issued.

(L) *Expiration of approvals.* A special exception use or variance ceases to be authorized and is expired consistent with the provisions of I.C. 36-7-4-1109 if the execution of the approval has not been completed within one year, provided the Board may grant a six month extension, if applied for by the petitioner prior to expiration.

(Ord. 777, passed 7-3-08; Am. Ord. A-10-03, passed 4-19-10)

§ 156.303 TERMINATION.

A variance or special exception use may be terminated by a Board of Zoning Appeals under the following procedure:

(A) *Public hearing.* Upon determination by the Planning Director that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. The Planning Director shall notify the applicant of the hearing via certified mail a minimum of ten days prior to the hearing.

(B) *Grounds for termination.* At the public hearing the variance or special exception use shall be revoked if a finding is made by the Board that one or more of the following is true:

(1) The execution of the approval is not consistent with a requirement of this chapter as it existed at the time of the approval;

(2) The execution of the approval is not consistent with any condition of approval;

(3) The execution of the approval is not consistent with any written commitment;

(4) The approval was the result of fraud or the misrepresentation of facts that occurred within the two years prior to the date of the first notice of termination hearing.

(C) *Time limitation.* No special exception use or variance may be reviewed by the Board of Zoning Appeals for the same cause more than once in any one year period.
(Ord. 777, passed 7-3-08; Am. Ord. A-10-03, passed 4-19-10)

NONCONFORMING**§ 156.315 NONCONFORMING USES.**

A nonconforming use of a building or premises, existing at the time of passage of this chapter, or amendment thereto making the existing use nonconforming, may be continued although such use does not conform to all provisions of the chapter or amendments to this chapter, except as hereinafter provided.

(A) A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.

(B) A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has

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been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use or a less restricted one.

(C) A nonconforming mobile home may be replaced provided that the replacement unit is newer and that it contains equal or greater ground floor area than the removed unit, meets the setback requirements and if in conformance with the requirements of § 156.095(A)(1).

(D) No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with regulations of this chapter.

(E) When a building containing a nonconforming use is damaged by any means or in any manner to the extent the cost of reconstruction or restoration is equal to or less than 50% of the value of the structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, it may be restored, within 12 months, provided that its original use is not changed and size is not increased.

(F) In the event that a nonconforming use of any building or premises is abandoned or discontinued for a period of one year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

(G) Any nonconforming open use of land shall be discontinued within one year from the date of passage of this chapter. If any use was to be discontinued by any prior ordinance and has not, then the nonconforming use shall be discontinued immediately, unless protected by previous “grandfather” provisions under the same ownership.

(H) In the event that a nonconforming use of land used for confinement feeding is discontinued for any consecutive 12-month period the land loses its nonconforming status.
(Ord. 777, passed 7-3-08)

§ 156.316 NONCONFORMING STRUCTURES AND BUILDINGS.

(A) Structures and buildings that are existing and lawful on the effective date of this chapter or amendments thereto, may be continued even though the structure or building does not conform with the dimensional or other provisions of this chapter, subject to the following provisions of this section.

(B) If a nonconforming structure or building is altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then the nonconforming characteristics shall not be later re-established or increased.

(C) In the event that any nonconforming structure or building is damaged by any means or in any manner to the extent the cost of reconstruction or restoration is equal to or less than 50% of the value of

the structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, reconstruction or restoration shall be permitted, provided a building permit for reconstruction or restoration is issued within one year of the occurrence of the damage.

(D) In the event that any nonconforming structure or building is damaged by any means or in any manner to the extent the cost of reconstruction or restoration exceeds 50% the value of the structure prior to the damaging occurrence as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, reconstruction or restoration shall only be permitted in conformity with the provisions of this chapter, except residential structures or buildings as provided for below.

(E) In the event a nonconforming residential structure or building is damaged by fire or other natural cause, a residential structure may be reconstructed on the same foundation provided the first floor footprint and the total floor area does not exceed the size of the previous residence.

(F) Repairs, improvements, or modernization of non-conforming structures and buildings shall be permitted provided the repairs or improvements do not exceed 50% of the value of the building or structure during any period of 12 consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems. However, if a nonconforming structure or a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the county, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

(G) A building that is nonconforming may be altered or rehabilitated if that activity will make the building conform to the regulations of this chapter and the building code.

(H) A residential nonconforming building may be expanded provided the expansion will be within required setbacks; other dimensional requirements are met (spacing between structures, height, maximum lot coverage, and the like) (Example: a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming and maximum lot coverage is not exceeded). The addition must comply with all Health Department and Building Code requirements. Additional height above the nonconforming portion of the building shall not be permitted.

(I) Nonresidential nonconforming buildings shall not be expanded, unless a variance is obtained from the Board of Zoning Appeals.

(J) Nonconforming structures and buildings shall not be enlarged nor altered in a way which increases the nonconformity within the provisions of this chapter, unless approved by the Board of Zoning Appeals.

(Ord. 777, passed 7-3-08)

§ 156.317 NONCONFORMING LOTS.

(A) In any zoning district, notwithstanding limitations imposed by other provisions of this chapter, where an existing lot of record fails to meet the requirements of this chapter for minimum lot area, minimum lot width or both, of the zoning district in which it is located, the lot may be used for the permitted uses of the zoning district, including permitted accessory uses, provided other requirements of the zoning district in which the lot is located are met. The lot must be an existing lot of record, created prior to the effective date of the original Zoning Ordinance, adopted January 3, 1972, or the amendment that made the lot nonconforming.

(B) A principal building and customary accessory buildings for a permitted use may be erected on any single lot of record at the effective date of this chapter, provided all other standards of the chapter are met. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that the buildings are in conformance with all other applicable yard setback, minimum floor area, maximum height and access requirements for the district in which it is located.

(C) If a proposed building on a non-conforming lot requires a variation in minimum floor area and dimensional (minimum setback and maximum height) standards, then the building shall be permitted only if a variance is granted by the Board of Zoning Appeals.

(D) Where there are multiple contiguous nonconforming lots under single ownership they may be combined and used as a single lot. Combined use of multiple contiguous lots shall be permitted; provided approval under the Chapter 157 shall be required if any lots are divided or any lot boundaries changed.

(Ord. 777, passed 7-3-08)

156.318 NONCONFORMING SITES.

The county may permit improvements and minor modifications to a conforming use and building on a site that does not meet all of the various site improvement related regulations of this chapter. This section is intended to allow gradual compliance with the site related requirements for sites which predate the various Zoning Ordinance standards for landscaping, paving, lighting and other non-safety items in proportion to the amount of expansion or improvement proposed. Improvements or expansions may be permitted by the Plan Director during site plan review without a complete upgrade of all site elements under the following conditions:

(A) The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.

(B) The applicant has addressed safety related site issues on the overall site.

(C) The improvements or minor expansion will not increase noncompliance with site requirements.

(D) All driveways that do not conform to the access standards of this chapter shall be eliminated, provided that the minimum reasonable access shall be maintained.

(Ord. 777, passed 7-3-08)

§ 156.319 NONCONFORMITY RESULTING IN RIGHT-OF-WAY DEDICATION.

Where a nonconforming front yard setback, parking lot setback or greenbelt is created as a result of additional road right-of-way width being acquired by the county or state, the building or parking lot may be improved or expanded without the need to obtain a variance from the Board of Zoning Appeals, provided the following conditions are met:

(A) The building or parking lot complied with the front yard setback prior to the acquisition of the additional road right-of-way.

(B) The building or parking lot expansion will not reduce the depth of the front yard setback.

(C) All other ordinance requirements are met and necessary approvals obtained.

(Ord. 777, passed 7-3-08)

AMENDMENTS AND REZONINGS

§ 156.330 APPLICATION INITIATION.

Proposals for zoning map amendments may be initiated by either the Plan Commission or Board of Commissioners, or through an application signed by property owners of at least 50% of the land involved (per I.C. 36-7-4-602(c)(1)(B)).

(A) *Plan Commission/Board of Commissioners Initiation.* The Plan Director shall prepare the application for zoning map amendment on behalf of the Plan Commission if either the Commission or the Board of Commissioners has initiated the application. The Plan Director shall serve as the representative of the applicant for such proposals.

(B) *Property owner initiation.* Any property owners requesting a zoning map amendment shall be the applicants and assume responsibility for preparing application materials.

(Ord. 777, passed 7-3-08)

§ 156.331 APPLICATION.

The applicant shall submit a rezoning application, a legal description for the property involved, the required filing fee, and any supporting information.
(Ord. 777, passed 7-3-08)

§ 156.332 NOTIFICATION.

Notification for the scheduled Plan Commission public hearing regarding the rezoning request shall be completed consistent with the following:

(A) *Legal notice.* The Plan Director shall prepare and provide a legal notice consistent with the requirements of I.C. 5-3-1. Public notice setting forth the time and place shall be given at least ten days before the date of the hearing in a newspaper of general circulation by the county. Notification shall also be provided by regular US mail at least ten days before the date of the hearing to the applicant and the two properties in all directions that are within 600 feet of the subject property (i.e. all adjacent property and the next set of property beyond the adjacent property if within 600 feet). The cost of such notices shall be borne by the person applying for the rezoning.

(B) *Notice to interested parties.* The Plan Director shall prepare and distribute written notice of the application to all interested parties.
(Ord. 777, passed 7-3-08)

§ 156.333 PLAN COMMISSION PUBLIC HEARING.

The Plan Commission will then, in a public hearing scheduled no later than 60 days following the receipt of the application (per I.C. 36-7-4-608), review the rezoning application and required supportive information.

(A) *Procedures.* The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules of Procedure of the Commission.

(B) *Possible action.* The Commission shall either forward the application to the County Board of Commissioners with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request.

(1) *Favorable recommendation.* The application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in § 156.336. The recommendation may include written commitments proposed by the applicant and/or requested by the Plan Commission.

(2) *Unfavorable recommendation.* The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in § 156.336.

(3) *No recommendation.* The application may be forwarded with no recommendation if, by a majority vote of the Commission, it is determined that the application includes aspects that the Commission is not able to evaluate.

(4) *Continued.* The application may be continued by the Commission based on a request by the Plan Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action being taken on the request. (Ord. 777, passed 7-3-08)

§ 156.334 CERTIFICATION.

The Plan Commission shall certify its recommendation by resolution to the County Board of Commissioners within ten business days of its determination (per I.C. 36-7-4-608). (Ord. 777, passed 7-3-08)

§ 156.335 BOARD OF COMMISSIONERS ACTION.

The County Board of Commissioners shall vote on the proposed rezoning ordinance within 90 days of its certification by the Plan Commission (per I.C. 36-7-4-608).

(A) *Notification.* The County Board of Commissioners shall provide notification of action on the ordinance consistent with Indiana State Code.

(B) *Possible action.* The County Board of Commissioners may either approve or deny the ordinance. If the County Board of Commissioners fails to act within the 90 day time frame the ordinance shall become effective or be defeated consistent with the provisions of I.C. 36-7-4-608. The County Board of Commissioners may also seek modifications or additions to any written commitments as described in § 156.337. (Ord. 777, passed 7-3-08)

§ 156.336 DECISION CRITERIA.

In reviewing the rezoning application, the Plan Commission shall pay reasonable regard to all of the following (per I.C. 36-7-4-603):

(A) *Comprehensive plan.* The Comprehensive Plan and any other applicable, adopted planning studies or reports.

(B) *Current conditions*. The current conditions and the character of current structures and uses in each district.

(C) *Reasonable use*. The most reasonable use for which the land in each district is adapted.

(D) *Property values*. The conservation of property values throughout the planning jurisdiction.

(E) *Responsible growth*. Responsible growth and development.
(Ord. 777, passed 7-3-08)

§ 156.337 WRITTEN COMMITMENTS.

The applicant in any rezoning application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with I.C. 36-7-4-615. Written commitments may also be initiated by the Plan Commission or County Board of Commissioners.

(A) *Consideration of commitments*. All commitments shall be considered by the Plan Commission and the County Board of Commissioners in the review of the application. Any deletion, addition, or alteration of the written commitments by the County Board of Commissioners shall be referred back to the Plan Commission for consideration.

(1) *Plan Commission affirms*. If the Plan Commission affirms the altered commitments the rezoning ordinance adoption process shall be complete.

(2) *Plan Commission disagrees*. If the Plan Commission disagrees with the altered commitments, the reason for disagreement shall be forwarded to the County Board of Commissioners. The rezoning, including the altered commitments, shall take effect if the county Board of Commissioners again votes for its adoption.

(B) *Documenting of commitments*. The rezoning ordinance shall not become effective until the written commitments are recorded. The written commitments shall be recorded in the office of the County Recorder within 90 days of the rezoning ordinance adoption by the Board of Commissioners. A recorded copy of the commitments shall be provided to the Plan Director for inclusion in the application file within that 90 day time period. The adoption of the rezoning ordinance shall not take effect and shall be void if the commitments are not recorded in the 90 day time period.

(C) *Enforcement of commitments*. The written commitments shall be considered part of this chapter binding on the subject property. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.

(1) The written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of any other aspect of this chapter, as described in §§ 156.285 *et seq.*

(2) The written commitments may be modified only through the zoning map amendment process described by this chapter.
(Ord. 777, passed 7-3-08)

§ 156.338 ZONING TEXT AMENDMENTS.

(A) In accordance with I.C. 36-7-4-602, the appropriate legislative body(ies) may amend or partially repeal the text of this chapter. The Board of County Commissioners or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedures of I.C. 36-7-4-602(b). The Plan Commission shall conduct a public hearing following the same procedures outline in § 156.333 identified above and make a recommendation on the Zoning Ordinance amendment to the Board of County Commissioners in accordance with § 156.334. The County Board of Commissioners shall consider the proposed Zoning Ordinance amendments following the same procedures in § 156.335.

(B) The Plan Commission shall review the chapter on an annual basis and identify any amendments deemed necessary to the chapter for review, public hearing and recommendation for adoption.
(Ord. 777, passed 7-3-08)

WIND ENERGY CONVERSION SYSTEMS

§ 156.350 INTENT.

The purpose of this subchapter is to provide guidelines for the location and installation of wind energy conversion systems, wind farms, and WECS Overlay Zoning Districts.
(Ord. A-09-03, passed 12-11-09)

§ 156.351 MICRO WECS.

(A) *Application process.* Applicant shall submit the following materials:

- (1) A WECS improvement location permit application;
- (2) Site plan, with the following additional requirements:

- (a) Location of the micro WECS;
 - (b) Structures within a distance of two times the total height;
 - (c) All overhead utilities within a distance of two times the total height; and
 - (d) Location of exterior wiring associated with micro WECS.
- (3) A copy of the interconnection agreement for grid-connected systems;
- (4) Letters:
 - (a) Letters from affected properties granting waiver of setback or sound requirements, if applicable;
 - (b) Letter of non-objection or similar from the FAA, as necessary.
- (5) A maintenance plan;
- (6) System specifications:
 - (a) Manufacturer and model;
 - (b) Total system height, rotor size, ground or building clearance;
 - (c) Tower and tower foundation blueprints or drawings for tower-mounted systems; and
 - (d) One or three line electrical diagram.
- (7) Other materials deemed necessary by the Plan Director to ensure compliance with this subchapter.
- (8) Expiration. The permit shall expire if:
 - (a) The micro WECS is not installed within one year. A one-year extension may be granted;
 - (b) The micro WECS is declared abandoned; or
 - (c) The micro WECS is declared unsafe.
- (B) *Zoning*. Micro WECS shall be a permitted use in all zones.

(C) *Height.*

(1) Building-mounted micro WECS shall not extend more than 15 feet above the highest point of the structure it is attached to.

(2) Tower-mounted micro WECS shall have a total height not taller than the tallest permitted primary structure building height for the zone in which it is located.

(D) *Setbacks.*

(1) The setback shall be measured horizontally from the center of the base of the tower for tower-mounted micro WECS and from the edge of the swept area for building-mounted micro WECS.

(2) The minimum setback for tower-mounted micro WECS from non-participating property lines shall be the required minimum setback for an accessory structure for the zone in which it is located.

(3) The minimum setback for tower-mounted micro WECS from any structures, parking areas, or commonly used outdoor areas on non-participating properties, public road right-of-ways, and overhead utilities shall be 1.1 times the total height.

(4) Tower-mounted micro WECS shall be set back so that the fall zone does not extend into the buildable area for a primary structure on non-participating properties.

(5) The minimum setback for an experimental micro WECS shall be double the required minimum setback.

(6) The minimum setback from non-participating property lines for guy wires shall be the required minimum setback for an accessory structure in the zone in which it is located or ten feet, whichever is less.

(7) Setbacks may be reduced without requiring a variance if the following conditions are met:

(a) Such reduction will better serve the intent of this subchapter; and

(b) Written, notarized permission is granted by the affected properties and recorded with the County Recorder's office.

(E) *Sound.*

(1) Sound shall be measured at non-participating property lines and road right-of-ways.

(2) All micro WECS shall comply with the county noise regulations as defined in § 156.126, except for during short-term events, such as severe wind storms and utility outages.

(3) If the ambient sound level exceeds the above standards, the maximum sound level shall be ambient sound level + 5 dB.

(4) Sound requirements may be reduced without requiring a variance if the following conditions are met:

(a) Such reduction will better serve the intent of this subchapter; and

(b) Written, notarized permission is granted by the affected properties and recorded with the County Recorder's office.

(F) *Interference.* The applicant, owner, or operator shall eliminate or mitigate any interference with electromagnetic communication signals, such as radio, television, microwave, or wireless internet signals.

(G) *Safety.*

(1) Access.

(a) The tower shall not be climbable for a height of eight feet above the ground unless the applicant proves it would not be a public hazard.

(b) All access doors to the tower and exterior electrical equipment shall be locked when not attended.

(2) Operation.

(a) The operator shall keep a maintenance record which shall be produced in a timely manner upon request for inspection by the county. Such request may be made up to one time per year.

(b) All micro WECS shall be equipped with both automatic and manual overspeed controls.

(c) All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.

(3) Clearance.

(a) Horizontal-axis micro WECS shall have a minimum ground clearance of 12 feet.

(b) Vertical-axis micro WECS shall have a minimum ground clearance necessary to not be a hazard.

(c) Building-mounted micro WECS shall have a minimum building clearance from the swept area equal to one blade length.

(4) All micro WECS shall display appropriate warning signs, such as electrical warnings and emergency contact information.

(5) All guy wires shall be clearly visible to a height of six feet above ground level.

(H) *Standards.*

(1) Towers.

(a) A tower-mounted micro WECS may be mounted on guyed, lattice, freestanding, or monopole towers.

(b) A tower-mounted micro WECS in a Lake Residential zone shall be mounted on a monopole tower only.

(c) An engineering analysis may be required for building-mounted micro WECS.

(2) Appearance.

(a) Micro WECS shall be a non-obtrusive, non-reflective color.

(b) Alternative color schemes may be approved without requiring a variance, if the following conditions are met:

1. The proposed color scheme is consistent with FAA guidelines;
2. Darker colored blades may be allowed to reduce icing concerns; and
3. The proposed color scheme will better serve the intent of this subchapter.

(c) The system shall be maintained in good condition and appearance at all times, consistent with industry standards.

(d) Systems shall not display any commercial advertising, except for a reasonable display of the owner, operator, or manufacturer.

(3) Wiring.

(a) All exterior wiring connections to micro WECS shall be installed underground.

(b) Wiring may be above-ground if the following conditions are met:

1. Above-ground wiring will better serve the intent of this subchapter;

2. It will not create an undue safety hazard; and
3. Burying of wires will cause an excessive hardship.

(4) Lighting.

- (a) Micro WECS shall have no lighting unless required by the FAA.
- (b) Tower lighting shall be the lowest intensity allowable by the FAA.
- (c) Tower lighting shall not be strobe or pulsating unless required by the FAA.
- (d) Strobe lighting shall be preferred to pulsating lighting.
- (e) Tower lighting shall be shielded to the maximum extent possible to reduce glare and visibility from the ground.

(5) Number.

- (a) There shall be no more than two micro WECS per acre.
- (b) There shall be no more than five micro WECS on any parcel.

(I) *Decommissioning/removal.*

- (1) Any micro WECS which has not produced electricity for a period of 12 months shall be considered abandoned.
- (2) Abandoned micro WECS shall be removed or reconditioned at the owner's expense within three months notice to take action.
- (3) Unsafe micro WECS shall be removed or made safe within a reasonable time as determined by the Plan Director.
- (4) The County may remove any abandoned or unsafe micro WECS not removed or reconditioned by the owner within the allowed time at the owner's expense.
(Ord. A-09-03, passed 12-11-09)

§ 156.352 SMALL WECS AND MET TOWERS.

(A) *Application process.* Applicant shall submit the following materials:

- (1) A WECS improvement location permit application;

- (2) Site plan, with the following additional requirements:
 - (a) Location of the small WECS or MET tower;
 - (b) Structures within a distance of two times the total height;
 - (c) All overhead utilities within a distance of two times the total height; and
 - (d) Location of exterior wiring associated with small WECS or MET tower.
- (3) GIS Mapping and Addressing Form.
- (4) A copy of the interconnection agreement for grid-connected systems.
- (5) Letters:
 - (a) Letters from affected properties granting waiver of setback or sound requirements, if applicable;
 - (b) Letter of non-objection or similar from the FAA, as necessary.
- (6) A maintenance plan.
- (7) A sound-level analysis.
- (8) System specifications:
 - (a) Manufacturer and model;
 - (b) Total system height, rotor size, ground clearance;
 - (c) Tower and tower foundation blueprints or drawings; and
 - (d) One or three line electrical diagram.
- (9) Other materials deemed necessary by the Plan Director to ensure compliance with this subchapter.
- (10) Expiration. The permit shall expire if:
 - (a) The small WECS or MET tower is not installed within one year. A one-year extension may be granted;

(b) The small WECS or MET tower is declared abandoned; or

(c) The small WECS or MET tower is declared unsafe.

(B) *Zoning.*

(1) Small WECS and MET towers shall be a permitted use in the following zones: Agriculture, Environmental Control, Residence-2, Residence-3, Local Business, General Business, Accommodation Business, Industrial-1, and Industrial-2.

(2) Small WECS shall be a special exception use in the following zones: Lake Residence, Residence-1, and Manufactured Home.

(C) *Height.*

(1) Small WECS and MET towers on parcels less than two acres in size shall have a total height of less than 100 feet or 40 feet above any tree lines within a distance of two times the total system height, whichever is greater.

(2) Small WECS and MET towers on parcels two acres and larger shall have a total height of less than 200 feet.

(3) Small WECS and MET towers shall comply with all applicable FAA rules and regulations.

(D) *Setbacks.*

(1) The setback shall be measured horizontally from the center of the base of the tower.

(2) The minimum setback for small WECS from non-participating property lines shall be the required setback for a primary structure for the zone in which it is located.

(3) The minimum setback for small WECS from any structures, parking areas, or commonly used outdoor areas on non-participating properties, right-of-ways, overhead utilities, lakes, rivers, and wetlands shall be 1.1 times the total height.

(4) Small WECS shall be setback so that the fall zone does not extend into the buildable area for a primary structure on non-participating properties.

(5) The minimum setback for an experimental small WECS shall be double the required minimum setback.

(6) The minimum setback for MET tower from habitable structures, non-participating properties, and rights-of-way shall be 1.1 times the fall zone.

(7) The minimum setback from property lines for guy wires shall be the required minimum setback for an accessory structure in the zone in which it is located or ten feet, whichever is less.

(8) Setbacks may be reduced without requiring a variance if the following conditions are met:

(a) Such reduction will better serve the intent of this subchapter; and

(b) Written, notarized permission is granted by the affected properties and recorded with the County Recorder's office.

(E) *Sound.*

(1) Sound shall be measured at non-participating property lines and road right-of-ways.

(2) All small WECS shall comply with the county noise regulations as defined in § 156.126, except for during short term events, such as severe wind storms and utility outages.

(3) If the ambient sound level exceeds the above standards, the maximum sound level shall be ambient sound level + 5 dB.

(4) Sound requirements may be reduced without requiring a variance if the following conditions are met:

(a) Such reduction will better serve the intent of this subchapter; and

(b) Written, notarized permission is granted by the affected properties and recorded with the County Recorder's office.

(F) *Interference.* The applicant, owner or operator shall eliminate or mitigate any interference with electromagnetic communication signals, such as radio, television, microwave, or wireless internet signals.

(G) *Safety.*

(1) Access.

(a) The tower shall not be climbable for a height of ten feet above the ground unless the applicant proves it would not be a public hazard.

(b) All access doors to the tower and exterior electrical equipment shall be locked when not attended.

(2) Operation.

(a) The operator shall keep a maintenance record which shall be produced in a timely manner upon request for inspection by the county. Such request may be made up to one time per year.

(b) All small WECS shall be equipped with both automatic and manual overspeed controls.

(c) All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.

(3) Clearance.

(a) Horizontal-axis small WECS shall have a minimum ground clearance of 12 feet.

(b) Vertical-axis small WECS shall have a minimum ground clearance necessary to not be a hazard.

(4) All small WECS shall display appropriate warning signs, such as electrical warnings and emergency contact information.

(5) All guy wires shall be clearly visible to a height of six feet above ground level.

(H) *Standards.*

(1) Towers.

(a) A small WECS or MET tower may be mounted on guyed, lattice, freestanding, or monopole towers.

(b) A small WECS located in a Lake Residential or Mobile Home zone shall be mounted on a monopole tower only.

(2) Appearance.

(a) Small WECS or MET towers shall be a non-obtrusive, non-reflective color.

(b) Alternative color schemes may be approved without requiring a variance, if the following conditions are met:

1. The proposed color scheme is consistent with FAA guidelines;
2. Darker colored blades may be allowed to reduce icing concerns; and

3. The proposed color scheme will better serve the intent of this subchapter.

(c) The system shall be maintained in good condition and appearance at all times, consistent or better than industry standards.

(d) Systems shall not display any commercial advertising, except for a reasonable display of the owner, operator or manufacturer.

(3) Wiring.

(a) All exterior wiring connections to small WECS or MET towers shall be installed underground.

(b) Wiring shall be located at a depth to prevent any damage from freezing or frost and to prevent interference with drain tiles.

(c) Wiring may be above ground if the following conditions are met:

1. Above-ground wiring will better serve the intent of this subchapter;
2. It will not create an undue safety hazard; and
3. Burying of wires will cause an excessive hardship.

(4) Lighting.

(a) Small WECS or MET towers shall have no lighting unless required by the FAA.

(b) Tower lighting shall be the lowest intensity allowable by the FAA.

(c) Tower lighting shall not be strobe or pulsating unless required by the FAA.

(d) Strobe lighting shall be preferred to pulsating lighting.

(e) Tower lighting shall be shielded to the maximum extent possible to reduce glare and visibility from the ground.

(5) Number.

(a) There shall be no more than one small WECS or MET tower per acre.

(b) There shall be no more than three small WECS or MET towers on any parcel.

(I) *Decommissioning/removal.*

(1) Any small WECS which has not produced electricity for a period of 12 months shall be considered abandoned.

(2) Abandoned small WECS or MET towers shall be removed or reconditioned at the owner's expense within three months notice to take action.

(3) Unsafe small WECS or MET towers shall be removed or made safe within a reasonable time as determined by the Plan Director.

(4) The county may remove any abandoned or unsafe small WECS or MET towers not removed or reconditioned by the owner within the allowed time at the owner's expense.
(Ord. A-09-03, passed 12-11-09; Am. Ord. A-11-02, passed 7-5-11)

§ 156.353 MEDIUM WECS.

(A) *Application process.* Applicant shall submit the following materials:

(1) A WECS improvement location permit application;

(2) Site Plan, with the following additional requirements:

(a) Location of the medium WECS;

(b) Structures within a distance of two times the total height;

(c) All overhead utilities within a distance of two times the total height; and

(d) Location of exterior wiring associated with medium WECS.

(3) GIS mapping and addressing form.

(4) A copy of the interconnection agreement for grid-connected systems.

(5) Letters:

(a) Letters from affected properties granting waiver of setback or sound requirements, if applicable;

(b) Letter of non-objection or similar from the FAA, as necessary;

(6) A maintenance plan.

(7) A sound-level analysis.

(8) Certification by a licensed engineer that the tower design is sufficient to withstand wind load requirements for structures as defined by BOCA.

(9) System specifications:

(a) Manufacturer and model;

(b) Total system height, rotor size, ground clearance;

(c) Tower and tower foundation blueprints or drawings; and

(d) One or three line electrical diagram.

(10) Decommissioning plan, including:

(a) Anticipated life span of medium WECS;

(b) Estimated decommissioning costs, in current dollars; and

(c) How costs for decommissioning will be paid.

(d) The county may require financial security consistent with county practices to pay for decommissioning.

(11) Other materials deemed necessary by the Plan Director to ensure compliance with this subchapter.

(12) Expiration. The permit shall expire if:

(a) The medium WECS is not installed within one year. A one-year extension may be granted;

(b) The medium WECS is declared abandoned; or

(c) The medium WECS is declared unsafe.

(B) *Zoning.*

(1) Medium WECS shall be a permitted use in the following zones: Agriculture, Industrial-1, and Industrial-2.

(2) Medium WECS shall be a special exception use in the following zones: Environmental Control, Lake Residence, Residence-1, Residence-2, Residence-3, Manufactured Home, Local Business, General Business, and Accommodation Business.

(C) *Height.*

(1) Medium WECS on parcels less than two acres in size shall have a total height of less than 100 feet or 40 feet above any tree lines within a distance of three times the total system height, whichever is greater.

(2) Medium WECS on parcels two acres and larger shall have a total height of less than 200 feet.

(3) Medium WECS shall comply with all applicable FAA rules and regulations.

(D) *Setbacks.*

(1) The setback shall be measured horizontally from the center of the base of the tower.

(2) The minimum setback for medium WECS from non-participating property lines and public lakes shall be 1.5 times the total height.

(3) The minimum setback for medium WECS from habitable structures on the participating properties, right-of-ways, overhead utilities, rivers, and wetlands shall be 1.1 times the total height.

(4) The minimum setback for medium WECS from habitable structures on non-participating properties shall be two times the total height.

(5) The minimum setback for an experimental medium WECS shall be double the required minimum setback.

(6) The minimum setback for mechanical or electrical sheds shall be the required setback for an accessory structure for the zone in which it is located.

(7) Setbacks may be reduced without requiring a variance if the following conditions are met:

(a) Such reduction will better serve the intent of this subchapter; and

(b) Written, notarized permission is granted by the affected properties and recorded with the County Recorder's office.

(E) *Sound.*

(1) Sound shall be measured at non-participating property lines and road right-of-ways.

(2) All medium WECS shall comply with the county sound regulations as defined in § 156.126, except for during short-term events, such as severe wind storms and utility outages.

(3) If the medium WECS produces a pure tone, the standard shall be reduced by 5 dB.

(4) If the ambient sound level exceeds the above standards, the maximum sound level shall be ambient sound level +5 dB.

(5) Sound requirements may be reduced without requiring a variance if the following conditions are met:

(a) Such reduction will better serve the intent of this subchapter; and

(b) Written, notarized permission is granted by the affected properties and recorded with the County Recorder's office.

(F) *Interference.* The applicant, owner, or operator shall eliminate or mitigate any interference with electromagnetic communication signals, such as radio, television, microwave, or wireless internet signals.

(G) *Safety.*

(1) *Access.*

(a) The tower shall not be climbable for a height of 15 feet above the ground, unless the applicant proves it would not be a public hazard.

(b) All access doors to the tower and exterior electrical equipment shall be locked when not attended.

(2) *Operation.*

(a) The operator shall keep a maintenance record which shall be produced in a timely manner upon request for inspection by the county. Such request may be made up to two times per year.

(b) All medium WECS shall be equipped with both automatic and manual overspeed controls.

(c) All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.

(3) Clearance.

(a) Horizontal-axis medium WECS shall have a minimum ground clearance of 20 feet.

(b) Vertical-axis medium WECS shall have a minimum ground clearance necessary to not be a hazard.

(4) All medium WECS shall display appropriate warning signs, such as electrical warnings and emergency contact information.

(5) Blades shall utilize stick-free surface coatings.

(H) *Standards.*

(1) Towers.

(a) Medium WECS may be mounted on free-standing or monopole towers.

(b) Medium WECS in Lake Residential, Residential-1, and Mobile Home zones shall be mounted on a monopole only.

(2) Appearance.

(a) Medium WECS shall be a non-obtrusive, non-reflective color.

(b) Alternative color schemes may be approved without requiring a variance, if the following conditions are met:

1. The proposed color scheme is consistent with FAA guidelines; or
2. Darker colored blades may be allowed to reduce icing concerns; and
3. The proposed color scheme will better serve the intent of this subchapter.

(c) The system shall be maintained in good condition at all times, consistent or better than industry standards.

(d) Systems shall not display any commercial advertising, except for a reasonable display of the owner, operator, or manufacturer.

(3) Wiring.

(a) All exterior wiring connections to medium WECS shall be installed underground.

(b) Wiring shall be located at a depth to prevent any damage from freezing or frost and to prevent interference with drain tiles.

(c) Wiring may be above-ground if the following conditions are met:

1. Above-ground wiring will better serve the intent of this subchapter;
2. It will not create an undue safety hazard; and
3. Burying of wires will cause an excessive hardship.

(4) Lighting.

(a) Medium WECS shall have no lighting unless required by the FAA.

(b) Tower lighting shall be the lowest intensity allowable by the FAA.

(c) Tower lighting shall not be strobe or pulsating unless required by the FAA.

(d) Strobe lighting shall be preferred to pulsating lighting.

(e) Tower lighting shall be shielded to the maximum extent possible to reduce glare and visibility from the ground.

(5) Number.

(a) There shall be no more than one medium WECS for every two acres.

(c) There shall be no more than three medium WECS on any parcel.

(6) Flicker. The applicant, owner, or operator shall make reasonable steps to eliminate or mitigate flicker and blade glint on non-participating, habitable structures, major roads, and road intersections.

(I) *Decommissioning/removal.*

(1) Any medium WECS which has not produced electricity for a period of 12 months shall be considered abandoned.

(2) Abandoned medium WECS shall be removed or reconditioned at the owner's expense within six months notice to take action.

(3) Unsafe medium WECS shall be removed or made safe within a reasonable time as determined by the Plan Director.

(4) The county may remove any abandoned or unsafe medium WECS not removed or reconditioned by the owner within the allowed time at the owner's expense.

(5) All structures, equipment, and waste associated with the medium WECS shall be disposed of properly.

(6) Land shall be restored to a minimum depth of three feet below grade.

(7) Disturbed land shall be revegetated within a reasonable period of time.

(8) Decommissioning requirements may be reduced without requiring a variance if the following conditions are met:

(a) Such reduction will better serve the intent of this subchapter; and

(b) Written, notarized permission is granted by the affected properties and recorded with the County Recorder's office.
(Ord. A-09-03, passed 12-11-09; Am. Ord. A-11-02, passed 7-5-11)

§ 156.354 LARGE WECS.

(A) *Application process.* Applicant shall submit the following materials:

(1) A WECS improvement location permit application;

(2) Site plan, with the following additional requirements:

(a) Location of the large WECS;

(b) Structures within a distance of three times the total height;

(c) All overhead utilities within a distance of two times the total height;

(d) Location, including depth when buried, of exterior wiring associated with large WECS; and

(e) Location of known microwave transmission lines within a radius of three times the total height.

(3) GIS Mapping and addressing form.

(4) A copy of the interconnection agreement for grid-connected systems.

(5) Letters:

(a) All letters from affected properties granting waiver of setback or sound requirements;

(b) Letter of non-objection from the FAA;

(6) A maintenance plan.

(7) A sound-level analysis.

(8) Certification by a licensed engineer that the tower design is sufficient to withstand wind load requirements for structures as defined by BOCA.

(9) System specifications:

(a) Manufacturer and model;

(b) Total system height, rotor size, ground clearance; and

(c) Tower and tower foundation blueprints or drawings.

(10) Decommissioning plan, including:

(a) Anticipated life span of large WECS;

(b) Estimated decommissioning costs, in current dollars;

(c) How costs for decommissioning will be paid;

(d) The county may require financial security consistent with county practices to pay for decommissioning.

(11) Other materials deemed necessary by the Plan Director to ensure compliance with this subchapter.

(12) Expiration. The permit shall expire if:

- granted;
- (a) The large WECS is not installed within one year. A one-year extension may be
- (b) The large WECS is declared abandoned; or
- (c) The large WECS is declared unsafe.

(B) *Zoning*. Large WECS shall be a special exception use in the following zones: Agriculture, Environmental Control, Local Business, General Business, Accommodation Business, Industrial-1, and Industrial-2.

(C) *Height*. Large WECS shall comply with all applicable FAA rules and regulations.

(D) *Setbacks*.

(1) The setback shall be measured horizontally from the center of the base of the tower.

(2) The minimum setback for large WECS from non-participating property lines and public lakes shall be two times the total height.

(3) The minimum setback for large WECS from habitable structures on participating properties, right-of-ways, overhead utilities, rivers, and wetlands shall be 1.1 times the total height.

(4) The minimum setback for large WECS from habitable structures on non-participating properties shall be three times the total height.

(5) The minimum setback for an experimental large WECS shall be double the required minimum setback.

(6) The minimum setback for mechanical or electrical sheds shall be the required setback for an accessory structure for the zone in which it is located.

(7) Setbacks may be reduced without requiring a variance if the following conditions are met:

- (a) Such reduction will better serve the intent of this subchapter;
- (b) Proposed distances are consistent with industry standards; and
- (c) Written, notarized permission is granted by the affected properties and recorded with the County Recorder's office.

(E) *Sound.*

(1) Sound shall be measured at non-participating property lines and road right-of-ways.

(2) All large WECS shall comply with the county sound regulations as defined in § 156.126, except for during short-term events, such as severe wind storms and utility outages.

(3) If the large WECS produces a pure tone, the standard shall be reduced by 5 dB.

(4) If the ambient sound level exceeds the above standards, the maximum sound level shall be ambient sound level +5 dB.

(5) Sound requirements may be reduced without requiring a variance if the following conditions are met:

(a) Such reduction will better serve the intent of this subchapter; and

(b) Written, notarized permission is granted by the affected properties and recorded with the County Recorder's office.

(F) *Interference.* The applicant, owner, or operator shall eliminate or mitigate any interference with electromagnetic communication signals, such as radio, television, microwave, or wireless internet signals.

(G) *Safety.*

(1) Access.

(a) The tower shall not be climbable for a height of 20 feet above the ground, unless the applicant proves it would not be a public hazard.

(b) All access doors to the tower and exterior electrical equipment shall be locked when not attended.

(2) Operation.

(a) The operator shall keep a maintenance record which shall be produced in a timely manner upon request for inspection by the county. Such request may be made up to two times per year.

(b) All large WECS shall be equipped with both automatic and manual overspeed controls.

(c) All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.

(3) Clearance.

(a) Horizontal-axis large WECS shall have a minimum ground clearance of 40 feet;

(b) Vertical-axis large WECS shall have a minimum ground clearance of 20 feet.

(4) All large WECS shall display appropriate warning signs, such as electrical warnings and emergency contact information.

(5) Blades shall utilize stick-free surface coatings.

(6) The applicant(s), owner(s), developer(s), and/or operator(s) shall work with local emergency officials to develop an emergency response plan.

(H) *Standards.*

(1) Towers. All large WECS shall be mounted on monopole towers.

(2) Appearance.

(a) Large WECS shall be a non-obtrusive, non-reflective color.

(b) Alternative color schemes may be approved without requiring a variance, if the following conditions are met:

1. The proposed color scheme is consistent with FAA guidelines; or
2. Darker colored blades may be allowed to reduce icing concerns; and
3. The proposed color scheme will better serve the intent of this subchapter.

(c) The system shall be maintained in good condition at all times, consistent or better than industry standards.

(d) Systems shall not display any commercial advertising, except for a reasonable display of the owner, operator, or manufacturer.

(3) Wiring.

(a) All exterior wiring connections to the large WECS shall be installed underground.

(b) Wiring shall be located at a depth to prevent any damage from freezing or frost and to prevent interference with drain tiles.

- (c) Wiring shall not cause interference with existing communication wiring.
- (d) Concrete armoring techniques shall be used at every location where a county drain and wiring cross.
- (e) Permanent, visible markers shall indicate the location of directional borings.
- (f) Wiring may be above ground if the following conditions are met:
 - 1. Above-ground wiring will better serve the intent of this subchapter;
 - 2. It will not create an undue safety hazard;
 - 3. Burying of wires will cause an excessive hardship; and
 - 4. Above-ground wires are already present.
- (4) Lighting.
 - (a) Large WECS shall have the minimum lighting required by the FAA.
 - (b) Tower lighting shall be the lowest intensity allowable by the FAA.
 - (c) Tower lighting shall not be strobe or pulsating unless required by the FAA.
 - (d) Strobe lighting shall be preferred to pulsating lighting.
 - (e) Tower lighting shall be shielded to the maximum extent possible to reduce glare and visibility from the ground.
 - (f) Other lighting shall comply with the Steuben County Zoning Ordinance.
- (5) Number.
 - (a) There shall be no more than one large WECS for every five acres.
 - (b) There shall be no more than two large WECS on any parcel.
- (6) Flicker. The applicant, owner, or operator shall make reasonable steps to eliminate or mitigate flicker or blade glint on non-participating, habitable structures, major roads, and road intersections.

(I) *Decommissioning/removal.*

(1) Any large WECS which has not produced electricity for a period of 12 months shall be considered abandoned.

(2) Abandoned large WECS shall be removed or reconditioned at the owner's expense within 12 months notice to take action.

(3) Unsafe large WECS shall be removed or made safe within a reasonable time as determined by the Plan Director.

(4) The county may remove any abandoned or unsafe large WECS not removed or reconditioned by the owner within the allowed time at the owner's expense.

(5) All structures, equipment, and waste associated with the large WECS shall be disposed of properly.

(6) Land shall be restored to a depth of three feet below grade.

(7) Disturbed land shall be revegetated within a reasonable period of time.

(8) Decommissioning requirements may be reduced without requiring a variance if the following conditions are met:

(a) Such reduction will better serve the intent of this subchapter; and

(b) Written, notarized permission is granted by the affected properties and recorded with the County Recorder's office.

(Ord. A-09-03, passed 12-11-09; Am. Ord. A-11-02, passed 7-5-11)

§ 156.355 WIND FARMS.

(A) *Application process.* Applicant shall submit a development plan with the following materials:

(1) Required application materials for the individual WECS within the wind farm as defined in this subchapter;

(2) Project summary, including:

(a) General description of the project;

(b) Name-plate generating capacity;

(c) Name, address, and phone numbers of the applicant(s), owner(s), developer(s), operator(s), and all participating properties.

(3) Map of the project, including:

(a) Topography with contours of not more than ten feet. Contours may be increased for steeper slopes with approval;

(b) Location of all WECS, MET towers, access roads, substations, wiring, and accessory structures;

(c) Location of all primary structures on participating properties;

(d) Location of non-participating primary structures within four times the total height of any WECS;

(e) Overhead utilities within two times the total height of any WECS;

(f) Location of known microwave transmission lines through the project area;

(g) Location of radio, television, and mobile-phone transmission towers within four times the total height from the project boundaries;

(h) Location of county tiles and drains within the project area and within two times the total height from the project boundaries;

(i) Location of lakes, rivers, and wetlands within the project area and within two times the total height of any WECS.

(4) Transportation plan, approved by the County Highway Department and developed in conjunction with the County Highway Department, InDOT, police, fire, EMS, and schools.

(5) Emergency response and security plan.

(6) Wildlife impact study detailing the potential effects of the wind farm on animals, birds, and bats.

(7) Financials.

(a) Financial security as approved by the county;

(b) Economic Development Agreement as approved by the county; and

(c) Permit fees for wind farm and WECS as determined by the county.

(8) Expiration. The development plan shall expire if:

(a) Major construction of the wind farm does not begin within two years. A one-year extension may be granted;

(b) The wind farm is declared abandoned; or

(c) The wind farm is declared unsafe.

(9) Development plan approval process.

(a) Application.

1. Development plan shall be submitted to Commission staff for preliminary review;

2. Development plan shall be placed on the Commission agenda within 60 days if all of the required materials are present.

3. The Commission shall make a written findings of fact concerning its decision which may be signed by the Commission President or Secretary.

(b) Notification.

1. Public notice shall be given at least ten days prior to the public hearing.

2. Notification shall include the time and location of the public hearing.

3. Notification shall be made in a newspaper of general circulation.

4. Notification shall be made by U.S. mail to interested parties.

5. For this section of the subchapter only, interested parties shall be defined as all properties within 1,000 feet of the proposed project area.

6. Applicant shall be responsible for public notification costs.

(c) Public hearing.

1. The presentation of reports and testimony shall be consistent with the Plan Commission Rules of Procedure.

2. The Commission may approve the development plan if findings of facts are made consistent with the requirements in division (A)(9)(d) of this section.

3. The Commission may approve the development plan with conditions if the Commission determines that the required findings of facts may be made only if certain written commitments are applied to the application.

4. The Commission may deny the development plan if findings of facts are made not consistent with the requirements in division (A)(9)(d) of this section.

5. The Commission may continue the action at the request of the Plan Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to taking action on the request.

(d) Development plan decision criteria.

1. The development plan is consistent with the Comprehensive Plan.
2. The development plan is compatible with the surrounding land uses.
3. The transportation plan does not adversely affect the health, safety, and welfare of the community.
4. All structures that are part of the development plan meet the necessary setbacks.
5. The development plan meets the requirements of the Zoning Ordinance.
6. Adequate financial security has been made to provide for both road reconstruction and decommissioning costs.
7. The County Commissioners have approved an economic development agreement developed in conjunction with the County Council, County Economic Development Office, and the County Plan Commission Office.

(B) *Zoning.*

(1) Wind farms shall be a permitted use requiring development plan review in the following zones: Wind Energy Conversion System Overlay.

(2) All utility WECS and MET towers shall be a permitted use as part of a wind farm.

(C) *Height.*

(1) All wind farm WECS shall comply with all applicable FAA rules and regulations.

(2) All wind farm WECS shall comply with the applicable height requirements of this subchapter.

(D) *Setbacks.*

(1) Setbacks shall be measured horizontally from the center of the base of the tower.

(2) The minimum setback for WECS in a wind farm from non-participating property lines shall be 2.5 times the total height.

(3) The minimum setback for WECS in a wind farm from habitable structures on non-participating properties shall be three times the total height.

(4) All WECS within a wind farm shall comply with the applicable setbacks of this subchapter.

(5) The minimum setback between neighboring WECS shall be 1.1 times the total height.

(6) Setbacks may be reduced without requiring a variance if the following conditions are met:

(a) Such reduction will better serve the intent of this subchapter;

(b) Proposed distances are consistent with industry standards; and

(c) Written, notarized permission is granted by the affected properties and recorded with the County Recorder's office.

(E) *Sound.*

(1) Sound measurements shall be made at the exterior border of the wind farm project, habitable structures within the wind farm project, and major road right-of-ways.

(2) All WECS within a wind farm shall comply with the applicable sound requirements as defined in this subchapter.

(F) *Interference.* The applicant, owner, or operator shall eliminate or mitigate any interference with electromagnetic communication signals, such as radio, television, microwave, or wireless internet signals.

(G) *Safety.*

(1) Access. All access doors to towers and exterior electrical equipment shall be locked when not attended.

(2) Operation.

(a) The operator shall keep a maintenance record which shall be produced in a timely manner upon request for inspection by the county. Such request may be made up to two times per year.

(b) All WECS shall be equipped with both automatic and manual overspeed controls.

(c) All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.

(3) Emergency response plan.

(a) The applicant(s), owner(s), developer(s), and/or operator(s) shall work with local emergency officials to develop an emergency response plan.

(b) The applicant(s), owner(s), developer(s), and/or operator(s) shall provide any specialized training necessary for local emergency officials.

(4) The wind farm shall display appropriate signs with contact information for complaints and questions.

(5) All WECS shall be approved by Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.

(H) *Standards.*

(1) Towers. All towers within a distance of four times the total height shall be of similar appearance.

(2) Appearance.

(a) All WECS within a distance of four times the total height shall be of similar appearance.

(b) All WECS shall be maintained in good condition at all times.

(3) Wiring.

(a) All feeder and communication lines shall be installed underground.

(b) Wind farm wiring shall be installed so as to minimize potential conflicts with drain tiles.

(c) Wind farm wiring shall not cause interference with existing communication wiring.

(d) Wind farm wiring may be above ground if the following conditions are met:

1. Above-ground wiring will better serve the intent of this subchapter;
2. It will not create an undue safety hazard;
3. Burying of wires will cause an excessive hardship;
4. Above-ground wires are already present;
5. No major change in the appearance of the existing above ground wires will be necessary; and
6. Written, notarized permission is granted by the affected parties and recorded with the County Recorder's office.

(4) Lighting.

- (a) The wind farm shall have the minimum lighting required by the FAA.
- (b) Lights within the wind farm shall be synchronized.

(5) Number. The maximum number of WECS per parcel shall not apply to utility WECS developed as part of a wind farm.

(6) WECS location.

- (a) WECS shall be located to minimize the impact on farming and other use of the land.
- (b) WECS shall be located to minimize the visual impact on important views within the county.
- (c) WECS shall be located to minimize the impact on wildlife.

(7) Access roads.

- (a) Access roads shall be designed to reduce the impact on farming and other use of the land.
- (b) Access road locations shall be approved by the Highway Department or InDOT.
- (c) Access roads shall not impede the natural flow of water.

(8) Rotation. All WECS within a wind farm shall rotate in the same direction.

(9) Transportation plan/roads.

(a) The applicant(s), owner(s), developer(s), and/or operator(s) shall develop a transportation plan illustrating which roads will be used for construction and operation of the wind farm with the County Highway Department and InDOT.

(b) The transportation plan shall be designed to minimize the impact on emergency responders and local schools.

(c) The applicants), owner(s), developer(s), and/or operator(s) shall be responsible for returning all roads used for construction to a condition at least equal to their pre-construction condition.

(d) The county may require a financial security, consistent with County Practices, to cover the costs of repairing roads.

(e) The applicant(s), owner(s), developer(s), and/or operator(s) shall submit a plan each week detailing which roads will be affected and at what times due to construction to the Plan Commission, the Highway Department, the local police and fire departments, and local schools.

(10) Complaint/concern resolution.

(a) The applicant(s), owner(s), developer(s), and/or operator(s) shall establish a 24-hour, toll-free number for members of the public to call with complaints and concerns.

(b) The toll-free number shall be posted at construction sites and at intersections throughout the project area.

(c) The applicant(s), owner(s), developer(s), and/or operator(s) shall keep a log of calls, available for inspection by County Officials.

(d) Legitimate complaints shall be remedied within 48 hours.

(11) Dust control. Reasonable dust control measures shall be taken.

(12) Drains. The applicant(s), owner(s), developer(s), and/or operator(s) shall repair all county and private drain tiles damaged due to construction or maintenance of the wind farm to original or better condition within a reasonable time.

(Ord. A-09-03, passed 12-11-09; Am. Ord. A-11-02, passed 7-5-11)

§ 156.356 WIND ENERGY CONVERSION SYSTEM OVERLAY ZONING DISTRICT.

(A) *Application process.* Applicant shall submit a petition to rezone to a WECS overlay district with the following materials:

(1) Project summary, including:

(a) General description of the project;

(b) Name-plate generating capacity;

(c) The type of WECS, including potential manufacturer;

(d) The number of WECS and MET towers;

(e) Description of substations, maintenance structure, storage yards, and other buildings that are a part of the project; and

(f) Name, address, and phone numbers of the applicant(s), owner(s), developer(s), operator(s) and all participating properties.

(2) Description of the applicant, owner, and operator, including their restrictive business structures.

(3) Map of the project, including:

(a) Topography with contours of not more than ten feet. Contours may be increased for steeper slopes with approval;

(b) Location of all primary structures on participating properties;

(c) Location of non-participating primary structures within 1,000 feet of the proposed overlay district;

(d) Location of county tiles and drains within the project area and within 500 feet of the proposed overlay district; and

(e) Location of public lakes and rivers within the proposed overlay district and within 1,000 feet of the proposed overlay district.

(B) *Zoning.* Wind energy conversion systems overlay district shall be a permitted overlay zone in the following zones: Agriculture, Environmental Control, Industrial-1, and Industrial-2.

(C) *Written agreement.*

(1) All new lots and buildings approved within the WECS Overlay District shall submit and record a signed agreement with the County Recorder.

(2) Document shall recognize that the current and subsequent owners shall not object to nor file suit against any wind farm operator, developer, or owner so long as it follows industry accepted standards and complies with the County Zoning Ordinance.

(3) Document language shall be approved by the Commission Attorney.
(Ord. A-09-03, passed 12-11-09; Am. Ord. A-11-02, passed 7-5-11)

CHAPTER 157: SUBDIVISIONS

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GENERAL PROVISIONS**§ 157.001 PREAMBLE AND ENACTING CLAUSE.**

(A) This chapter is adopted in accordance with the County Comprehensive Plan. The purpose of this chapter is to regulate the division of land within county. The County Plan Commission and the county shall have all the powers and duties with respect to primary and secondary plats of subdivisions and the procedures relating thereto which are specified in I.C. 36-7-4-700, General Assembly of the state, all acts amendatory thereto, and this chapter.

(B) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the protection of the public health, safety, and general welfare, by providing for the orderly and harmonious development of the county; for the coordination of subdivision streets with existing and planned streets or highways; for the coordination with and extension of community facilities and utilities; for the establishment of minimum requirements for lots and blocks within

subdivisions; for the provision of adequate and suitably-located open space for schools, parks, and other recreation; and for adequate drainage.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.002 TITLE.

These regulations shall hereafter be known and cited as the Subdivision Control Ordinance of Steuben County.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.003 POLICY.

(A) It is hereby declared to be the policy of the county to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the official Comprehensive Plan and related policies such as those embodied in the County Zoning Ordinance, for the orderly and efficient development of the county.

(B) Land to be subdivided shall be of such a character that it can be developed without peril to health or peril from flood, fire or other menace; and land shall not be subdivided until having access to available existing public facilities and improvements and/or proper provision has been made for drainage, water, sewerage and other necessary public improvements such as schools, parks, recreation facilities and transportation facilities adequate for serving the subdivision. Private wells and septic systems in lieu of public water and sewer facilities are allowable where permitted under the County Zoning Ordinance and are approved by the County Health Department. All wells and septic systems must conform to the state regulations promulgated by the Department of Environmental Management (DEM) and State Board of Health, including 410 IAC 6-8 (Residential Sewage Disposal Systems), and 410 6-6, (Mobile Home Parks).

(C) Both existing and proposed public facilities serving the subdivision shall be properly related and conform to the Official County Comprehensive Plan, related policies and implementation programs, Official Map, Zoning Ordinance and the following Housing and Building Codes:

- (1) Fire and Building Safety Standards (675 IAC 12-1).
- (2) Indiana Building Code (675 IAC 13-2).
- (3) Indiana Building Code Standards (675 IAC 13-3).
- (4) Indiana Handicapped Accessibility Code (675 IAC 13-4)
- (5) Council of American Building Officials and Two Family Dwelling Code (675 IAC 14-1).

- (6) One and Two Family Dwelling Code Amendments (675 IAC 14-2.1).
 - (7) Standard for Permanent Installation of Manufactured Homes (675 IAC 14-3)
 - (8) Indiana Plumbing Code (675 IAC 16-1).
 - (9) Indiana Electrical Code (675 IAC 17-1.1).
 - (10) Safety Code for Health Care Facilities (675 IAC 17-2).
 - (11) Indiana Mechanical Code (675 IAC 18-1).
 - (12) Indiana Energy Conservation Code (675 IAC 19-1).
 - (13) Modifications to the Model Energy Code (675 IAC 19-2).
 - (14) Indiana Swimming Pool Code (675 IAC 20-1).
- (Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.004 PURPOSES OF THESE REGULATIONS.

- (A) To protect and provide for the public health, safety and general welfare of the county.
 - (B) To guide the future development and renewal of the county in accordance with the Comprehensive Plan and related policies.
 - (C) To provide for the safety, comfort and soundness of the environment and related open spaces.
 - (D) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.
 - (E) To guide public and private policy and action to provide adequate and efficient public and private facilities, in the most aesthetically pleasing and beneficial interrelationship between land uses; conserve natural resources such as water, soil, wildlife, natural beauty, woodlands, open spaces and energy, both during and after development.
- (Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.005 AUTHORITY AND JURISDICTION.

- (A) This chapter, which was enacted pursuant to Indiana home rule and planning enabling legislation (I.C. 36-1-3-4 and the I.C. 36-7-700 as amended), authorizes the Steuben County Plan Commission to

review and approve, approve with conditions, or disapprove plats for subdivision throughout the county, except the Towns of Hamilton, Ashley, Hudson, Orland, Fremont, Clear Lake and the City of Angola, and their jurisdictions.

(B) The County Plan Commission is authorized by these statutes to review and approve or disapprove plats for subdivision throughout the county except the aforementioned towns and city, which show lots, blocks or sites with or without new streets or highways. This authority extends to the development or resubdivision of undeveloped portions of already recorded plats.

(C) No improvement location permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of this chapter, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the county.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.006 CONDITIONS.

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this county. The developer has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement and restrictive use of the land in order to conform to the physical and economical development of the county, and to the safety and general welfare of the future plot owners in the subdivision of the county at large.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.007 DEFINITIONS.

Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings.

ACCESSORY BUILDING. A subordinate structure, the use of which is incidental to that of the dominate use of the primary building or land.

ADJACENT. Property next to that of the applicant. If property is separated by an easement, roadway, lane, common area, or similar area, the property is considered to be adjacent, and the applicant must send notice to property owners whose property is next to any such area that touches the applicant's property. In discovering adjacent property, the applicant must measure from the outside border of any property he or she may own that is a part of or connected to the affected property named in the application. This must be done even though the matter to be heard may only affect or take place on a small portion of the applicant's property.

ADMINISTRATIVE DIVISIONS. Administrative subdivisions are subdivisions which are not required to meet all requirements of this chapter, other than those in § 157.019.

ADVISORY PLAN COMMISSION. A Plan Commission serving a single local government jurisdiction established as defined under the I.C. 36-7-1-2 (1983), as amended.

AGENCY. See **PUBLIC AGENCY.**

ALLEY. See **STREET.**

APPLICANT. The owner of land proposed to be subdivided, or his or her agent.

ARTERIAL. See **STREET.**

BLOCK. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or boundary lines of municipalities.

BOARD. The Board of County Commissioners of Steuben County.

BOND. Any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

BUFFER LANDSCAPING. Any trees, shrubs, walls, fences or related landscaping features required under this chapter or Chapter 156, on private lots and/or privately-maintained for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing sound and/or visual privacy. (See **SCREENING**)

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind.

BUILDING CODE. That County Ordinance or part of the Zoning and/or Subdivision Ordinance referencing the Indiana Administrative Code (IAC), establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent

installations and related matters, within the county. (Also referred to herein as the County Building Code.)

BUILDING LINE. Means the line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.

BUILDING PERMIT. A certificate issued by the County Building Official permitting a person or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure within its jurisdiction, or cause the same to be done.

CENTRAL SEWERAGE SYSTEM. A public/private sewer system, including collection and treatment facilities, serving more than one household.

CENTRAL WATER SYSTEM. A public/private water supply servicing more than one household.

CERTIFICATE. The signed and attested document which indicates that a subdivision has been granted secondary approval by the Commission subsequent to proper public notice of its hearing.

CHECKPOINT AGENCY. A public agency or organization called upon by the Commission to provide counsel with regard to a specific aspect of community development or required by law to give its assent before subdivision may take place. (Same as the County Design Review Board)

COMMISSION. The County Advisory Plan Commission as referred to herein; not the Board of County Commissioners or any other commission unless so specified.

COMMISSION ATTORNEY. The licensed attorney designated by the Commission to furnish legal assistance for the administration of this chapter or as provided by statute.

COMPREHENSIVE PLAN. Inclusive physical, social and economic plans and policies in graphic and verbal statement forms for the development of the County, prepared and adopted by the Commission, pursuant to the state acts, and including any materials prepared and approved under the 500 series of I.C. 36-7-4 or prior law. It includes a Master Plan adopted under any prior law. The Comprehensive Plan is separate from any zoning ordinance as defined I.C. 36-7-1-22.

CONDOMINIUM. The division of building and the related land into property interests meeting the requirements of, and controlled by, Indiana statutes for condominiums, as prescribed by I.C. 32-1-6-1 through 32-1-6-31.

CONSTRUCTION PLAN. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this chapter as a condition of the approval of the plat.

COUNTY. Steuben County, Indiana.

COUNTY BUILDING CODE. See **BUILDING CODE**.

COUNTY DESIGN REVIEW BOARD. A Board established by the county to provide technical services to the Plan Commission.

COUNTY ENGINEER. A state licensed engineer designated by the county to furnish engineering assistance in the administration of this chapter.

COUNTY GOVERNMENT. That governmental body of the county empowered to adopt planning and public policy ordinances: The Board of County Commissioners, herein referred to only as the County.

COUNTY HEALTH OFFICER. The person designated by the County Health Department to administer the health regulations within the county's jurisdiction.

COUNTY RECORDER. That county official empowered to record and file land description plats.

CUL-DE-SAC. See **STREET**.

DEPARTMENT. A Department or agency of government acting under the aegis of, and representing an elected or appointed council, commission or other policy-making or advisory body of federal, state or local government to whom it is responsible.

DESIGNATED OFFICIALS. Those officials of the Commission designated in the this chapter as required signatories for the execution of approval.

DESIGN PLAN. An informal, informational drawing, as described in this chapter, preparatory to the drawing of the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general understanding with the Commission as to the form of the plat and conformance to the objectives of this chapter.

DEVELOPER. Any person engaged in developing or improving a lot or group of lots or structures thereon for use of occupancy.

DRIVES, PRIVATE. Vehicular streets and driveways, paved or unpaved, which are wholly within private property, except where they intersect with other streets within public rights-of-way.

EASEMENT. A grant by the property owner for the use of a strip of land by the public, a corporation or person, for specified purposes.

ESCROW. A deposit of cash with the Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be held by the County Auditor.

FINAL PLAT. The map or plan of a subdivision, and any accompanying material submitted to the Commission for secondary approval, which, if approved and signed by the designated officials, may be submitted to the County Recorder for filing.

FLOOD HAZARD AREA(S). Those flood plains which are shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration, or maps provided to the Commission from the State Natural Resources Commission.

FLOOD PLAIN. The area adjoining a river, stream or lake which has been or may hereafter be, covered by flood water from the Flood Boundary Maps.

FLOOD PLAIN ORDINANCE. The amendment to the Master Plan and Zoning Ordinance of Steuben County, creating a Flood Plain District and authorizing collection of costs of enforcement, adopted June 16, 1986, and any amendments thereto.

FLOOD PROTECTION GRADE. The elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.

FLOOD, REGULATORY. That flood having a peak discharge which can be equaled or exceeded on the average of one in a 100-year period, as calculated by a method and procedure which is acceptable to, and approved by, the State Natural Resources Commission; this flood is equivalent to a flood having a probability of occurrence of 1% in any given year.

FLOOD ELEVATION, REGULATORY. The maximum elevation reached by the regulatory flood at the locations in question.

FLOODWAY, REGULATORY. The channel of a river, stream or lake, and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

FLOODWAY FRINGE. Those portions of the Flood Hazard Areas lying outside of the Floodway, shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

FOUNDATION. The support of a wall or structure.

FRONTAGE. That side of a lot abutting on a street, or way, and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets. In the case of corner lots, frontage will be considered to front on both intersection streets.

FRONTAGE STREET. Any street constructed by the developer or any existing street in which development may take place on both sides.

FRONT YARD. See **YARD.**

GRADE. The slope of a street, or other public way, specified in percentage terms.

HEALTH DEPARTMENT. The agency designated by the county to administer the health regulations within the county's jurisdiction.

HEALTH OFFICER. See **COUNTY HEALTH OFFICER.**

HOUSING CODE. The County Ordinance, or the Indiana Administrative Code, controlling the safety and healthfulness of buildings for human occupation. (Also referred to as the County Housing Code.)

IMPROVEMENTS. See **LOT IMPROVEMENTS** or **PUBLIC IMPROVEMENTS.**

INDIANA CODE. The Burns Indiana Statutes-Code Edition which codifies all Indiana Statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws "now" in force and applicable. (Usually abbreviated as I.C. herein.)

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Department of Environmental Management and the Health Department.

INTERESTED PARTIES. Any person who owns properties adjoining or adjacent to the proposed subdivision as shown on the design plan or who has requested the Commission to inform him of specific hearings.

JOINT OWNERSHIP. Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

JURISDICTION OF THE COMMISSION. The unincorporated territory of the County of Steuben Indiana, not under the authority of a city or town.

LAND DIVIDER. The owner of a parcel of land to be further divided.

LANDSCAPING. See **BUFFER LANDSCAPING, SCREENING AND SHADE TREES.**

LOT. A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership with the intent, or possible intent, of making improvements.

LOT IMPROVEMENT. Any building, structure, place, work of art or other object, or improvement of the land on which they are situated, constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

MAJOR SUBDIVISION. Any subdivision not classified as a minor subdivision including, but not limited to, subdivisions of four or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

MAP. A representation of a part or the whole of earth's surface, in signs and symbols, on a plane surface at an established scale, with the method of orientation indicated.

MARKER. A state, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

MASTER PLAN. See **COMPREHENSIVE PLAN.**

MINOR SUBDIVISION. A subdivision which meets the requirements of "minor divisions." (See § 157.018)

MODEL HOME. A dwelling unit used initially for display purposes which typifies the kind of units that will be constructed in the subdivision.

MONUMENT. A physical structure which marks the location of a corner or other survey point.

NON-RESIDENTIAL SUBDIVISION. A subdivision whose intended use is other than residential, such as commercial or industrial.

OFF-SITE. Any premises not located within the area of the property to be subdivided.

OFFICIAL MAP. See **THOROUGHFARE PLAN.**

OFFICIAL MASTER PLAN. See **COMPREHENSIVE PLAN.**

OFFICIAL THOROUGHFARE PLAN. The part of the Comprehensive Plan now, or hereafter, adopted which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification and classification of existing the proposed streets, highways and other thoroughfares.

ORDINANCE. Any legislative action, however denominated, of a local government which has the force of law.

OWNER. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in, the land sought to be subdivided under these regulations.

PARCEL. A part or portion of land having a legal description formally set forth in a conveyance together with the Boundaries thereof.

PERIMETER STREET. Any existing street to which the parcel of land to be subdivided abuts only on one side.

PERSON. Includes a person, corporation, firm, partnership, association, organization or any other group that acts as a unit.

PLAN COMMISSION. The Steuben County Advisory Planning body, as established in accordance with Indiana Law, often referred to herein simply as the Commission.

PLANNED UNIT DEVELOPMENT. A means of land regulation which permits large scale, unified land development in a configuration or mix of uses, not otherwise permitted under the County Zoning Ordinance but requiring a special review and approval process.

PLAT. A document indicating the subdivision or resubdivision of land filed, or to be filed, for record.

PLAT COMMITTEE. A three to five member committee appointed by the Plan Commission to review primary approval of minor subdivisions.

PRELIMINARY PLAT. The preliminary drawing or drawings described in these regulations, indicating the proposed manner or layout of the subdivision.

PRIMARY APPROVAL. An approval, or approval with conditions imposed, granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this chapter (per I.C. 36-7-4-700 series: Subdivision Control).

PRINCIPAL USE/BUILDING. The principal use of a lot or parcel. Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

PUBLIC AGENCY. An agency or government department, acting under the aegis of, and representing an elected or appointed council, commission or other policy-making or advisory body of Federal, State or local government to whom it is responsible.

PUBLIC FACILITIES PLAN. The part of the Comprehensive Plan which is now, or hereafter adopted, which shows the locations or proposed fire stations, schools, parks, recreational sites or other desirable public improvements.

PUBLIC IMPROVEMENT. Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree-lawn, parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

REAR YARD. See **YARD.**

REGISTERED LAND SURVEYOR. A land surveyor properly licensed and registered, or through reciprocity, permitted to practice in the State of Indiana.

REGISTERED PROFESSIONAL ENGINEER. An engineer properly licensed and registered in the state, or permitted to practice in the state through reciprocity.

REGULATORY FLOOD. See **FLOOD, REGULATORY.**

RESTRICTIVE COVENANTS. Limitations of various kinds of the usage of lots within a subdivision which are proposed by the subdivider and, in the case of public health, safety and welfare by the Commission, that are recorded with the plat.

RESUBDIVISION. A change in a map or an approved or recorded subdivision plat if such change affects any street layout, map or area reserved thereon for public use, lot line, or any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the sub divider on whose plat such right-of-way is established and accepted by the County Commissioners.

ROAD. See **STREET.**

ROOT PARCEL. Any separate and distinct quantity of land created by virtue of a legally recorded deed which land is not located within a legally recorded plat or approved development plan. For purposes of determining the duration of existence of a root parcel, quantity of land shall not lose its character as a root parcel because of subsequent conveyances of lots or parcels of land.

SALE OR LEASE. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, or an interest in a subdivision or party thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

SECONDARY APPROVAL. The stage of application for formal Plan Commission approval of a final subdivision plat at which construction has been completed or substantially completed.

SETBACK. A line parallel to and equidistant from the relevant lot line (front, rear, or side) between which no buildings or structures may be erected as prescribed in Chapter 156.

SHADE TREE. A self supporting woody, deciduous or plant with a well defined central trunk or stem that normally grows to a mature height of 30 feet or more.

SIDE LOT LINES. Any lines separating two lots other than front or rear lot lines.

STREET. A public right-of-way that provides primary access to public or private property.

(1) **ALLEY.** A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street. A right-of-way that provides secondary access for the special accommodation of an abutting property.

(2) **COLLECTOR STREET.** A street intended to move traffic from local streets to secondary arterials. (A collector street serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it and no driveway access to it is permitted.

(3) **CUL-DE-SAC.** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

(4) **DEAD-END STREET.** A street, or a portion of a street, with only one way vehicular traffic outlet.

(5) **HIGHWAY, LIMITED ACCESS.** A freeway or expressway, providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such a highway.

(6) **LOCAL STREET.** A street intended to provide access to other streets from individual properties and to provide right-of-way beneath, or beside it, for sewer, water, and storm drainage pipes.

(7) **MAJOR STREET.** A collector or arterial street.

(8) **PRIMARY ARTERIAL.** A street intended to move through-traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the county; and/or as a route for traffic between communities; a major thoroughfare.

(9) **PRIVATE STREET.** A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated to the public use, and has not been accepted by the County Commissioners for maintenance.

(10) **PUBLIC STREET.** A street established for and/or dedicated to the public.

(11) **SECONDARY ARTERIAL.** A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational institutions, manufacturing plants, hospitals, major recreational areas, churches and offices and/or those designed to carry traffic from collector streets to the system of primary arterials.

(12) **STREET RIGHT-OF-WAY WIDTH.** The distance between property lines measured at right angles to the center line of the street.

STRUCTURE. Anything constructed or erected that requires location on or in the ground, or is attached to something having a location on or in the ground.

SUBDIVIDER. Any person who:

- (1) Having a proprietary interest in land, causes it directly or indirectly to be divided into a subdivision; or
- (2) Who directly or indirectly sells, leases or develops, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit or plat in a subdivision; or
- (3) Who engages directly or through an agent, in the business of selling, leasing, developing, or offering for sale, lease or development, a subdivision of any interest, lot, parcel, site, unit, or plat in a subdivision; and
- (4) Who is directly or indirectly controlled by or under direct, or indirect common control with any of the foregoing.

SUBDIVISION. The division of a parcel of land into two or more lots, parcels, sites, units, plats or interests for the purpose of offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of land zoned for residential and non-residential uses, whether by deed, metes and bounds description, lease, map, plat or other recorded instrument.

SUBDIVISION, ADMINISTRATIVE. See **ADMINISTRATIVE SUBDIVISION.**

SUBDIVISION, MAJOR. See **MAJOR SUBDIVISION.**

SUBDIVISION, MINOR. See **MINOR SUBDIVISION.**

SUBDIVISION AGENT. Any person who represents or acts for, or on behalf of, a subdivider or developer in selling, leasing, or developing, or offering to sell, lease or develop any interest, lot, parcel, unit, site, or plat in a subdivision.

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TEMPORARY IMPROVEMENTS. Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond; or turn-around improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection is made.

THOROUGHFARE PLAN. The map or maps established by the county pursuant to law, showing the existing and proposed streets, highways, parks, drainage systems and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the county, or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent filing of such approved plats.

WETLAND. Those lands having vegetation that grows in lowlands as shown on the National Inventory Maps, or according to the Army Corps of Engineers, the U.S. Department of Fish and Wildlife, in conformance with the IDNR Flood Plain Management Plan.

YARD. A space on a lot surrounding the principal building such as: front yard, rear yard and side yard.

(1) **FRONT YARD.** A yard, defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. A lot situated at the intersection of two or more streets shall be deemed to have two front lot lines.

(2) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. On corner lots, the rear yard, shall be opposite the shorter of the two front lot lines or where one of the streets is a major arterial roadway the rear lot line shall be opposite the front lot line that fronts the local street. For a through lot that fronts a local street on one side and backs-up to an arterial road on the opposite side, the rear yard shall be that yard adjoining the arterial street.

(3) **SIDE YARD.** A yard, between the principal building and the adjacent side lot line, that extends from the front yard, or street right-of-way where there is no front yard, to the rear yard, and the width of which is the least distance between the side lot line and the adjacent side of the building.

ZONING ORDINANCE. The County Ordinance setting forth the laws and regulations controlling the use of land in the unincorporated, uncontrolled areas of the county.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

SUBDIVISION APPROVAL PROCEDURES**§ 157.015 GENERAL PROCEDURE.***(A) Discussion of requirements.*

(1) Prior to submitting any of the materials required by this chapter, the applicant or his or her representative should discuss with the Plan Director the nature of the land division being proposed so that the applicant may be instructed concerning the classification of the subdivision and what regulatory procedures apply to it, and must be followed under this chapter in order to secure primary and secondary approval. Where applicable, requirements concerning the general layout of streets and reservations of land, street improvements, drainage, sewerage, fire protection and similar matters, as well as the availability of existing services should be discussed. The Plan Director shall also advise the applicant, where appropriate, to discuss the proposed land division with those other officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction. The distinction between major, minor or administrative subdivisions, as defined in this chapter, shall be made by the Plan Director when the applicant submits an application for design approval in the case of a subdivision, or provides the Plan Director at a Pre-Design Conference with adequate information to enable the Plan Director to determine the level of approval required for the proposed division.

(2) The checkpoint agencies identified in § 157.020 shall be notified of the Conference and may make recommendations to the applicant. The checkpoint agencies, collectively, are known as the County Design Review Board which makes technical recommendations to the Plan Commission.

(B) Classification of Land divisions. All land to be divided shall be categorized into one of the classes of land division indicated in this chapter. These classes are:

(1) Major subdivision,

(2) Minor subdivision, and

(3) Administrative division.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.016 DESIGN APPLICATION PROCEDURE FOR PRIMARY APPROVAL.

(A) Application requirements. In order to begin the subdivision process, the applicant shall file an application for review of design and certification with the Plan Director and receive a signed receipt for same. This application shall:

(1) Be made on forms available at the Plan Commission Office and signed by the owner.

(2) Include indication of all contiguous holdings of the owner, including land in the same ownership, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, and the date on which the contract of sale was executed. If any corporations are involved, the Plan Director may request a complete list of all directors, officers and a listing of stockholders, if less than ten in number.

(3) Be presented to the Plan Director in duplicate.

(4) Be accompanied by a minimum of two copies of the design plans.

(5) Be accompanied by a fee as set by resolution of the County Board of Commissioners.

(6) Include the address and telephone number of the agent located within the county who is authorized to receive all notices required by this chapter.

(7) Include a letter signed by the checkpoint agencies indicating they have received a copy of the proposed design, or a certification that it has been sent.

(B) *Checkpoint submission.* In order to fulfill this last application requirement, a copy of the proposed plan shall have been submitted to each of the checkpoint agencies within seven days, so their comments may be made to the applicant and the Plan Director. The Plan Director shall request that all officials and agencies to whom a request for review has been made submit a written report to him within seven days. No response from an agency may not be interpreted as meaning "no objection." There must be a letter of no objection provided.

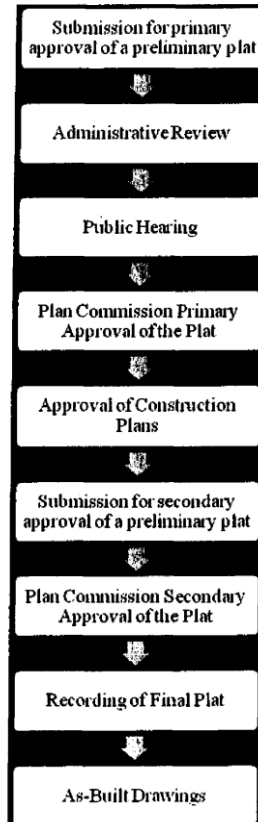
(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.017 MAJOR SUBDIVISIONS.

(A) *General procedures for primary and secondary approval.* Should the Plan Director, during design review, classify the proposed land division as a major subdivision, the subdivider shall follow the procedures and be subject to the processes outlined in Figure 2-3. In addition to a design plan which is reviewed by the Plan Director and the checkpoint agencies, the applicant seeking approval of a subdivision shall submit a primary subdivision plat, and a secondary subdivision plat which must be found to be in compliance with the preliminary plat as approved by the Commission.

(B) *Official submission dates.* The deadline for submittal of a design plan and application for certificate of approval shall be in accordance with Figure 2-3.

**Figure 2-3
Major Subdivision
Approval Process**



(C) Design Review Process.

Within 14 calendar days of the subdivider's design application submittal, the Plan Director shall have studied the proposal, reviewed checkpoint agency reports received and met with the sub divider to discuss pertinent aspects of the proposed subdivision, or possible modifications, and/or changes that may be required by this chapter. The Plan Director shall request that a representative of each checkpoint agency wishing to be involved in a design review be present to participate in the design review meeting. The Plan Director shall provide the participants with a written record of the proceedings of that meeting.

(D) Plat procedures for primary approval.

(1) *Submission requirements.* Concurrently with the submission review and report on the design application, the subdivider shall file for primary approval of a preliminary plat. This submission shall:

(a) Be made on forms available at the Plan Commission Office;

(b) Include all land which the applicant proposes to subdivide, and all land immediately adjacent, with the names and addresses of the owners as shown in the Auditor's files;

(c) Be presented to the Plan Director no later than 30 calendar days prior to the regular meeting of the Commission at which it is intended to be heard;

(d) Be accompanied by three copies of the primary plat as described in this chapter; and

(e) Comply with the design as submitted.

(2) *Placement on the Commission agenda.* Concurrent to the submission for primary approval, the petition shall be placed on the next meeting with an agenda opening.

(3) *Administrative review.* Concurrent to placement on the agenda, the Plan Director shall review the proposal and prepare a written report for the Commission and applicant, indicating the recommendation with regard to the subdivision being proposed.

(4) *Public hearing notification and sign posting requirements.* The Commission shall hold a public hearing on the primary plat and notice of the hearing shall be in at least one local newspaper of general circulation, at least ten days prior to the hearing (per I.C. 5-3-1) at the applicant's expense. Interested parties shall be notified of the date, time, place and purpose of the public hearing at least ten days in advance of the hearing by certified mail. The applicant may be required to file with the Commission an affidavit so testifying.

(5) *Primary approval of the plat.* After the Commission has held a hearing on the preliminary plat, the applicant shall be advised of any required changes and/or additions. The Commission shall at a public meeting grant primary approval, primary approval with conditions, disapprove the plat, or table the plat for more information. One signed copy of the plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore, within seven days of the public hearing.

(6) *Field trip.* The Commission, at its discretion upon hearing the request for primary approval, may elect to continue the matter until its next regularly-scheduled public meeting, and may schedule a field trip to the site of the proposed subdivision.

(7) *Effective period of primary approval.* Unless extended, the primary approval of a plat shall be effective for a period of two years at the end of which time secondary approval of the subdivision must be obtained and certified by the designated officials. Any plats not receiving secondary approval within the above period of time shall be null and void, and the developer shall be required to resubmit a new application for design review and certification. Upon request of the applicant, the Commission may extend the primary approval of a preliminary plat in increments of two years beyond an expiration date without further notice and public hearing, but the vote MUST be made in a public meeting. Only one extension is permitted.

(E) *Approval of construction plans.*

(1) *Submission procedure and requirements.* Following review of the design and prior to submission of the final plat for secondary approval, the applicant, shall file with the Plan Director, before starting work on any improvements, two sets of the detailed plans and specifications.

(2) *Review process.* The Plan Director shall immediately refer these plans to the appropriate agencies of the participating jurisdictions for review. Once these agencies indicate their approval of the construction plans, or seven working days have elapsed, the Plan Director shall stamp the plans approved and return one set to the applicant.

(F) *Secondary approval.*

(1) *Submission requirements.* Following primary approval of the plat and construction plans, the applicant shall file with the Plan Director a request for secondary approval of a final plat. The application shall:

(a) Be submitted on forms available at the Plan Commission Office.

(b) Include the entire subdivision, or section thereof, which derives access from an existing State, County or municipal roadway.

(c) Be accompanied by three copies of the final plat, as described in this chapter.

(d) Totally comply with the chapter and terms and conditions of primary approval.

(e) Post a performance bond, if required, in a form satisfactory to the Commission and in an amount established by the Commission.

(f) Be accompanied by any restrictive covenants in a form approved by the Commission.

(2) *Plan Commission Review.* The subdivider shall request Commission review in writing no less than 30 calendar days prior to the date of the public meeting at which he or she intends to have his or her final plat reviewed. The Commission shall place the matter on its next regularly-scheduled meeting agenda with an opening. The Plan Director shall review the proposal and submit a written report and recommendations to the Commission and the applicant; and the Commission, at the public meeting, shall approve or disapprove the final plat. If granted secondary approval, it shall be signed by the designated officials. If not granted secondary approval, then the subdivider shall be informed of the reason(s) for denial. If the final subdivision plat deviates from the preliminary plat that received primary approval, the subdivision shall be resubmitted to the Commission at a public meeting for a new primary approval.

(3) *Sectionalizing plats.* Prior to granting secondary approval of a major subdivision plat, the Plan Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it deems necessary to assure the orderly development of the

plat. The Plan Commission may require that a performance bond be commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. Such sections must contain at least 10% of the total number of lots contained in the approved plat. The approval of all remaining sections not filed with the Plan Director shall automatically expire after five years from the date of primary approval of the preliminary plat, unless the expiration date has been extended.

(G) *Signing and recording a plat.*

(1) *Signing of plat.* The designated officials of the Commission shall endorse approval on the plat by signing the certification after a bond has been approved, or all the conditions of the primary approval have been satisfied.

(2) *Assurance to the subdivider.* If the subdivider elects to install all improvements before he or she applies for secondary approval, and it is shown that the conditions of this chapter have been met, and if the final plat completely conforms to the primary approval, the Commission shall have no other recourse than to grant secondary approval.

(3) *Recording of final Plat.* The designated officials shall sign the certification which shall be part of the reproducible mylar of the subdivision plat, plus three mylar prints of the subdivision plat. (Mylar prints shall be 18 inches by 24 inches.) It shall be the responsibility of the subdivider in the presence of the Director, or his or her designee, to file the plat with the County Recorder within 30 days of the date of signature.

(4) *As-built drawings.* Digital files of the final plat and as-built surveys of all infrastructure improvements, including roads, utilities and drainage, shall be submitted to the County Auditor Office in a format compatible with the County's geographic information system software. All files contained shall be Computer Aided Drafting (CAD) files and must be compatible with AutoCAD version R14 or newer. If available, drawing should be referenced using Indiana State Plane East NAD 83 as the coordinate system. In addition to the CAD file, metadata file and descriptions of the data shall be included. Any additional data associated with the plans, e.g. survey data, GPS data, land use data, and the like may be submitted in a database table format on the same disk.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.018 MINOR SUBDIVISIONS.

(A) *Purpose.* The purpose of a minor subdivision is to permit a simplified procedure for certain subdivisions of land. Any resubdivision or replat that meets the conditions of minor plats shall also be considered under the following process.

(B) *Applicability.* A proposed minor subdivision may be processed under the following conditions:

(1) *Number of lots.* Minor subdivisions may be used to create a maximum of four lots from a root parcel. Additional divisions from a root parcel beyond the maximum of four lots shall require approval as a major subdivision.

(2) *Access.* All lots in the subdivision and adjacent land must have adequate ingress and egress without the construction of any new streets or substantial improvement to existing streets.

(a) No new public streets are required. A major subdivision is required if a new street is required due to topography, natural or man-made features, or other conditions relating to the property that provides a more efficient traffic flow or increases safety.

(b) Adequate ingress and egress to the remainder of the parcel and surrounding properties will be provided. Frontage on limited-access streets on which driveways cannot open shall not constitute legal access. Land adjacent to the property involved in the subdivision also will have adequate access according to the criteria contained in this section.

(c) Streets must have a hard surface suitable for vehicular traffic in good repair, and geometry suitable for the expected volume of traffic. Approval as a major subdivision shall be required if substantial improvement to existing streets is required, including pavement of gravel roads, or widening of existing paved roads.

(d) Driveway locations will provide for adequate sight distance and will be properly spaced. The use of shared driveways shall be permitted.

(e) Lots may be provided with access to a private roadway, provided all of the following requirements are met:

1. Provide access only as far as the parcel's property line. (It is not intended to include any individual drive within the parcel).

2. Be fully constructed in accordance with the following minimum standards prior to the issuance of an improvement location permit:

- a. Minimum road width of 20 feet;
- b. Eight inches of processed stone, gravel, or better; and
- c. Minimum right-of-way width of 50 feet.

3. In lieu of constructing the roadway, in accordance with the above division (e)2., a bond may be provided in an amount necessary to insure that the private roadway will be constructed according to the aforementioned minimum standards.

- a. Three cost estimates must be filed with the Plan Director before a bond may be approved.
- b. The amount of the bond and the time allowed to complete the roadway shall be determined by the Commission or Plat Committee.
4. Be approved by the County Highway Engineer before the bond may be released.
5. Meet all county requirements for intersection spacing and sight distance. Where access will be to a state highway, an access permit shall be required from the state.
6. Not access more than a maximum of four parcels, including any existing and proposed parcels.
7. Be continuously maintained by the property owner(s) served by the roads in a condition suitable for travel at the design speed, as determined by the County Highway Engineer, and passable for emergency vehicles, as determined by the Fire Department. A maintenance agreement shall be recorded with the private road easement, which acknowledges that the road surface and easement area are privately owned and therefore all construction and maintenance within the easement will be the sole responsibility of the signatories to the agreement.

(3) *Utilities and drainage.*

(a) *Sanitary sewer.* All lots shall be served by public sanitary sewer, or other sewerage system approved by the Indiana Department of Health and the County Health Department. If an extension of public sewer is a feasible alternative and desirable because of soil conditions, topography, lot sizes, or other factors, only an application for a major subdivision is permitted.

(b) *Water.* All lots shall be served by a public or quasi-public water system or shall be capable of having a well that complies with all requirements of the Indiana Department of Health and the County Health Department.

(c) *Drainage.* All lots shall be provided with drainage improvements complying with the requirements of the County Storm Drainage and Erosion Control Ordinance.

(4) *Zoning Ordinance.* All lots in the subdivision will provide the minimum lot area and width required in Chapter 156.

(5) *Orderly development.* The subdivision will not impede orderly development of land or the provision of public services and improvements.

(C) *Minor plat review procedure.* All minor subdivisions of land shall be reviewed according to the following process:

(1) *Pre-application meeting.* Prior to submitting any of the materials required by this chapter, the applicant or their representative is encouraged to discuss the nature of the land division being proposed with the Plan Director. The Plan Director may provide the applicant a preliminary opinion as to the classification of the subdivision and shall inform the application as to the application and review procedure.

(2) *Application and fees.* The application and supporting material, as listed in § 157.064 shall be filed with the Plan Director. The fee, as set by the County Board of Commissioners shall be paid at the time of the filing.

(3) *Primary review.*

(a) *Plat Committee Review.* The Plat Committee shall review the proposed minor subdivision. The review will be conducted with the consultation of the checkpoint agencies identified in § 157.020. The Plat Committee may take one of the following actions:

1. Approve the application upon a determination that the application complies with this chapter;
2. Approve the application subject to certain modifications that would bring the application into compliance with this chapter;
3. Deny the application on the grounds that the application does not comply with this chapter;
4. Table the application upon a determination that more information is necessary to determine if the application complies with this chapter; or
5. Forward the application to the Commission upon determination that the application should be heard by that body.

(b) *Action.* The action taken by the Plat Committee and the reasons for that action shall then be transmitted to the applicant within ten days of review.

(c) *Notice.* Interested persons shall be notified prior to the Plat Committee review in a manner consistent with county standards or shall be notified of the action taken by the Plat Committee within ten days of review.

(d) *Approval certificate.* The Plan Director and chair of the Plat Committee are authorized to sign the approved plat.

(e) *Length of approval.* Primary approval shall be valid for 120 days. Unless the plat meets all the requirements for and receives secondary approval within that time, the approval shall be null and void.

(f) *Plan Commission review.* A minor subdivision application may be heard by the Commission upon request by the applicant or interested person or a determination by the Plat Committee.

1. Request for Commission review by an applicant or interested person must be made within ten days notice of the Plat Committee's decision.

2. Application for Commission review shall be made on forms made available by the Plan Commission Office and be accompanied by fee as determined by the County Board of Commissioners.

3. The application shall be placed on the next meeting with an agenda opening.

4. The Commission shall follow the same procedures as the Plat Committee when reviewing the minor subdivision application.

(4) *Secondary review.*

(a) *Application.* An application for secondary review may be filed at the Plan Director on forms provided, together with any supporting documents to demonstrate that all conditions of primary approval have been satisfied.

(b) *Determination of conformance.* The Plan Director will review the application in a timely manner to determine if the subdivision complies with the secondary primary approval and all conditions.

(c) *Changes after primary approval.* Any changes in the approved plan must be submitted to the body which approved the subdivision, unless the changes qualify for approval as an administrative division.

(d) *Signature and seal.* Secondary approval shall be given by the Plan Director and/or their designee after the Plan Director has determined that the final plat complies with the conditions of approval and the county has accepted any public dedications, improvements, and/or guarantees of performance. The Commission seal shall be affixed to the final plat.

(e) *Recording.* Secondary approval of a minor subdivision shall be valid for a period of one year from the date of approval. If the final plat is not recorded in the County Recorder's Office prior to the expiration date it shall be null and void.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.019 ADMINISTRATIVE DIVISIONS.

(A) *Purpose.* Administrative divisions are not subject to the requirements of this chapter beyond the determination of the Plan Director that all the requirements of this section for administrative divisions have been met.

(B) *Administrative divisions.* In order for the land division to be considered an administrative division, the applicant shall submit information to the Plan Director to determine whether the proposed division meets the requirements to be considered an administrative division. Both the subdivider and the Plan Director shall hold copies of the statement of compliance. When the parcel is conveyed to another party, the copy of the instrument of such conveyance shall be recorded with the County Recorder, bearing a stamp of approval signed by the Plan Director indicating that such statement of compliance has been obtained. Administrative divisions must be one of the following:

- (1) A division of land into two or more tracts, all of which are at least 20 acres in size. No more than four total parcels may be created by this means, including the root parcel and three new parcels.
- (2) A division of land for the sale or exchange of tracts to correct errors in an existing legal description. Division shall not create additional building sites except for accessory buildings.
- (3) A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for distribution of property.
- (4) A division of land for the acquisition of street right-of-way or easement.
- (5) A division of land for the sale or exchange of tracts between adjoining land owners. Division shall not create additional building sites except for accessory buildings.
- (6) A division of land into cemetery plots for the purpose of burial of corpses.
- (7) A division of land to create a parcel for the location of equipment for a utility, such as, but not limited to, wellheads, pump stations, and electrical substations.

(C) *Dedication of right-of-way.* For a parcel created through an administrative division, the land divider shall dedicate to the public real property of a sufficient width to meet $\frac{1}{2}$ of the required right-of-way width for the specific public road as indicated on the county thoroughfare plan portion of the official map, and of a length along that public road equal to the length of that parcel along that roadway.

(D) *Administrative division review process.* Within four working days of the subdivider's complete submission of the required information, the Plan Director shall review the submission and notify the land divider that his or her proposed land division either qualifies as an administrative division and is thus exempt from all other provisions of this chapter, or does not qualify as an administrative division and is thus subject to the relevant subdivision processes described in this chapter.

- (1) The application and supporting material, as listed in § 157.065, shall be filed with the Plan Director. The fee, as set by the County Board of Commissioners shall be paid at the time of the filing.

(2) An administrative division shall be reviewed by the Plan Director for conformance with the requirements of this chapter and the Zoning Ordinance. If the division does not conflict with standards contained in this chapter and the Zoning Ordinance and does not cause non-compliance or increased nonconformity with the Zoning Ordinance, then the Plan director shall provide a statement of compliance.

(3) Upon obtaining a statement of compliance from the Plan Director, the subdivider may record the administrative subdivision with the County Recorder.

(E) *No guarantee.* In approving an administrative division, the Plan Director and Steuben County does not represent or guarantee, in any form, that the person or persons applying for such status will be issued the necessary permits for the installation of an on-site waste disposal system.

(Ord. 777, passed 7-3-08; Am. Ord. A-10-02, passed 2-1-10; Am. Ord. A-11-01, passed 3-7-11)

§ 157.020 CHECKPOINT AGENCIES.

(A) Proposed subdivisions within the Steuben County Plan Commission jurisdiction shall be presented to the following officials and agencies to facilitate primary approval by the Plan Commission.

- (1) Appropriate Highway Engineer (county or state).
- (2) County Surveyor.
- (3) County Soil and Water District Conservationist.
- (4) County Health Department (or its representative).
- (5) Appropriate fire department.
- (6) Appropriate school board.
- (7) Electric Utility.
- (8) Telephone Company.
- (9) Gas Company.
- (10) Other appropriate utilities.

(B) These agencies and officials constitute the County Design Review Board.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

IMPROVEMENT STANDARDS**§ 157.030 GENERAL IMPROVEMENTS.**

(A) *Conformance to applicable rules and regulations.* In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations:

- (1) All applicable state and local statutory provisions.
- (2) The County Zoning Ordinance, Building and Housing Codes, and all other applicable laws of the appropriate jurisdictions.
- (3) The Comprehensive Plan, Official Map, Public Utilities Plan and Capital Improvements Program of the County, including all streets, drainage systems and parks shown on the Official Map or Comprehensive Plan, as adopted.
- (4) The special requirements of this chapter and rules of the Health Department and/or appropriate state agencies.
- (5) The rules and regulations of the Indiana Department of Highways, if the subdivision or any lot (or connecting street) contained therein abuts a state highway.
- (6) The highway and drainage standards and regulations adopted by all boards, commissions, agencies, and officials of the county.
- (7) All pertinent standards contained within still valid planning guides published by the Plan Commission.

(B) *Approval withheld.* Plat approval may be withheld if a subdivision is not in conformity with the above guides and requirements, or with the policies and purposes of these regulations.

(C) *Self-imposed restrictions.* If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or this chapter, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Commission may require that restrictive covenants be recorded with the County Recorder in the form to be approved by the Commission Attorney. In no case shall the county be obligated to enforce the provisions of any easements, covenants, or agreements between parties.

(D) *Plats straddling municipal boundaries.* Whenever access to the subdivision is required across land in another jurisdiction, the Commission shall request assurance from the Plan Commission Attorney that such access is legally established, and from the County Engineer that the access has been duly executed and is sufficient in the amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

(E) *Boundary improvements.*

(1) The subdivider shall have placed, under the supervision of a Registered Land Surveyor, iron or steel bar monuments 5/8-inch in diameter and 30 inches long with an iron pipe case in the center at each corner or angle of the ultimate outside boundary. They shall be set following grading of each phase of the subdivision. Before any improvement location permit is issued, the subdivider shall have placed monuments at:

- (a) The intersection of street and alley public way lines;
- (b) The intersection of all angles in the subdivision boundary line;
- (c) At the beginning and ending of all street curves on both public way lines; and
- (d) At the corners of all lots.

(2) Monuments shall be set so that the top is level with the adjoining established grade.

(F) *Subdivision and road names.* The proposed name of a subdivision or road shall not duplicate, or too closely approximately phonetically, the name of any other subdivision or road in the area covered by these regulations. The Commission shall have final authority to designate the name of the subdivision or roads which shall be determined at the time of primary approval.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.031 LOT IMPROVEMENTS.

(A) *Lot arrangement.* Lots shall be arranged so there will be no foreseeable difficulties in securing building permits for reasons of topography, soil type, or other conditions in compliance with the Zoning Ordinance and Health Regulations or in providing driveway access from the approved street. Lots shall be arranged to provide a front to front relationship with those across the street whenever possible. Lots located at the end of a T intersection shall be offset such that the side lot line is aligned with traffic approaching the intersection.

(B) *Lot dimensions.*

(1) Lot dimensions shall comply with the minimum standards in Chapter 156.

(2) Where lots are more than double the minimum required area for the zoning district, the Commission may require such lots to be configured to allow further subdivision and future street access in compliance with the Zoning Ordinance and this chapter.

(3) In general, side-lot lines shall be at right angles to the street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.

(4) Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets. Corner lots shall be required to be at least ten feet wider than the minimum lot width to accommodate setbacks from the two frontages.

(5) Flag lots that have less than the minimum road frontage required by Chapter 156 shall be prohibited. All lots shall have adequate road frontage such that the lot can meet the minimum lot with requirement of the Zoning Ordinance.

(6) All lots shall have a maximum depth-to-width ratio of four to one (4:1).

(7) Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for all of the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

(C) *Double-frontage lots and access to lots.*

(1) Double-frontage lots and reversed frontage lots shall be avoided except where necessary to provide for the separation of residential development from the traffic on bordering arterials or to overcome specific disadvantages of topography and orientation affecting the subdivided lots.

(2) Access from primary and secondary arterials. Lots shall not derive individual access from a primary or secondary arterial street. Where driveway access from a primary or secondary arterial street may be the only possible access for several adjoining lots, the Commission shall require that such lots be served by a combined access drive in order to limit possible traffic hazards from multiple access points to such streets. Where possible, driveways should be designed and arranged to avoid requiring vehicles to back into traffic on primary or secondary arterials.

(3) For corner or double frontage lots, access shall only be permitted to one street. The street that a lot accesses shall be the street calculated to have lower traffic volumes and less frequent intersections, as determined by the County Highway Engineer.

(D) *Soil preservation, grading and seeding.*

(1) *Soil preservation and final grading.* No certificates of occupancy shall be issued until final grading has been completed in accordance with the approved construction plans and shall be stabilized by seeding or planting. (A temporary permit may be issued prior to seeding or planting.)

(2) *Lot drainage.* Lots shall be laid out to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area. Drainage shall be designed to avoid the accumulation of storm water on any one or more adjacent lots.

(3) *Lawn grass seed and sod.* All lots shall be seeded. Sod may be used to comply with the seeding requirement.

(E) *Waste material.* No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or any other waste material of any kind shall be left or deposited on any lot or street at the beginning of occupancy within a subdivision; nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

(F) *Fencing.* When fencing is required, each subdivider and/or developer shall furnish and install fences a minimum of 48 inches in height of woven wire or better, and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until these fence improvements have been installed.

(G) *Water bodies and water courses.*

(1) If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn to distribute the entire ownership of the water body among the owners of adjacent lots. The Commission may approve an alternative allocation of interest whereby the ownership and responsibility of the water body is so placed that it will not become a governmental responsibility. The minimum lot area required under Chapter 156 shall not include any portion of a water body. Where a water course separates the buildable area of a lot from the street from which it has access, provisions shall be made for installation of a culvert or other structure of a design approved by the County Drainage Board.

(2) Alterations to the shoreline or bed of a lake, stream or other body of water, shall have approval by the Indiana Department of Natural Resources and the U.S. Army Corps of Engineers.

(3) Lots may include un-submerged wetlands as a portion of the lot area, provided at least 75% of the minimum required lot area is buildable upland free from any wetland and that the location of the wetland does not prevent the placement of a building on the lot in conformance with the minimum required setbacks for the zoning district in which it is located.

(H) *Performance bond to include lot improvement.* The performance bond shall include an amount to guarantee completion of all requirements contained in this subchapter including, but not limited to, soil preservation, final grading, drainage, lawn grass seeding, removal of debris and waste, fencing and all other lot improvements required by the Commission. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond, the county may enforce the provisions of the bond where the requirements of this section or any other applicable law, ordinance or regulation have not been met.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

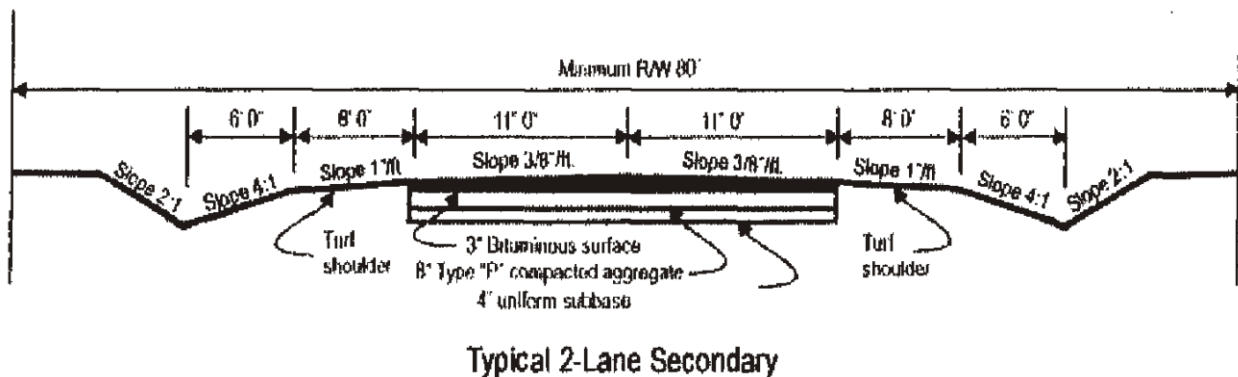
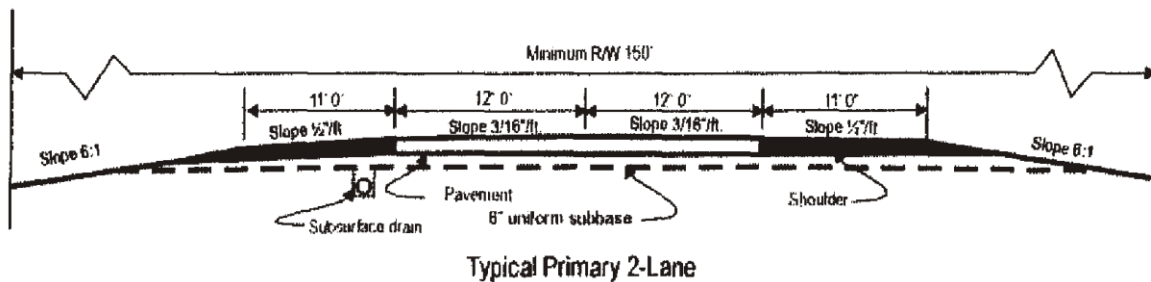
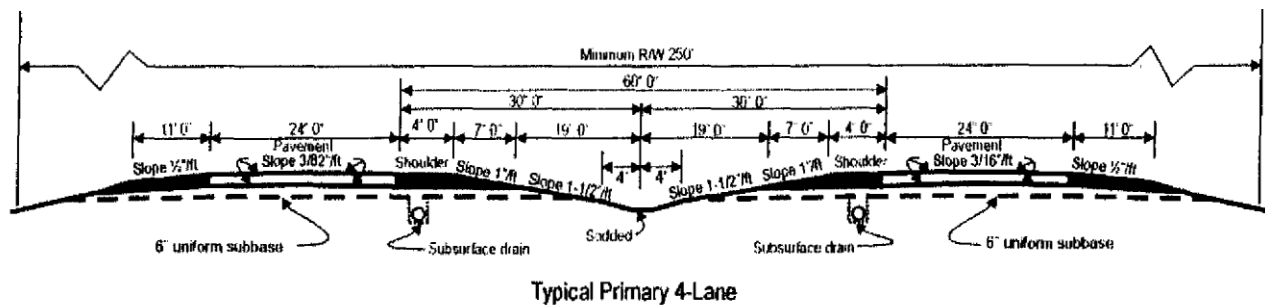
§ 157.032 STREETS.

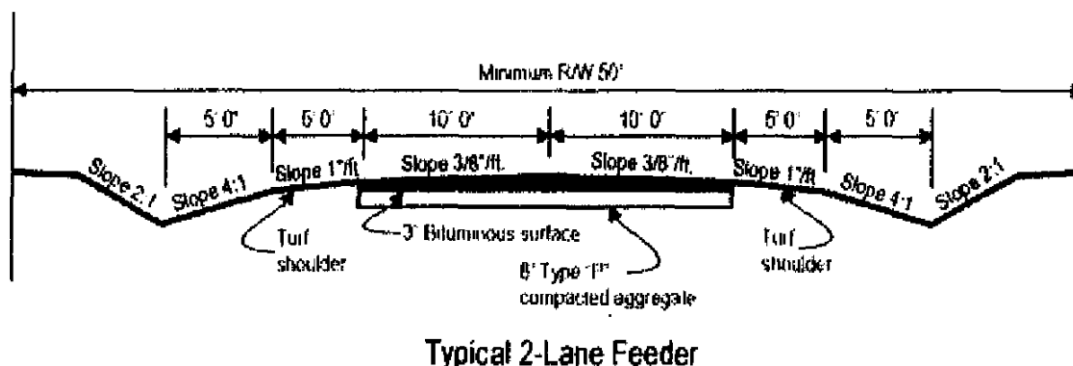
(A) *Frontage on improved streets.* No subdivision shall be approved unless the area to be subdivided shall have frontage on, or access to, an existing street on the Official Map, or if there is not an Official Map, unless such a street is:

(1) An existing state, county or private road; or

(2) A street shown upon a plat approved by the Commission and recorded with the Steuben County Recorder. Such street or highway must be suitably improved as required by the highway rules, regulation specifications or orders, or be secured by a performance bond required under this chapter, with the width and right-of-way required by this chapter or as indicated on the Official Map. Whenever the area to be subdivided is to use an existing street frontage, such street shall be suitably improved as required herein.

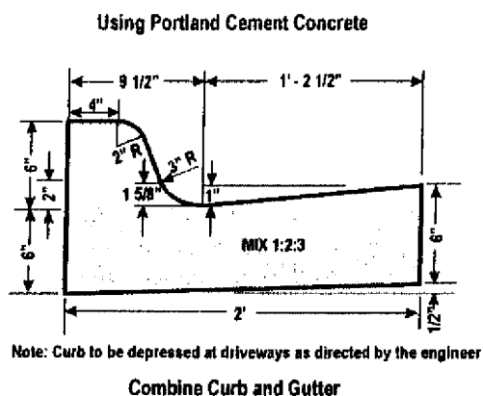
Figure 4-1(a)
Typical Rural Thoroughfare
Cross Sections





(B) *Grading and improvement plan.* Streets shall be graded and improved, and conform to the County construction standards and specifications, and shall be approved as to design and specifications according to Figure 4-1, and in accordance with the construction plans required to be submitted prior to secondary approval.

**Figure 4-1(b)
Curb and Gutter Detail**



(C) *Topography and arrangement.*

(1) Streets shall be related appropriately to the topography. All streets shall be arranged so, to the extent possible, building sites will be at, or above, the grade of the street. Street grade shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided. Specific standards are contained in the design standards of this chapter.

(2) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way, as established on the Official Map and Comprehensive Plan.

(3) All arterials and collector streets shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers, to population densities, and to the pattern of existing and proposed land uses.

(4) Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to minimize the number of streets needed to provide convenient and safe access to the property.

(5) Street networks shall maintain an interconnected system of blocks to provide for vehicular and pedestrian circulation. Street and walkway patterns shall be designed to facilitate circulation within the subdivision, respond to the local topography, enhance visual interest and sense of order, and promulgate connections with adjacent subdivisions and streets.

(6) Proposed collector streets shall be extended to the boundary lines of the tract to be subdivided. The Commission may waive this requirement if the extension is prevented by topography or other physical conditions or the extension is determined not to be necessary or desirable for the coordination or layout of the subdivision under consideration.

(7) In business and industrial developments, the streets and other access-ways shall be planned in connection with the grouping of buildings, location of rail facilities and the provision of alleys, truck loading and maneuvering areas, walkways, bikeways and parking areas to minimize conflict of movement between the various types of vehicular and pedestrian traffic.

(D) *Blocks.*

(1) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads and water ways.

(2) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,320 feet, nor be less than 400 feet in length. Wherever practical, blocks along arterials and collector streets shall not be less than 1,000 feet in length.

(3) In long blocks, the Commission shall require the reservation of easements through the block to accommodate utilities, drainage facilities or pedestrian traffic. Pedestrian-ways or crosswalks not less than ten feet wide may be required by the Commission through the center of blocks more than 800 feet long, or at other appropriate locations and at the ends of the cul-de-sacs where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined to be suitable by the Commission for prospective use.

(E) *Connections.*

(1) Streets shall be designed to provide connections between neighboring subdivisions. The Commission shall require appropriate streets to be extended to the property boundary line to facilitate future connections.

(2) When an adjoining parcel is not platted, the new streets shall be extended to the boundary line of the tract to make provision for the future connections. The subdivider shall demonstrate that the proposed stub street is in a reasonable location for extension into the adjacent lands, in consideration of factors such as grades, water bodies, wetlands and lot configuration.

(3) For new subdivisions bordering an un-subdivided parcel at least one stub street shall be constructed for each 660 feet of boundary. The Commission may increase spacing to not less than one stub road for each 1,320 feet where required to provide adequate access to adjoining un-subdivided parcels.

(4) A temporary cul-de-sac shall be provided unless the stub street only provides access to one lot on either side. A hammerhead turn around may be permitted where the stub street provides access to no more than a total of four lots. A sign shall be placed at the end of the stub street or cul-de-sac with a sign face on both sides stating "Future Street Extension." The creation of reserve strips shall not deny access from adjacent property to the proposed street.

(5) Land subdivided adjacent to tracts where extensions have been made shall have street patterns which connect to these extensions. The right-of-way width for a new street that is a continuation of an existing street shall equal that of the existing street.

(F) *Access to collector streets.* Where possible, lots in single-family residential subdivisions fronting on collector streets shall be avoided, and lots at the corners of intersections between local and collector streets shall front on the local street and have driveway access to it only, and not to the collector street. In multiple-family residential areas, entrances to group parking lots shall have access only to collector streets (where possible), and such entrances shall be widely spaced.

(G) *Access to primary arterials.* Where a subdivision borders or contains an existing or proposed primary arterial, the Commission shall only permit access by one of the following means:

(1) The subdivision of the lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial and screening shall be provided within a strip of land along the rear property line of such lots.

(2) A series of cul-de-sacs or loop streets entered from, and designed generally to be, at right angles to an access street at some distance from and parallel to the arterial street, with the rear lines of their terminal lots backing onto the major arterial.

(3) A marginal access or service road (separated from the primary arterial by a landscaped and/or decoratively-fenced grass strip, and having access thereto at widely spaced, suitable points).

(H) *Street names.* The design plan, as submitted, shall indicate names of proposed streets. As part of his or her review, the Plan Director shall refer proposed street names to the local Postmaster for his or her comments regarding the duplication of names and possible confusion. After reviewing them, the Plan Director shall inform the subdivider of his or her recommendations for their possible revision during the design review. Names shall be sufficiently different in sound and in spelling from other street names in the county, or in other nearby areas, to avoid confusion. Any extension of an existing street, shall bear the same name as the existing street.

(I) *Street regulatory signs.* The applicant shall deposit with the county at the time of final subdivision approval, a fee, as set by resolution of the County Board of Commissioners, for each street sign at every street intersection within the subdivision, in accordance with the County Highway specifications. The county shall install all street signs before issuance of certificates of occupancy for any residence on the approved streets.

(J) *Street lights.* If there is a provision for the operation and maintenance of street lights by the property owners, this shall be made part of the plat. Installation of street lights shall be done in accordance with the appropriate design and specification standards. Street light standards and fixtures shall also be in accordance with the visual design standards of the County Design Review Board. The proprietor may petition the County Board of Commissioners to establish the subdivision as a special assessment district for purpose of paying electrical cost of street light operation.

(K) *Construction of streets.*

(1) *Construction of streets other than cul-de-sacs.* The arrangement of streets shall provide for the continuation of streets between adjacent subdivisions or other properties when such continuation is necessary for the convenient movement of traffic, effective fire protection, efficient provision of utilities, and where such continuation is in accordance with the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end (stub) temporarily, the right-of-way shall be provided for all such temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of way shall revert to abutting lots when the street is continued. Temporary turnarounds must be provided at the ends of such stub streets. The Commission may limit the length of temporary dead-end streets in accordance with the design standards in these regulations.

(2) *Cul-de-sacs (permanent dead-end streets).* Where a street does not extend beyond the boundary of the subdivision and its continuation is not required by the Commission for access to adjoining property, the terminus shall normally not be nearer than 50 feet to a property boundary. However, the Commission shall require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac shall be provided at the end of a permanent dead-end street in accordance with county construction standards and specifications available from the

County Engineer's office. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length, in accordance with the design standards in these regulations, unless it is demonstrated to the satisfaction of the Plan Commission that unusual topographic conditions, water features, or other natural condition necessitate a longer street.

(L) *Design standards.*

(1) *General.* In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and street maintenance equipment, and to coordinate street location in order to achieve a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required.

(2) *Street surfacing and improvements.* After sewer and water utilities have been installed by the developer, the applicant may construct curbs and gutters and shall surface or cause the roadways to be surfaced to the widths prescribed in this chapter. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of street surface shall be as determined by ordinance of the County Board of Commissioners. Adequate provision shall be made for culverts, drains and bridges. All street pavement, shoulders, drainage improvements and structures, curbs, turn-arounds and sidewalks shall conform to all construction standards and specifications adopted by the Commission, or the county and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

(3) *Excess right-of-way.* Right-of-way widths in excess of the standards designed in this chapter shall be required whenever, due to topography, additional width is necessary to provide for adequate and stable earth slopes. Such slopes shall not be in excess of three to one.

(4) *Railroads and limited access highways.* Railroad rights-of-way and limited access highways located as to affect the subdivision of adjoining lands shall be treated as follows:

(a) In residential districts, a buffer strip at least 25 feet in depth, in addition to the required depth of the lot, shall be provided adjacent to the railroad right-of-way of limited access highway.

(b) This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon other than earth berms, walls, fences and other landscape screening devices approved by the Commission, is prohibited."

(5) *Intersection offsets.* Proposed new intersections along one side of an existing street shall, to the extent possible, align with any existing intersection on the opposite side of the street. Street jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives, without medial breaks at either such intersection. Where local streets intersect with major streets, their alignment shall be continuous. Intersections of major streets shall be at least 800 feet apart.

(a) Minimum curb radius at the intersection of two local streets shall be at least 20 feet, and minimum curb radius at an intersection involving a collector street shall be at least 25 feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

(b) Intersections shall be designed with flat grade wherever practical. In hilly or rolling terrain, at the approach to an intersection, a leveling area shall be provided having not greater than a 2% grade at a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street.

(c) Where any street intersection will encroach into earth banks or existing vegetation within a lot corner, creating a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation in connection with the grading of the public right-of-way to provide an adequate sight distance.

(d) The cross-slopes on all streets, including intersections, shall be 3% or less.

(6) *Bridges.* Bridges of primary benefit to the applicant, as determined by the Commission, shall be constructed at the full expense of the applicant without reimbursement from the county. The sharing of expense for the construction of bridges not of primary benefit to the applicant, as determined by the Commission, will be fixed by special prior agreement between the county and the applicant. Said cost shall be charged to the applicant pro-rata as the percentage of his or her land is developed and so served.

(M) *Street dedications and reservations.*

(1) *New perimeter streets.* Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required right-of-way width within his or her own subdivision's boundaries.

(2) *Widening and realignment of existing streets.* All subdivisions shall be required to dedicate the planned right-of-way along adjoining county thoroughfares. Where a subdivision borders an existing narrow street, or when the Comprehensive Plan, Official Map or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate such streets at his or her own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the applicant at his or her own expense to the full width required by these this chapter. Land reserved for any street purposes may not be counted in satisfying the yard or area requirements of the Zoning Ordinance.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.033 DRAINAGE AND STORM SEWERS.*(A) General requirements.*

(1) The Commission shall not recommend for approval any subdivision plat which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. To the extent possible, the configuration of stormwater detention ponds shall be incorporated into the natural topography of the site. Where this is not practical, stormwater detention ponds shall be shaped to emulate a natural formed 'free form' depression and shall be part of the natural landscape and open space system of the site.

(2) Storm sewers, where required, shall be designed by methods as approved by the Commission and the County Drainage Board, and a copy of the design computations shall be submitted along with the plans.

(3) Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter, or when the encroachment of storm water into the street disrupts traffic. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage pattern shall be shown for each and every lot and block.

(B) Nature of storm water facilities.

(1) *Location.* The applicant may be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist, either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the County's construction standards and specifications.

(2) *Installation.* Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, if outlets are within a reasonable distance.

(3) *Future stormwater disposal.* If a connection to a public storm sewer will be provided eventually, as determined by the County Drainage Board, the developer shall make arrangements for future storm water disposal by the public utility system at the time the plat receives final approval. Cost provision for such connection shall be incorporated by inclusion in the amount of the performance bond, or equivalent, required for the subdivision plat.

(4) *Accommodation of upstream drainage areas.* A culvert, or other drainage apparatus, shall in each case, be large enough to accommodate potential runoff from its entire sub-stream drainage area,

whether inside or outside the subdivision. The County Surveyor shall determine the necessary size and the required construction standards and specifications (assuming conditions of maximum potential watershed).

(5) *Effect on downstream drainage areas.* The County Surveyor shall determine the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County drainage studies, together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff will require an incidental downstream drainage facility, the Commission shall withhold primary approval of the subdivision until provision (such as a storage facility) has been made.

(6) *Compliance.* No subdivision shall be approved unless the development will be in full compliance with the Steuben County Ordinance for Storm Drainage and Erosion Control.

(7) *Areas of poor drainage.* Areas that are not in a flood plain but contain soils subject to flooding, or high porosity soils rated severe according to the Soil Map, may not be approved for subdivision by the Commission, unless a public sewer system is available. In the event an innovative engineering method for the construction of a building on a lot and an innovative water conservation or other private system for sewage treatment are proposed, the applicant shall provide same proposal with the primary plat application to the County Health Department for review and comment prior to the hearing held by the Commission on the primary plat. The Commission may approve such a lot or require its deletion from the plat for building purposes. Areas of high seasonal water tables, as shown on the Soil Survey of the County Soil and Water Conservation District, shall be treated as areas of poor drainage.

(8) *Floodplain areas.* No application for primary approval shall be heard by the Plan Commission unless it complies with the Comprehensive Plan and Zoning Ordinance of Steuben County, Indiana, create a Floodplain District and authorizing collection of costs of enforcement, effective July 3, 1985. That Ordinance requires Indiana Natural Resources Commission approval before any Improvement Location Permit can be issued.

(9) *Recording of plats in the floodplain, floodway, floodway fringe.* All final plats, having within their boundaries areas whose elevation is below that of the Regulatory Flood Elevation, shall show and label, for recording, the Regulatory Flood Boundary and elevation, as of the date the final plat is drawn. Lands below the Regulatory Flood Elevation shall not be used for computing the area requirement for any lot.

(C) *Dedication of drainage easements.*

(1) *General requirements.* Where a subdivision is traversed by a drainage course, drainage-way, channel or stream, a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width as will be adequate, shall be provided. Wherever possible, it is desirable that the drainage be maintained by a grass waterway or open stream with landscaped banks and gentle slopes of adequate width for maximum potential volume of flow.

(2) *Drainage easements.*

(a) Where topography or other conditions make the inclusion of drainage facilities within street rights-of-way impractical, perpetual unobstructed drainage easements, at least 15 feet in width, shall be provided across property outside the right-of-way lines, and with satisfactory access to the street. Easement shall be indicated on the plat. Drainage easements shall be carried from the street to a natural water course or to other drainage facilities.

(b) The applicant shall dedicate conservation easement land on both sides of existing water courses. The width of the easement shall be 15 feet on each side. If the water course is a legal drain, the applicant shall dedicate a drainage easement to be determined by the County Drainage Board.

(c) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(d) Low-lying land along water courses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage-ways. Such land or lands subject to periodic flooding shall not be included in the computations for determining the number of lots allowable under average density procedures, nor for computing the area requirement of any individual lot.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.034 WATER FACILITIES.

(A) *General requirements.*

(1) Where a public-water main is accessible, the subdivider shall install adequate water lines, including fire hydrants, subject to the specification of the State or local authorities. All water mains shall be at least six inches in diameter.

(2) Fire hydrants or dry hydrants. Hydrants, if required, should be located at each street intersection and at intermediate points between intersections as recommended by the State Insurance Services Office and the local fire department. Generally, hydrant spacing may range from 350 to 600 feet, depending on the area being served.

(3) Water main extensions shall be approved by the officially designated agency of the State, Division of Public Water Supply, County Health Department and municipality concerned.

(4) To facilitate the above, the location of all hydrants, water supply improvements and the boundary lines of proposed districts indicating all improvements proposed to be served, shall be shown on the primary plat, and the cost of installation shall be included in the performance bond to be furnished by the subdivider.

(B) *Individual wells and central-water systems.*

(1) If a public-water system is not available, individual wells or a central water system may be used; provided all lots are at least one acre in area, or ½ an acre where a public sewer system is available. An adequate supply of potable water will be available to every lot in the subdivision. Water sample test results shall be submitted to the County Health Department for its approval, and individual wells and central water systems shall be subject to approval by the State Division of Public Water Supply, prior to an occupancy permit being issued. Orders of approval shall be submitted to the Plan Director.

(2) If the County Health Department requires that a connection to a public-water main be eventually provided as a condition for approval of an individual well or central-water system, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds shall be required to ensure compliance.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.035 SEWERAGE FACILITIES.

(A) *General requirements.* The subdivider, or lot owner, shall install sanitary sewer facilities in a manner prescribed by the Indiana Department of Environmental Management construction standards and specifications. All plans shall be designed in accordance with the rules, regulations and standards of the county, Health Department and other appropriate state and federal agencies.

(B) *Sanitary sewerage system requirements.* Where public sanitary sewerage systems are available, sanitary sewerage facilities shall connect with, the public system and shall serve each lot to grades and sizes required by approving officials and agencies. Sanitary sewerage facilities shall be subject to the specifications, rules, regulations and guidelines of the Health Officer and Department of Environment Management.

(C) *Individual disposal system requirements.* If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and the residential sewage treatment disposal systems shall conform to the Indiana State Board of Health Rule 410 IAC 6-8, or the Steuben County Board of Health rules, whichever is more strict.

(D) As required for storm water systems, no individual disposal system shall be located in an area of poor drainage, high porosity, or with a high water table. If innovative engineering and architectural

plans are proposed to overcome these prohibitions, the applicant shall present these to the Design Review Board who shall make recommendations to the Commission at the hearing on the subdivision primary approval.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.036 SIDEWALKS.

(A) *Requirements.* Sidewalks shall be required on both sides of all streets in any subdivision that contains more than four lots or has lots of less than ½ acre in area.

(B) *Width.* Sidewalks shall be a minimum of five feet wide.

(C) *Construction materials.* All sidewalks shall be concrete and a minimum of four inches in thickness except at driveway and alley crossings, where they shall be six inches thick.

(D) *Location.* Sidewalks may be constructed within the dedicated, unpaved portions of the rights-of-way of all streets. A grass or landscaped median strip at least five feet wide shall separate all sidewalks from adjacent curbs.

(E) *Pedestrian accesses.* In order to facilitate pedestrian access from the street to schools, parks, playgrounds or other nearby streets, the developer may provide perpetual unobstructed easements at least 20 feet in width. Such easements shall be indicated on the plat.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.037 UTILITIES.

(A) *Location.* All utilities, existing and proposed, throughout the subdivision shall be shown on the primary plat or design, prior to submission to the Commission.

(B) *Easements.*

(1) Easements on rear lot lines shall provide for utilities (private and municipal). Such easements shall be at least 20 feet wide. All easements must be accessible to the utilities and at all times free of obstructions. (Proper coordination shall be established between the subdivider and the applicable utility companies for the coordination of utility easements with those established in adjoining properties.)

(2) Where topographical or other conditions make the inclusion of utilities along the rear lot lines impractical, perpetual unobstructed easements at least 20 feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines.

(3) The minimum utility easement width may be reduced to ten feet in width with approval of all the applicable utilities.

(4) If sidewalks are to be included within the subdivision, additional easements may be required by appropriate utilities.

(5) All easements shall be indicated on the plat.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.038 LANDSCAPING.

(A) *Landscaping required.* Landscaping shall be provided in all residential major subdivisions and in all commercial and industrial subdivisions. It shall be designed to preserve natural features, enhance the identity of the subdivision, and provide any required buffering from neighboring uses.

(B) *Landscaping standards.* All living landscape material planted to satisfy the requirements of this section must meet the standards set forth in the most current American Standard for Nursery Stock approved by the American National Standards Institute, Inc. Invasive species shall not be used. Landscaping must also meet the landscaping requirements contained in the Chapter 156.

(C) *Street trees.*

(1) Street trees are required in residential subdivisions at the minimum rate of one tree per lot.

(2) Street trees may be placed in the public right-of-way or in a landscape easement. Street trees must be so located as not to interfere with utilities.

(3) Tree species selected shall be appropriate to their location. Factors to consider in tree selection include but are not limited to soil and weather conditions, effects on sight distance, and effects on utility lines and pavement.

(D) *Landscape greenbelts.* Landscaping shall be provided around the outside perimeter of a subdivision where adjoining existing public roads. The greenbelts shall be a minimum of 20 feet deep, measured between the road right-of-way and the required yard space of any lot. The greenbelt can be a dedicated common area or a landscape easement over the lots, provided the rear yard setback shall be measured from the landscape easement. The greenbelt shall be landscaped with two trees (deciduous shade, ornamental, or evergreen), four shrubs and four perennials for every 40 feet of road frontage. Plant materials shall be creatively and functionally dispersed around the perimeter of the property. Clustering and staggering of materials is recommended to maintain the character of the county.

(E) *Detention and retention ponds.* Plantings shall be provided a rate of one deciduous shade or evergreen tree and ten shrubs per 50 linear feet of pond perimeter as measured along the top elevation of the pond bank. Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material.

(F) *Timing of installation.*

(1) Street trees and any other required landscape screening shall be installed within one year after the execution of the subdivision improvement approval or within 30 days after the first building is occupied, whichever comes first.

(2) Any required landscaping in common areas, such as medians and entries, shall be installed within one year after the execution of the subdivision improvement approval or within 30 days after 50% of the primary structures in any phase of the subdivision are occupied, whichever comes first.

(3) Street trees shall be installed within two years from the date of execution of the subdivision improvement agreement or prior to granting a certificate of occupancy for a dwelling on the adjoining lot, whichever comes first.

(4) The Plan Director may grant an extension of time if there are weather conditions or other factors which necessitate the extension. In deciding whether to grant the extension, the Plan Director shall consider the degree of completion of construction in the subdivision, the effect of the extension on property owners in the subdivision, and weather or other conditions affecting installation. The decision to deny an extension may be appealed to the Commission.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.039 PRESERVATION OF NATURAL FEATURES AND AMENITIES.

Existing features which would add value to the type of intended development or the county as a whole, such as trees, water courses, beaches, historic spots, wetlands and similar irreplaceable assets, should be preserved in the design of the subdivision.

(Ord. 777, passed 7-3-08)

§ 157.040 RECREATION AREA.

(A) *Recreation area.* All residential major subdivisions shall provide an active recreational area, which shall contain a common park area equal in size to 1,500 square feet for each lot in the subdivision. The required recreation area shall be exclusive of required setbacks, buffers, greenbelts, individual lots, public rights-of-way, private road easements and stormwater management areas.

(B) *Improvement.* The recreational park area shall be well drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings, and the location shall be approved by the Commission. Recreational facilities such as playscapes, athletic fields, trails, picnic tables or other suitable recreation facilities to meet the needs of the residents shall be provided within the recreation area. Recreational facilities must be installed and completed within one year after the execution of the subdivision improvement approval or within 30 days after 50% of the primary structures in any phase of the subdivision are occupied, whichever comes first.

(C) *Reservation for homeowners.* Reservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association or similar group for maintenance as a private park for the use and enjoyment of the residents of the subdivision. The recreation area required under this section shall not be required to be dedicated to the county and may remain as privately owned by the residents of the subdivision. However, nothing herein shall prevent the voluntary dedication of open space to a public entity or conservation organization, at the option of the subdivider, or homeowner's association and with the concurrence of the entity or organization to which it is proposed to be dedicated.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.041 NON-RESIDENTIAL SUBDIVISIONS.

(A) *General.* If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision, shall meet all applicable special provisions and requirements set forth in the Zoning Ordinance. A non-residential subdivision shall further be subject to all the requirements of this chapter as well as any additional standards required by the Zoning Ordinance, and the proposed land use standards of the Comprehensive Plan and Official Map. Where lot lines are to be established incrementally, these need to be shown on the design plan or the primary plat. All shopping centers and other non-residential subdivisions shall be subject to the relevant provisions of this chapter.

(B) *Standards.* In addition to the principles and standards in this chapter which are appropriate to the planning of all subdivisions, the following principles and standards shall be observed:

(1) Proposed commercial or industrial parcels shall be suitable in minimum area and dimensions to the types of development anticipated. Zoning Ordinance requirements for lot dimensions, setbacks, landscaping and parking shall be met. Proposals for incremental lot-by-lot subdivision must be made clear in a statement on the plat.

(2) Street rights-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated, as determined by the County Engineer.

(3) Special requirements may be imposed by the Commission, according to county specifications, with respect to street, curb, gutter and sidewalk design and construction.

(4) Special requirements may be imposed by the Commission with respect to:

(a) Installation of public utilities;

(b) Storage and disposal of materials. No deep well injection of wastes will be approved. Construction, discharge and emission permits from the Indiana Department of Environmental Management should be attached to the primary plat application, where applicable.

(5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision.

(6) Streets carrying non-residential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent, existing or potential residential areas.

(7) Pipelines, storage tanks, pits, ponds, lagoons, mounds and waste facilities shall be shown on the primary and secondary plats. Such facilities shall be planned to prevent any groundwater or surface water contamination and their construction shall be inspected by the Commission staff. No primary approval shall be granted by the Commission until the required Indiana Department of Environment Management permits and Federal permits are issued and copies are provided to the Plan Commission. The applicant shall provide a copy of the application and permit to the Plan Commission at its office where it shall be available for public inspection.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.042 TORNADO SIREN.

Where a major subdivision is proposed in an area of the county that is a large distance from any existing tornado warning sirens, the county shall require the developer install a new tornado warning siren in or adjacent to the subdivision to give the future residents warning in the event of a tornado or other emergencies.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

IMPROVEMENT AND PERFORMANCE BOND

§ 157.050 IMPROVEMENTS AND PERFORMANCE BOND.

(A) *Completion of improvements.* Before the plat is signed by the designated officials, all applicants shall be required to complete, in accordance with the Commission's decision and to the satisfaction of the County Engineer, all the streets, sanitary, and other public improvements, including lot improvements

on the individual lots, as required in this chapter, specified in the approved construction plans, and detailed on the approved final subdivision plat. All public improvements shall be dedicated to the county, free and clear of all liens and encumbrances on the property.

(B) *Performance bond.*

(1) The Commission, at its discretion, may waive the requirement that the applicant complete all public improvements prior to the approval of the final subdivision plat or, in the alternative, the applicant shall post a performance bond, securable to the county. The amount of the bond shall be equivalent to 100% of the estimated cost of construction and installation of the remaining portion of the required public improvements.

(2) In lieu of such a performance bond, the subdivider may submit one of the following:

(a) A certified check, made payable to the county, in an amount equivalent to 100% of the estimated cost of completing the remaining portion of the required public improvements. Any such check shall be held by the County Auditor;

(b) Irrevocable letters of credit in behalf of the subdivider and securable by the county, in an amount equivalent to 100% of the estimated cost of completing the remaining portion of required public improvements. In the event an irrevocable letter of credit is used, it shall be written for a maximum length of two years. Two months prior to the expiration of the letter of credit, the Commission shall determine if the public improvements have been accepted for maintenance by the County or other units of government having jurisdiction over them. If they have not been accepted, the Commission shall notify the subdivider, in writing, of the intent to secure the funds pledged by the letter of credit or, at the discretion of the Commission, to grant an additional extension for a period, not to exceed one year. In the event an extension of time is granted, the subdivider shall file a new letter of credit with the Commission for the extension period;

(c) A certificate of deposit made out to the county and the subdivider, to be held by the County Auditor in an amount equivalent to 100% of the cost of completing the remaining portion of the required public improvements. If the subdivider is named jointly on the certificate, then the subdivider must endorse it before submitting it to the Commission so that the county may secure the funds;

(d) A property bond in an amount equivalent to 100% of the required public improvements. The property bond shall be approved by the Commission Attorney.

(3) The performance bond or other form of financial guarantee shall comply with all statutory requirements and shall be satisfactory to the Commission Attorney as to form, sufficiency and manner of execution, in accordance with this chapter. The period within which required public improvements must be completed shall be specified by the Commission in the primary approval of the plat and shall be incorporated into the financial guarantee. In no case shall the period of the financial guarantee exceed two

years from date of secondary approval. The Commission may, upon written proof of difficulty, grant an extension of the completion date set forth in the financial guarantee for a maximum period of one additional year, provided that the bond submitted for this extension period meets all other requirements of this chapter. The Commission may, at any time during the period of the bond, accept a substitution of principal or sureties on the bond.

(C) *Temporary public improvements.* The applicant shall construct and pay for all temporary public improvements required by the Commission (or as requested by the participating jurisdiction), and shall maintain same for the period specified by the Commission. Prior to construction of any temporary public facility or improvement, the subdivider shall file with the Commission a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed (except for turn-around at ends of the peripheral (stub) streets intended for connection into adjacent future subdivisions).

(D) *Cost of public improvements.* All required public improvements shall be made by the applicant at his or her expense without reimbursement by the participating jurisdiction, or any other public improvement district therein, unless sharing of expenses is agreed upon by the county (or other participating jurisdiction, where applicable).

(E) *Governmental units.* Governmental units to which these bond provisions apply may file, in lieu of a bond, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this section.

(F) *Failure to complete public improvements.* For subdivisions for which no performance bond has been posted, if the public improvements are not completed within the period specified by the Commission in the primary approval of the preliminary plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and the required public improvements have not been installed within the terms of the performance bond, the participating jurisdiction may request the county to declare the bond to be in default and cause all public improvements to be installed to the limits of the bond, regardless of the extent of the building development at the time the bond is declared to be in default.

(G) *Acceptance of dedication offers.* The approval by the Commission of a subdivision plat shall not be deemed to constitute, or imply the acceptance by the county (or other participating jurisdiction) of any street, easement or park shown on the plat. The Commission shall require the plat to be endorsed with appropriate notes to this affect. The acceptance is that of only the real property itself. (Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.051 INSPECTION OF PUBLIC IMPROVEMENTS.

(A) *General procedure.* If the participating jurisdiction finds upon inspection that any of the improvements have not been constructed in accordance with the approved construction plans, the

applicant shall be responsible for completing the public improvements according to those plans. Where the cost of the public improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the public improvements according to specifications to the limits of the bond.

(B) *Release or reduction of performance bond.*

(1) *Certificate of satisfactory completion.* The county, or other participating jurisdiction, shall not accept required public improvements, nor release or reduce a performance bond, until the county, or other participating jurisdiction, has issued a certificate stating that all required public improvements, or a pro rata part in the case of a reduction, have been satisfactorily completed. The applicant's engineer or surveyor shall provide the participating jurisdiction with detailed "as built" construction plans of the public improvements, including location, dimensions, materials and other information required by the Commission or participating jurisdiction. Upon such certification, the county (or other participating jurisdiction) shall thereafter accept the public improvements for maintenance in accordance with the established procedures.

(2) *Reduction of performance bond.* A performance bond shall be reduced upon actual acceptance of public improvements and then only by the amount originally estimated for the completion of those improvements.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.052 MAINTENANCE OF PUBLIC IMPROVEMENTS.

(A) The applicant shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of the public improvements by the county, or other participating jurisdiction.

(B) To ensure the satisfactory condition of the required public improvements, for a period of one year after the date of their acceptance by the applicable jurisdiction, the applicant shall be required to file a maintenance bond with the Commission, prior to acceptance of the public improvements. The bond shall be in an amount equal to 10% of the cost of all public improvements and in a form satisfactory to the Commission Attorney.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.053 ISSUANCE OF IMPROVEMENT LOCATION PERMITS.

No improvement location permits shall be issued for the last 10% of lots in a final subdivision plat or section thereof, until all public improvements required by the Commission for the subdivision have been fully completed. If 10% is less than two, then permits shall be withheld for the last two lots of the subdivision or section thereof.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

***DESIGN PLAN, PRIMARY PLAT AND CONSTRUCTION PLANS
AND FORMS FOR APPROVAL***

§ 157.060 DESIGN PLAN.

Design plans submitted to the Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than 100 feet to an inch, and shall show the following information:

(A) *Name.*

(1) Name of subdivision if property is within an existing subdivision.

(2) Proposed name if not within a previously-platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded.

(3) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

(B) *Ownership.*

(1) Name and address, including telephone number of legal owner or agent of property, and citation of last instrument conveying title of each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference.

(2) Citation of any existing legal rights-of-way or easements affecting the property.

(3) Existing covenants on the property, if any.

(4) Name, address (including telephone number) of the person responsible for subdivision design, for the design of the public improvements and for surveys.

(C) *Description.* Location of property, name of local jurisdiction, lot, section, township, range and county, graphic scale, north arrow and date.

(D) *Features.*

(1) Location of property lines, existing easements, burial grounds, railroad rights-of-way, prime agricultural lands, wetlands, lakes, water courses and existing wooded areas; location, width and names of all existing or platted streets or other public ways within or immediately adjacent of the tract, and the names of all immediately adjacent property owners (from the latest assessment rolls).

(2) Location, sizes, elevations and slopes of existing sewers, water mains, culverts, storage tanks and other underground structures within the tract and adjacent thereto; existing permanent buildings on or adjacent to the site and utility rights-of-way.

(3) Approximate topography, at the same scale as the design plan. (Normally showing two foot contour intervals, but the Plan Director may require one foot intervals on very flat land, or permit five foot intervals on very steep slopes).

(4) The approximate location and widths of proposed streets.

(5) Soil types, slope and characteristics, according to the Soil Survey, Steuben County, Indiana.

(6) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

(7) The approximate location, dimensions and areas of all proposed or existing lots.

(8) The approximate location, dimensions and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

(9) The location of temporary stakes to enable the Commission to find and appraise features of the design plan in the field.

(10) Whenever the design plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than 200 feet to the inch, a design in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

(11) A vicinity map showing streets and other general development of the surrounding area. The design plan shall show all school and improvement district lines with the zones properly designated.

(Ord. 777, passed 7-3-08)

§ 157.061 PRIMARY PLAT APPROVAL - MAJOR SUBDIVISION.

(A) *General.* The primary plat shall be prepared by a licensed land surveyor at a convenient scale of not more than 100 feet to the inch, may be prepared in pen or pencil and the sheets shall be numbered in sequence, if more than one sheet is used, and shall be 18 inches by 24 inches in size, acceptable for filing in the office of the County Recorder. The map prepared for the primary plat may also be used for the final subdivision plat and, therefore, should be drawn on reproducible mylar; with preparation in pencil to make required changes and additions easier.

(B) *Design plan information.* All information required on the design plan should also be shown on the preliminary plat.

(C) *Features.* The primary plat shall show the following:

(1) The location of the property with respect to surrounding property and streets, the names of adjoining property owners of record, the names of adjoining developments and the names of adjoining streets.

(2) The location and dimensions of all boundary lines of the property to be expressed in feet and hundredths of a foot.

(3) The location of existing easements, wetlands, water bodies, streams, prime agricultural land, swamps, flood plains, railroads, storage tanks, buildings, parks, cemeteries, drainage ditches and bridges.

(4) The location and width of all existing and proposed streets, alleys and other public ways, and their rights-of-way and of easements and building setback lines.

(5) The location and width of all existing and proposed sidewalks and non-motorized pathways.

(6) Slope and soil characteristics for each lot according to the soil survey of the county. If private sewage treatment facilities are planned, the County Health Department shall determine the location of each facility on each lot where slope and soil characteristics make the facility acceptable to state and local standards.

(7) The locations, dimensions and areas of all proposed or existing lots.

(8) The front side and rear-yard setbacks for each proposed lot.

(9) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations, with designation of the purpose thereof and conditions, if any of the dedication or reservations.

(10) If street lighting is proposed, the location of street lights and the wattage of the proposed street lights.

(11) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider, if other than the owner, and the name of the land surveyor.

(12) The date of the map, approximate true north point, scale and title of the subdivision.

(13) Sufficient data acceptable to the County Engineer to determine readily the location, bearing and length of all lines, and to reproduce such lines upon the ground; also the location of all proposed monuments.

(14) Names of the subdivision and all new streets to be approved by the Commission.

(15) Indication of the use of any lot (single-family, two-family, multi-family, townhouse, or commercial or industrial buildings and storage tanks, pits, ponds or lagoons) and all uses other than residential proposed by the subdivider.

(16) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.

(17) All lots in each block shall be consecutively numbered. Out lots shall be lettered in alphabetical order.

(18) If the subdivision is to be developed in phases, a phasing plan shall be provided. The plan must demonstrate that the infrastructure of each phase will be able to function independently of future phases.

(19) Description and dedication of rights-of-way granted to the county.

(20) The following notation shall also be shown:

(a) Explanation of drainage easements, if any.

(b) Explanation of site easements, if any.

(c) Explanation of site reservations, if any.

(d) Endorsement of owner, as follows:

Owner _____ Date _____

(D) *Permits*. If permits are required from the Indiana Department of Environmental Management, State Board of Health, Natural Resources Commission, U.S. Army Corps of Engineers and/or the U.S. Environmental Protection Agency, the Subdivider shall provide proof of notification of any and all concerned agencies. Such proof shall be attached to the preliminary plat.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.062 CONSTRUCTION PLANS - MAJOR SUBDIVISION.

General construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one inch equals 50 feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

(A) Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within 100 feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents and central angles on all streets shall also be shown.

(B) The Commission shall require, where steep slopes in excess of 8% exist, that cross-sections of all proposed streets at 100 foot stations shall be shown at five points on a line at right angles to the center line of the street and at elevation points shall be at the center line of the street, each property line and points 25 feet inside each property line.

(C) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes and catch basins; the locations, size and invert elevations of existing and proposed sanitary sewers, storm water drains and fire hydrants, showing connection to any existing or proposed utility system; and exact location and size of all water, gas or other underground utilities or structures.

(D) Location, size, elevation and other appropriate description of any existing facilities or utilities including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, wetlands, wooded areas and other pertinent features such as swamps, railroads, buildings; and features noted on the official map or Comprehensive Plan, at the point of connection to proposed facilities and utilities within the subdivision.

(E) Water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low-water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plan. If the subdivision borders a lake, river or stream, the distances and bearing of a meander line established no less than 20 feet back from the ordinary high-water mark of such waterways.

(F) Topography at the same scale as the design plan with a contour interval of two feet, referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum, and should be noted on the plat.

(G) All specifications and references required by the County's construction standards and specifications, and a site grading, reseeding, and runoff control plan for the entire subdivision.

(H) Notation of approval as follows:

Owner _____ Date _____
 Commission President _____ Date _____
 (Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.063 SECONDARY PLAT APPROVAL - MAJOR SUBDIVISION.

(A) *General.* The secondary plat shall be presented in India ink on reproducible mylar, at an appropriate scale. The plat shall contain the same information required for primary approval, except for any changes or additions required by the conditions. The primary plat may be used as the secondary subdivision plat, if it meets these requirements and is revised in accordance with the Commission's approval. All revision dates must be shown as well as the following:

(1) Notation of any self-imposed restrictions and locations of any building lines proposed to be established in this manner, if required by the Commission in accordance with this chapter.

(2) Endorsement of the County Health Department.

(3) An monuments erected, corners and other points which are made shall be noted at the representation thereof, or by legend, for metal monuments shall indicate the find of metal, the diameter, length and weight per lineal foot of the monuments.

(B) *Preparation.* The secondary subdivision plat shall be prepared and sealed by a land surveyor licensed by the State of Indiana.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.064 MINOR SUBDIVISION.

The subdivider shall submit three copies of the plat including the following information, prepared by a land surveyor licensed by the State of Indiana.

(A) The plat shall be a reproducible drawing, no larger than 36-inch x 24-inch at a scale of 50 feet to the inch or larger.

(B) Name and legal description of the minor plat.

(C) Graphic scale, north point and date.

(D) Vicinity map.

(E) A dimensioned drawing noting the location(s) of any existing building(s) street(s), driveway(s), sidewalk(s) or utility structure(s) on or adjoining the site.

(F) Lot numbers, dimensions, location of monuments, and area for each lot. A general notation shall be provided on the plat stating that the plat complies with Chapter 156 requirements for minimum lot area, width and frontage.

(G) Description of and dedication of rights-of-way as established by the county.

(H) Easements (existing or proposed, including but not limited to utility easements, drainage easements, access easements, and the like), legal drains, and easements to be vacated by the subdivision with notations regarding the vacation.

(I) Regulated drains and tiles.

(J) Boundary lines of floodway and floodway fringe areas on each lot as scaled from the Flood Insurance Rate Map.

(K) For subdivisions containing land with a slope of 10% or greater, as determined by the Soil Survey of Steuben County, the topography as shown on the USGS quad sheets. Topography may be shown on a separate print, provided it is shown at a scale no smaller than 1-inch = 300 feet.

(L) Evidence that a sewerage permit can be obtained from the County Health Department or evidence that other acceptable sewer and/or water service is available to all building lots in the subdivision.

(M) Evidence that a driveway permit can be issued by the Indiana Department of Transportation for any lot in a minor subdivision that has its access from a state highway.

(N) Any covenants or other restrictions applying to the subdivision that will run with the land.

(O) Land surveyor's certificate.

(P) Owner's certificate.

(Q) Notary seal.

(R) Approval certificate.

(S) Tax certificate.

(T) Other notations as needed.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.065 ADMINISTRATIVE DIVISION.

The subdivider shall submit a drawing of the plat including the following information, as applicable:

(A) The plat shall be a reproducible drawing, no larger than 36-inch x 24-inch at a scale of 50 feet to the inch or larger.

(B) Name and legal description of the parcel.

(C) Graphic scale, north point and date.

(D) A dimensioned drawing noting the location(s) of any existing building(s) street(s), driveway(s), sidewalk(s) or utility structure(s) on or adjoining the site.

(E) Lot dimensions, location of monuments, and area for each lot.

(F) Right-of-way widths as established by the county.

(G) Easements (existing or proposed, including but not limited to utility easements, drainage easements, access easements, and the like), legal drains, and easements to be vacated by the subdivision with notations regarding the vacation.

(H) Regulated drains and tiles.

(I) Boundary lines of floodway and floodway fringe areas on each lot as scaled from the Flood Insurance Rate Map.

(J) For removal of interior lot lines, a legal description of the property and the new lot number(s).

(K) For removal of platted easements, signed and notarized letters of approval of the proposed action by all utilities having an interest in such easements, and in the case of drainage easements, any neighboring property owners affected by such easements. A notation shall be placed on the plat indicating that the easement has been vacated.

(L) For changes in the notations on a previously approved plat, an explanation of the reason(s) for the changes. If the Plan Director finds that such changes have a significant effect on the subdivision as approved by the Commission, the Plan Director may require such change to be decided by the Commission.

(M) For division of land into cemetery plots, a plat of the cemetery showing the layout of the cemetery including private drive, parking areas, and the sizes of burial lots. Such plat shall comply with the requirements of I.C. 23-14-8.

(N) For divisions by court decree, a copy of the decree showing by legal description how the land is to be divided.

(O) For sale or exchange of adjoining land:

(1) For sale or exchange of adjoining land where one or more the affected parcels is platted, a legal description and indication on the drawing of the tract to be divided and the tract to be added and certification by a registered land surveyor that monuments have been or will be set to indicate the relocated property lines. If land involved in the subdivision has not been monumented, no monumentation is required.

(2) For sale or exchange of adjoining unplatted land, a legal description and indication on the drawing of the tract to be divided and the tract to be added.

(3) For subdivisions where the purpose is to resolve a boundary dispute or to establish a mutually agreed-upon boundary line, an affidavit signed by all affected property owners stating the purpose of the subdivision.

(4) At the time that an administrative subdivision is submitted for approval, the submission shall include quitclaim or warranty deed(s) containing the legal description for each parcel of property for which ownership is transferred within and by said administrative subdivision.

(P) For corrections of legal descriptions, an affidavit signed by the affected owners stating that the description was in error and a corrected legal description. Such correction shall be recorded, and an appropriate notation shall be placed on the recorded plat.

(Q) For dedication of right-of-way or access easements, a legal description and a drawing showing the parcels and the location of the right-of-way or easement and a certification by a registered land surveyor that monuments will be set indicating the relocated property lines.

(R) For creation of a parcel for utility use, a legal description and site plan of the utility parcel and a legal description of the divided parcel.

(S) Land surveyor's certificate.

(T) Owner's certificate.

(U) Notary seal.

(V) Approval certificate.

(W) Tax certificate.

(X) Other notations as needed.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

Editor's note:

I.C. 23-14-8 was repealed by P.L. 52-1997, Sec. 58

VACATION OF PLATS, VARIANCES

§ 157.075 RESUBDIVISION OF LAND.

(A) *Procedure for resubdivision.* In the event that a change in a map or an approved or recorded subdivision plat affects any street layout shown on the map, any area reserved for public use, any lot line, or any plan legally reached prior to the adoption of any regulations controlling subdivisions, the parcel shall be approved by the Commission by the same procedure, rules and regulations as for a subdivision.

(B) *Procedure for subdivisions where future resubdivision is indicated.* If a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land, and there are indications that such lots may eventually be resubdivided into smaller building sites, the Commission shall require that the parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets shall be made a requirement of the plat.

(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.076 VACATION OF PLATS.

(A) The vacation of a plat in which a lot has been sold and/or a road has been constructed and which meets the criteria contained in I.C. 36-7-3-10 must obtain the approval of the Plan Commission. Vacation of a plat which has improved public ways may only be vacated in accordance with I.C. 36-7-12.

(B) All or part of a plat may be vacated if no lots have been sold and the plat is outside the boundaries of any municipality. The owner shall declare the plat to be vacated in a written instrument executed, acknowledged and recorded in the same manner as a deed to land.

(1) Before offering the instrument for recording a vacation of a plat in which lots have been sold, to comply with I.C. 36-7-3-10, the owner(s) must file a copy of the instrument in the County Auditor's office and must submit the instrument vacating the plat for the approval of the Plan Commission. (I.C. 36-7-3-10 states that the County Recorder may record the instrument only if a certificate showing the approval of the vacation by the Plan Commission is attached to it.)

(2) An instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated, and it also terminates all public rights in the public ways and public places described in the plat or part of the plat. However, a public way that has been improved, or that is part of an improved plat, may be vacated only in accordance with I.C. 37-7-3-12.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.077 VARIANCES.

The Board of Zoning Appeals shall have authority to hear and decide upon requests for variances from the requirements of this chapter.
(Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

§ 157.999 PENALTY.

(A) *General.*

(1) It shall be the duty of the Plan Director to enforce these regulations and to bring any violation(s) or lack of compliance to the attention of the Commission Attorney. All Notices of Violation shall be delivered in writing to any violator.

(2) No owner or agent of the owner shall transfer or sell any parcel of land located in a proposed subdivision before a plat of the subdivision has been approved by the Commission and filed with the County Recorder, in accordance with these regulations.

(3) The division of any lot or parcel of land into a subdivision by the use of metes and bounds description, resulting in the creation of one or more new building sites for the purpose of sale, or transfer, or lease shall not be permitted. All such described divisions shall be subject to all of the appropriate requirements of this chapter.

(4) No permits required under the Uniform Building Code, the Zoning Ordinance, or this chapter, shall be issued for any property until the provisions of this chapter are met.

(B) *Violations and penalties.* Any person who violates a provision of this chapter, or any regulations herein contained, shall be guilty of a Class C infraction and shall be fined \$500 for each day's violation beginning upon receipt of the written Notice of Violation.

(C) *Restraining provisions.*

(1) Any land subdivided in violation of the terms of this chapter is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.

(2) The Commission may institute a legal injunction to remove a structure erected in violation of this chapter or to compel the structure to comply with its terms. If the Commission is successful in its suit, the respondent shall bear all costs of the action, including appeals.

(3) The Commission may institute a suit for mandatory injunctive relief requesting an individual or governmental unit be directed to comply with the provisions of this chapter. If the Commission is successful in its suit, the respondent shall bear all costs of the action, including appeals. (Ord. 777, passed 7-3-08; Am. Ord. A-11-01, passed 3-7-11)

PARALLEL REFERENCES

References to Indiana Code
References to 1984 Code
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<i>I.C. Cite</i>	<i>Code Section</i>
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1-1-1-7	10.12
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1-1-4-5	10.05
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6-1.1-27	39.03
6-1.1-27-3	39.03
6-2.1-3-20–6-2.1-3-22 (Repealed)	113.03, 113.21
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8-23-4-3	70.04
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9-18-12 (Expired)	95.01
9-20	71.04
9-20 <i>et seq.</i>	71.04
9-20-1-1	71.04
9-20-1-3	71.02
9-20-18	71.04
9-21	71.04
9-21 <i>et seq.</i>	71.03
9-21-1-1 <i>et seq.</i>	71.03
9-21-16	72.01
9-21-16-5	72.01
9-22-1-2	95.02
9-22-1-26 <i>et seq.</i>	95.03
9-22-1-27	95.03
9-30-3	116.12
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10-2-4-7 (Repealed)	35.03
10-2-10 (Repealed)	35.03
10-4-1 (Repealed)	35.03
10-4-1-5 (Repealed)	35.03
10-4-1-5(b) (Repealed)	35.03
10-4-1-7 (Repealed)	35.03
10-4-1-10 (Repealed)	35.03
10-4-1-10(d) (Repealed)	35.03
10-4-1-17 (Repealed)	35.03
10-4-1-18(c) (Repealed)	35.03
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22-9.5-4-8	111.11
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22-9.5-6	111.02, 111.11
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22-12-1-22(b)(12)	150.61
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22-12-1-26	150.03
22-12-7	150.05
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23-14-8 (Repealed)	157.065
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33-9-15-5 (Repealed)	35.04
33-19-7-1 (Repealed)	37.06
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36-1-3-4	157.005
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36-1-5-4	72.01, 150.60, 150.61
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36-2-4-11	11.01
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36-7-1-2 (1983)	157.007
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36-7-3-12	157.076
36-7-4	153.01, 156.215, 157.007
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36-7-4-506	154.01
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36-7-8-9	150.45
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5-16-9-4	34.03
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-	5-1-61	30.02
-	9-8-64	154.15, 154.16, 154.18
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-	8-4-75	153.01
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-	8-4-74	Ch. 74, Sched. III
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Z-77-6	5-9-77	TSO II
Z-77-7	5-9-77	TSO II
-	6-6-77	Ch. 74, Sched. II
Z-77-5	6-6-77	TSO II
Z-77-8	6-6-77	TSO II
VE-77-13	8-8-77	TSO I
Z-77-9	8-8-77	TSO II
VE-77-14	10-20-77	TSO I
Z-77-10	10-20-77	TSO II
-	11-7-77	Ch. 74, Sched. II
Z-77-11	11-7-77	TSO II
Z-77-12	12-19-77	TSO II
Z-78-1	3-6-78	TSO II
Z-78-2	3-6-78	TSO II
-	5-2-78	Ch. 74, Sched. III
-	6-5-78	Ch. 74, Sched. III
Z-78-5	6-5-78	TSO II
-	7-3-78	Ch. 74, Sched. II
Z-78-7	7-3-78	TSO II
Z-78-8	7-3-78	TSO II
-	8-3-78	Ch. 74, Sched. II
Z-78-6	8-7-78	TSO II
Z-78-9	8-7-78	TSO II
Z-78-10	8-7-78	TSO II
Z-78-11	9-21-78	TSO II
-	10-2-78	Ch. 74, Sched. II
Z-78-12	10-19-78	TSO II
VE-78-8	11-6-78	TSO I
Z-78-15	11-6-78	TSO II
Z-78-18	12-18-78	TSO II
-	2-5-79	TSO VI

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Z-78-21	2-5-79	TSO II
VE-79-1	3-15-79	TSO I
VE-79-2	4-2-79	TSO I
Z-79-1	4-2-79	TSO II
Z-79-2	4-2-79	TSO II
-	5-7-79	Ch. 74, Sched I; Ch. 75, Sched. I
-	6-4-79	Ch. 74, Sched. III
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Z-79-3	8-6-79	TSO II
Z-79-5	8-6-79	TSO II
Z-79-6	8-6-79	TSO II
-	10-1-79	Ch. 74, Sched. III; TSO VI
Z-79-7	11-15-79	TSO II
Z-80-1	1-7-80	TSO II
Z-80-2	1-7-80	TSO II
Z-80-3	1-7-80	TSO II
-	1-30-80	TSO VI
Z-80-4	3-4-80	TSO II
Z-80-5	3-4-80	TSO II
-	4-7-80	Ch. 74, Sched. III
Z-80-7	5-5-80	TSO II
-	7-7-80	TSO VI
Z-80-9	7-7-80	TSO II
Z-80-11	8-7-80	TSO II
-	9-2-80	TSO VI
Z-80-12	9-2-80	TSO II
-	10-6-80	TSO VI
Z-80-8	10-6-80	TSO II
Z-80-10	10-6-80	TSO II
Z-80-13	10-6-80	TSO II
Z-80-15	10-6-80	TSO II
Z-80-16	11-20-80	TSO II
562	1-5-81	35.08
Z-81-2	2-4-81	TSO II
Z-81-1	4-6-81	TSO II
Z-81-3	4-6-81	TSO II
Z-81-4	4-6-81	TSO II

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Z-81-7	6-1-81	TSO II
Z-81-8	6-1-81	TSO II
Z-81-9	6-1-81	TSO II
Z-81-11	7-6-81	TSO II
Z-81-12	8-20-81	TSO II
VE-81-2	9-8-81	TSO I
Z-81-15	9-8-81	TSO II
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564	9-17-81	35.01
Z-81-13	9-17-81	TSO II
-	12-7-81	Ch. 74, Sched. III
566	12-7-81	TSO I
Z-81-17	12-7-81	TSO II
Z-81-18	12-7-81	TSO II
Z-81-19	12-7-81	TSO II
Z-81-21	12-7-81	TSO II
Z-82-1	4-5-82	TSO II
Z-82-2	4-5-82	TSO II
Z-82-3	5-17-82	TSO II
-	6-2-82	TSO II
-	7-6-82	Ch. 74, Sched. II
Z-82-5	7-7-82	TSO II
-	9-7-82	Ch. 74, Sched I; Ch. 74, Sched. II; Ch. 74, Sched. III
Z-82-6	9-7-82	TSO II
-	12-27-82	TSO VI
Z-83-1	1-17-83	TSO II
Z-83-2	3-7-83	TSO II
Z-83-3	3-7-83	TSO II
-	4-4-83	Ch. 74, Sched I; TSO V; TSO VI
Z-83-4	5-16-83	TSO II
-	6-20-83	Ch. 74, Sched I; Ch. 74, Sched. II
Z-83-5	8-15-83	TSO II
-	9-6-83	Ch. 74, Sched I
Z-83-6	9-19-83	TSO II
-	10-17-83	TSO VI
521	12-16-83	72.01

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-	2-6-84	Ch. 74, Sched I; Ch. 74, Sched. II
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-	4-16-84	Ch. 74, Sched I; Ch. 75, Sched. I
Z-84-1	4-16-84	TSO II
Z-84-3	4-16-84	TSO II
-	5-6-84	Ch. 74, Sched. II
Z-84-2	5-7-84	TSO II
-	6-4-84	Ch. 74, Sched. III
-	8-6-84	TSO VI
VE-84-1	8-6-84	TSO I
-	10-1-84	Ch. 74, Sched. III
589	10-1-84	11.01–11.03; 30.01; 30.02; 31.01; 31.02; 33.01–33.11; 34.02; 35.01; 35.02; 35.07; 37.02; 52.01–52.05; 71.04; 110.01; 110.15–110.25; 154.15–154.18
Z-84-5	10-15-84	TSO II
Z-84-6	10-15-84	TSO II
590	11-5-84	52.01–52.05
Z-84-4	11-19-84	TSO II
Z-84-7	12-3-84	TSO II
591	1-2-85	31.01
-	2-4-85	TSO VI
591	2-4-85	11.02
VE-85-1	4-1-85	TSO I
-	5-6-85	Ch. 74, Sched. III
Z-85-1	5-20-85	TSO II
VE-85-2	6-17-85	TSO I
Z-85-2	8-12-85	TSO II
Z-85-3	8-12-85	TSO II
Z-85-4	8-12-85	TSO II
-	8-19-85	Ch. 75, Sched. I
VE-85-3	8-19-85	TSO I
VE-85-4	8-19-85	TSO I
-	10-7-85	TSO VI
Z-85-7	10-7-85	TSO II
-	10-21-85	TSO VIII
-	11-7-85	TSO VI

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Z-85-9	12-12-85	TSO II
VE-86-1	1-6-86	TSO I
-	4-7-86	Ch. 74, Sched. III
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Z-86-1	4-7-86	TSO II
VE-86	5-5-86	TSO I
Z-86-2	6-16-86	TSO II
564A	7-7-86	35.01
Z-86-3	7-7-86	TSO II
-	8-4-86	TSO VI
-	8-6-86	Ch. 74, Sched. II; Ch. 74, Sched. III
Z-86-4	10-8-86	TSO II
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599	5-18-87	TSO I
VE-86-5	7-6-87	TSO I
VE-86-8	7-6-87	TSO I
VE-86-9	7-6-87	TSO I
Z-87-3	7-6-87	TSO II
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601	10-19-87	TSO I
Z-87-4	11-2-87	TSO II
Z-87-5	11-2-87	TSO II
Z-88-1	1-18-88	TSO II
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Z-88-3	3-7-88	TSO II
-	3-17-88	Ch. 74, Sched. III
-	3-21-88	Ch. 74, Sched. II; Ch. 74, Sched. III
Z-88-4	4-18-88	TSO II
-	5-16-88	Ch. 75, Sched. I
604	5-16-88	51.01–51.10
Z-88-7	7-18-88	TSO II
Z-88-8	8-15-88	TSO II
Z-88-9	9-19-88	TSO II
-	11-7-88	Ch. 74, Sched. III
VE-88-1	1-17-89	TSO I
-	3-20-89	TSO VIII
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-	7-3-89	TSO VI
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612	7-3-89	TSO I
Z-89-6	8-7-89	TSO II
615	10-16-89	TSO I
616	12-4-89	37.05
Z-90-1	3-5-90	TSO II
618	7-2-90	91.01–91.04
-	7-16-90	TSO VI
-	9-4-90	Ch. 74, Sched. III
-	10-15-90	TSO VI
622	12-17-90	TSO I
Z-91-1	1-7-91	TSO II
624	5-6-91	130.02
625	5-20-91	37.05
-	5-20-91	Ch. 75, Sched. I
Z-91-3	5-20-91	TSO II
Z-91-4	8-18-91	TSO II
629	8-19-91	94.01
VE-91-2	9-17-91	TSO I
-	10-21-91	TSO VI
-	12-2-91	Ch. 74, Sched. III
634	12-30-91	32.01
-	4-2-92	Ch. 74, Sched. III
-	4-20-92	Ch. 74, Sched. III
Z-92-1	4-20-92	TSO II
Z-92-1	5-4-92	TSO II
VE-92-4A	5-18-92	TSO I
-	6-1-92	Ch. 74, Sched. II
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-	7-20-92	Ch. 75, Sched. I
Z-92-7	11-16-92	TSO II
643	1-12-93	39.04
Z-92-9	2-1-93	TSO II
Z-92-10	2-1-93	TSO II
Z-92-11	2-1-93	TSO II
Z-92-13	2-1-93	TSO II

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-	2-16-93	154.15–154.18; Ch. 74, Sched. II; Ch. 75, Sched. I
644	2-16-93	35.01
646	2-16-93	72.01
647	2-16-93	72.01
VE-93-1	3-15-93	TSO I
648	3-30-93	71.02
649	4-5-93	TSO I
VE-92-1	4-5-93	TSO I
VE-92-2	4-5-93	TSO I
VE-92-4	4-5-93	TSO I
VE-92-5	4-5-93	TSO I
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VE-92-14	4-5-93	TSO I
VE-93-2	4-5-93	TSO I
650	4-19-93	154.01
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VE-93-5	5-17-93	TSO I
VE-93-6	5-17-93	TSO I
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VE-93-8	7-6-93	TSO I
VE-93-9	7-19-93	TSO I
-	7-23-93	71.03; Ch. 74, Sched. III
656	8-16-93	111.01–111.08, 111.10, 111.11
657	8-16-93	TSO I
-	9-7-93	Ch. 74, Sched. II; Ch. 74, Sched. III
-	10-4-93	Ch. 74, Sched. III
658	11-1-93	92.25–92.31
3008	11-1-93	TSO I
659	12-6-93	37.18
VE-93-14	12-6-93	TSO I
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-	12-20-93	39.01; Ch. 74, Sched. II; Ch. 74, Sched. III
-	1-20-94	Ch. 74, Sched. III
660	2-22-94	150.70 - 150.77
-	5-2-94	TSO VIII

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-	5-23-94	TSO VI
3010	5-23-94	TSO I
-	6-6-94	Ch. 74, Sched. II; Ch. 74, Sched. III; Ch. 75, Sched. I; TSO VI
VE-94-4	6-20-94	TSO I
-	7-5-94	Ch. 74, Sched. III
664	7-5-94	38.01
3012	7-18-94	TSO I
3013	7-18-94	TSO I
-	8-8-94	Ch. 74, Sched. II
VE-94-8	8-15-94	TSO I
-	9-6-94	Ch. 74, Sched. III
-	9-21-94	TSO VI
VE-94-10	10-11-94	TSO I
-	10-17-94	Ch. 74, Sched. III
667	11-7-94	73.01–73.03
-	11-21-94	TSO VI
3016	1-17-95	TSO I
668	1-18-95	50.01
669	2-21-95	36.01–36.07
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3017	4-3-95	TSO I
Z-95-02	4-3-95	TSO II
3018	4-17-95	TSO I
Z-95-03	4-17-95	TSO II
-	4-18-95	34.03
-	5-15-95	Ch. 74, Sched. III
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3021	6-26-95	TSO I
-	7-3-95	Ch. 74, Sched. III
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3024	8-7-95	TSO I
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-	9-18-95	TSO VI
3025	10-2-95	TSO I
3026	10-2-95	TSO I
3027	10-2-95	TSO I
-	10-16-95	TSO VI
672	11-6-95	TSO I
3028	11-20-95	TSO I
-	11-27-95	TSO I; TSO VI
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3031	3-4-96	TSO I
3032	3-4-96	TSO I
-	4-15-96	Ch. 74, Sched. III; Ch. 75, Sched. I
677	7-9-96	95.01–95.09
3033	7-29-96	TSO I
-	8-7-96	Ch. 74, Sched. II
Z-96-01	8-8-96	TSO II
678	8-19-96	TSO I
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2058	10-28-96	Ch. 74, Sched. II
2059	10-28-96	Ch. 74, Sched. II
2060	10-28-96	Ch. 74, Sched. III
2061	12-16-96	Ch. 74, Sched. III
2062	12-16-96	Ch. 74, Sched. III
2063	12-16-96	Ch. 74, Sched. III
2064	12-16-96	Ch. 74, Sched. II
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Z-97-03	4-7-97	TSO II
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681	6-2-97	TSO III

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682	10-6-97	11.03
2066	10-6-97	Ch. 74, Sched. III
3036	10-17-97	TSO I
Z-97-07	10-17-97	TSO II
3037	12-1-97	TSO I
3038	12-18-97	TSO I
Z-97-08	12-18-97	TSO II
2067	1-5-98	Ch. 74, Sched. III
2068	1-5-98	Ch. 74, Sched. III
3039	1-15-98	TSO I
2069	3-19-98	Ch. 75, Sched. I
2070	3-19-98	Ch. 74, Sched. III
3040	5-21-98	TSO I
686	6-17-98	40.01
688	6-17-98	40.09
3041	6-17-98	TSO I
687	7-6-98	40.02–40.08
3042	7-6-98	TSO I
2071	7-16-98	Ch. 74, Sched. III
2072	8-3-98	Ch. 74, Sched. III
2073	10-22-98	Ch. 74, Sched. III
3044	10-22-98	TSO I
3045	10-22-98	TSO I
Z-98-03	10-22-98	TSO II
2074	11-23-98	Ch. 74, Sched. II
3046	12-7-98	TSO I
3047	2-18-99	TSO I
3049	3-18-99	TSO I
694	4-5-99	150.06
2075	4-5-99	Ch. 74, Sched. II
3050	4-15-99	TSO I
3052	4-15-99	TSO I
2076	5-3-99	Ch. 74, Sched. II
2077	5-3-99	Ch. 74, Sched. II
2078	5-3-99	Ch. 74, Sched. II
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2080	9-2-99	Ch. 74, Sched. III	
2081	9-2-99	Ch. 74, Sched. III	
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3057	12-16-99	TSO I	
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3058	3-6-00	TSO I	
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701	3-16-00	71.01	
702	4-20-00	35.03	
3059	4-20-00	TSO I	
3060	5-23-00	TSO I	
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2083	7-18-00	Ch. 74, Sched. II	
2084	7-18-00	Ch. 74, Sched. II	
2085	7-18-00	Ch. 74, Sched. II	
2086	7-18-00	Ch. 74, Sched. II	
2087	7-18-00	Ch. 74, Sched. II	
2088	7-18-00	Ch. 74, Sched. II	
2089	7-18-00	Ch. 74, Sched. II	
2092	7-18-00	Ch. 74, Sched. II	
2093	7-18-00	Ch. 74, Sched. II	
2094	7-18-00	Ch. 74, Sched. II	
2095	7-18-00	Ch. 74, Sched. II	
2096	7-18-00	Ch. 74, Sched. II	
2097	7-18-00	Ch. 74, Sched. II	
2098	7-18-00	Ch. 74, Sched. II	
2099	7-18-00	Ch. 74, Sched. II	
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2101	7-18-00	Ch. 74, Sched. III	
2102	7-18-00	Ch. 74, Sched. III	
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2103	8-17-00	Ch. 74 Sched. IV	

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3062	12-21-00	TSO I
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2105	2-5-01	Ch. 74, Sched. III
2106	2-5-01	Ch. 74, Sched. III
2107	2-5-01	Ch. 74, Sched. III
2108	2-5-01	Ch. 74, Sched. III
2109	2-5-01	Ch. 74, Sched. III
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2111	2-5-01	Ch. 74, Sched. III
2112	2-15-01	Ch. 74, Sched. II
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2117	5-7-01	Ch. 74, Sched. III
2118	5-24-01	Ch. 75, Sched. I
2119	6-29-01	Ch. 74, Sched. II
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3064	7-19-01	TSO I
3065	7-19-01	TSO I
3066	7-19-01	TSO I
3067	7-19-01	TSO I
711	8-14-01	37.06
2120	9-20-01	Ch. 74, Sched. I
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3069	10-18-01	TSO I
3070	10-18-01	TSO I
3071	11-19-01	TSO I
3072	12-6-01	TSO I
3073	2-4-02	TSO I
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