

## **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 All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall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,

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

**STEUBEN COUNTY, INDIANA  
CODE OF ORDINANCES  
TABLE OF CONTENTS**

*Chapter*

***TITLE I: GENERAL PROVISIONS***

- 10. Rules of Construction; General Penalty*
- 11. County Standards*

***TITLE III: ADMINISTRATION***

- 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*

***TITLE V: PUBLIC WORKS***

- 50. Water Supply Systems*
- 51. Water Wells*
- 52. Solid Waste Disposal; Sanitary Landfills*
- 53. Sewage Disposal Systems*

***TITLE VII: TRAFFIC CODE***

- 70. General Provisions*
- 71. Traffic Rules*
- 72. Parking Regulations*
- 73. Snowmobiles*
- 74. Traffic Schedules*
- 75. Parking Schedules*

**Steuben County - Adopting Ordinance*****TITLE IX: GENERAL REGULATIONS***

- 90. Animals*
- 91. Littering*
- 92. Health and Sanitation*
- 93. Parks and Recreation*
- 94. Wildlife*
- 95. Abandoned Motor Vehicles*

***TITLE XI: BUSINESS REGULATIONS***

- 110. General Provisions*
- 111. Fair Housing*
- 112. Alarm Systems*
- 113. Retail Food Establishments*

***TITLE XIII: GENERAL OFFENSES***

- 130. General Offenses*

***TITLE XV: LAND USAGE***

- 150. Building Regulations; Construction*
- 151. Planning*
- 152. Zoning*
- 153. Floodplain Management*
- 154. Thoroughfare Standards*
- 155. Address Numbers and Sizes*

## **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  
TABLE OF CONTENTS**

*Chapter*

***TITLE I: GENERAL PROVISIONS***

- 10. Rules of Construction; General Penalty*
- 11. County Standards*

***TITLE III: ADMINISTRATION***

- 30. Legislative Procedure*
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- 32. County Council*
- 33. Consultants*
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- 35. Boards, Commissions and Departments*
- 36. County Property*
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- 40. Purchasing Procedures*

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- 50. Water Supply Systems*
- 51. Water Wells*
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- 53. Sewage Disposal Systems*

***TITLE VII: TRAFFIC CODE***

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- 72. Parking Regulations*
- 73. Snowmobiles*
- 74. Traffic Schedules*
- 75. Parking Schedules*

**Steuben County - Adopting Ordinance*****TITLE IX: GENERAL REGULATIONS***

- 90. Animals*
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- 111. Fair Housing*
- 112. Alarm Systems*
- 113. Retail Food Establishments*

***TITLE XIII: GENERAL OFFENSES***

- 130. General Offenses*

***TITLE XV: LAND USAGE***

- 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. Cowl /s/

James A. Cowl

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. Cowl /s/

James A. Cowl

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 Ordinance**First 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 Ordinance**First 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



# **STEUBEN COUNTY, INDIANA**

## **CODE OF ORDINANCES**

2013 S-7 Supplement contains:

Local legislation current through Ord. Z-13-03, passed 9-16-13; and  
State legislation current through 2013 Indiana Legislative Service, Pamphlet No. 5

**AMERICAN LEGAL PUBLISHING CORPORATION**

432 Walnut Street Cincinnati, Ohio 45202-3909 (800) 445-5588

**STEUBEN COUNTY, INDIANA  
CODE OF ORDINANCES  
TABLE OF CONTENTS**

Chapter

**TITLE I: GENERAL PROVISIONS**

- 10. Rules of Construction; General Penalty
- 11. County Standards

**TITLE III: ADMINISTRATION**

- 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

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- 50. Water Supply Systems
- 51. Water Wells
- 52. Solid Waste Disposal; Sanitary Landfills
- 53. Sewage Disposal Systems

**TITLE VII: TRAFFIC CODE**

- 70. General Provisions
- 71. Traffic Rules
- 72. Parking Regulations

**Steuben County - Table of Contents****TITLE VII: TRAFFIC CODE Cont'd**

- 73. Snowmobiles
- 74. Traffic Schedules
- 75. Parking Schedules

**TITLE IX: GENERAL REGULATIONS**

- 90. Animals
- 91. Littering
- 92. Health and Sanitation
- 93. Parks and Recreation
- 94. Wildlife
- 95. Abandoned Motor Vehicles
- 96. Streets and Roads
- 97. Fireworks

**TITLE XI: BUSINESS REGULATIONS**

- 110. General Provisions
- 111. Fair Housing
- 112. Alarm Systems
- 113. Retail Food Establishments
- 114. Tattoo and Body-Piercing
- 115. Contractor Registration
- 116. Airport Minimum Standards

**TITLE XIII: GENERAL OFFENSES**

- 130. General Offenses

**TITLE XV: LAND USAGE**

- 150. Building Regulations; Construction
- 151. Planning
- 152. [Reserved]
- 153. Floodplain Management
- 154. Thoroughfare Standards
- 155. Address Numbers and Sizes
- 156. Zoning
- 157. Subdivisions

**TABLE OF SPECIAL ORDINANCES**

Table

- I. Vacations and Closings
- II. Zoning Changes
- III. Agreements
- IV. Improvements
- V. Urban Development Areas
- VI. Street Acceptances
- VII. Real Estate Transactions
- VIII. Street Name Changes

**PARALLEL REFERENCES**

References to Indiana Code  
References to 1984 Code  
References to Resolutions  
References to Ordinances

**INDEX**





## 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)*



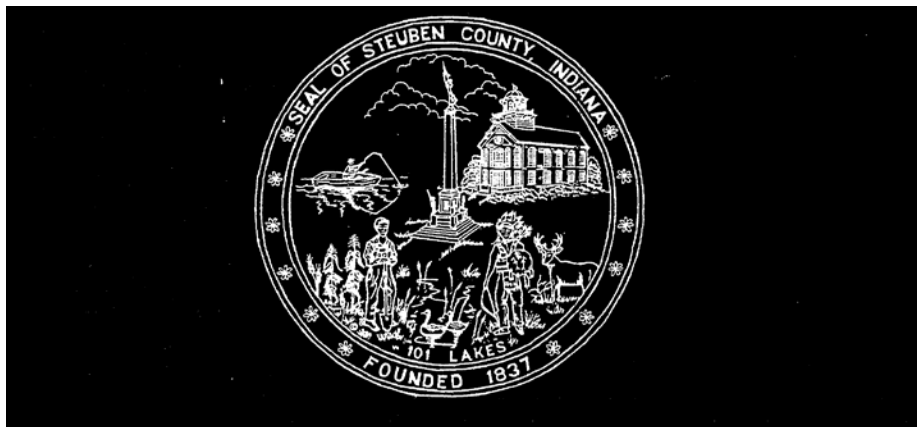
## CHAPTER 11: COUNTY STANDARDS

### 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°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°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°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°27'02" east 391.19 feet; thence north 01°59'58" east 109.19 feet; thence south 89°27'02" east 443.50 feet; thence north 89°19'10" east 260.61 feet; thence south 06°12'25" west 40.8 feet; thence north 89°13'25" east 138.60 feet to the west right-of-way line of Wohlert Street in the City of Angola; thence north along the west line of Mill Street 00°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°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°22'46" west 1007.44 feet along the south line of the southeast quarter of the northwest quarter of Section 35; thence south 89°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°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°39'22" east 170.67 feet; thence north 08°54'16" east 175.48 feet; thence north 12°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 0°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 Wohlert 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*

***Statutory reference:***

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

2006 S-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.

(<sup>84</sup> 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-.”

(<sup>84</sup> 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

#### ***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.

(<sup>84</sup> 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.

(<sup>84</sup> 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)



## 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

### § 35.01 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.

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)

#### **§ 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)

#### **§ 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.

(<sup>84</sup> 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)



## 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 Fees for electronic maps and integrating GIS data
- 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
  
- 37.99 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.

(<sup>84</sup> 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)

***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 FEES FOR ELECTRONIC MAPS AND INTEGRATING GIS DATA.**

The following fees and charges and terms shall be accepted and collected by the County Auditor.

(A) A fee of \$1 for each 8 1/2 inch x 11 inch, 8 1/2 inch x 14 inch, or 11 inch x 17 inch sheet of paper that the purchaser requests for the production of an electronic map.

(B) A fee of \$12 for each plot map printed on paper that a purchaser requests for the production of an electronic map. A plot map being defined as a map with a width of 18 inches or greater

(C) A fee of \$16 for each plot map printed on vellum or mylar that the purchaser requests for the production of an electronic map. A plot map being defined as a map with a width of 18 inches or greater.

(D) A fee of \$1 for each CD, disk or other electronic data storage devices for the production of plots, data sets that the purchaser requests shall be paid plus the fee described in division (E) of this section for the production of the data stored on that device.

(E) For the production of an electronic map, or the integration of data from a data sharing partner, that requires the GIS Coordinator, or his or her designee, to assemble data sets, complete specific analysis requests, or integrate data sets from outside sources, the fee shall be established at a rate of \$25 plus \$25 per hour, rounded to the nearest quarter hour. These fees are based on the direct cost of retrieving and providing the information requested, the time and labor employed by the request, and the medium in which the information is requested or presented to the GIS Coordinator.

(F) Nothing herein shall be construed to require an employee of the county to provide information contained on or within a public document of an agency or department by telephone. Department heads and elected officials may, but are not required to take requests for documents by phone.

(G) Payment for information under this section shall be made at the time of delivery. However, an office may agree to invoice a person for the charge if that person or company has promptly paid invoices in the past. Any person, or their designee, who fails to pay the charges shall be liable for the charges, plus interest, attorney fees, and costs of collection.

(H) Nothing herein shall compel any office to charge a fee for copies if the fee imposed by this section is contrary to state law. In the event the fees in this section are contrary to any charge established by state statute, the state statute shall apply.

(I) Pursuant to the provisions of I.C. 5-14-3-3(e), no person other than those authorized by the county may reproduce, store, grant access, deliver or sell any information obtained from any department or office of the county to any other person, partnership, or corporation. In addition, any person who receives information from the county shall not be permitted to use any mailing lists, addresses, or



databases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.

(J) A copy of division (I) of this section shall be conspicuously posted in all offices where electronic data is sold and the restriction contained in division (I) of this section shall be offered to any persons who obtain copies of any public information from the county.

(K) Any person who violates the terms and conditions of this section by failing to pay or by violating division (I) of this section shall be guilty of an infraction and may be fined up to \$2,500. In the event that there is a violation of division (I) of this section each violation shall be deemed a separate offense.

(L) The County Auditor shall place all revenue received under this section in a dedicated fund for the use in maintaining, upgrading, and enhancing the county's electronic map, geographic information system.

(M) Any person or unit of government who has a dispute, or seeks relief from the terms of this section may seek resolution of that dispute or relief from the Board of Commissioners. The Board of Commissioners may grant such relief as is reasonable after recommendation of the county's GIS Coordinator.

(Ord. 725, passed 4-7-03)

#### **§ 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)

**§ 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 \$5 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 \$5 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.  
(Ord. 769, passed 12-3-07)

#### **§ 37.16 MULTI-HAZARD MITIGATION PLAN.**

(A) The Multi-Hazard Plan for the county 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)

#### **§ 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)

2012 S-6

#### **§ 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)

#### **§ 37.99 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.

(<sup>84</sup> 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

### **§ 39.01 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.

(<sup>84</sup> 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.

(<sup>84</sup> 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 I.C. 6-3.5-1.1-26 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 I.C. 6-3.5-1.1-12. 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 I.C. 6-3.5-1.1-25 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 (as defined in I.C. 6-3.5-1.1-15) 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)



## **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)

### ***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.

(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 casing 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.

(<sup>84</sup> 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.

(<sup>84</sup> 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 hold. 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.

(<sup>84</sup> 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 General requirements
- 53.02 Permits and inspection
- 53.03 Power to inspect
- 53.04 Licensing

#### ***Statutory reference:***

*Similar provisions, see I.C. 16-19-3-4*

### **• 53.01 GENERAL REQUIREMENTS.**

(A) Where a public sanitary or combined sewer is not available, all persons owning or leasing property shall comply with the following provisions of this chapter for private disposal systems.

(B) No person shall place, deposit or permit to be deposited any human excrement or sewage in an unsanitary manner within the county or in any area under its jurisdiction.

(C) If a business building, mobile home park, recreational or organizational camp ground or camp site contains a sewage disposal system which is not connected to a public sewer system, and no public sewer system is available, the owner of that building shall establish, install or construct and maintain a private sewage disposal system which shall comply with the standards of the State Department of Health set forth in Bulletin S.E. 13, as amended and as published by the State Department of Health, or in any other manner approved by the State Department of Health. Bulletin S.E. 13 is incorporated by reference into this section. Two copies of Bulletin S.E. 13 are on file in the office of the County Auditor and available for public inspection.

(D) Every privy shall be of the sanitary type and shall be constructed and maintained in a clean condition and so that insects and rodents cannot enter the vault. Every privy shall be located properly to protect water supplies from contamination.

(E) All private residential sewage disposal systems and privies shall be installed, constructed and maintained in an approved manner as described in the State Department of Health Rule 410 I.A.C. 6-8

and the State Department of Health Bulletin S.E. 11, and amendments and supplements thereto, of the State Department of Health. However, notwithstanding Section V(B)(1) and Section VIII of 410 I.A.C. 6-8, the minimum requirement for the county for a septic tank liquid capacity for a private dwelling with three bedrooms or less shall be 1,000 gallons and a minimum area of absorption field determined by standards furnished by the State Department of Health for a three-bedroom system.

(F) The installation of any other type of private residence sewage disposal system not described in State Department of Health Rule 410 I.A.C. 6-8 and any amendments or any supplements thereto of mechanical, chemical or other means may be approved by the county health officer after the plans and specifications bear the written approval of the State Department of Health.

(G) Should any defect exist or occur in any private sewage disposal system or privy which would cause the sewage disposal system or privy to fail to meet the requirements hereof and cause an insanitary condition, the defect shall be corrected by the owner or agent of the owner, occupant or agent of the occupant. Failure to do so is a violation of this chapter. The violator is subject to penalties.

(H) If a combined, public or sanitary sewer becomes available, and is within 150 feet of the property line of any business property served by a private sewage disposal system or privy, and that private sewage disposal system is found by the health officer to be defective or inadequate, the property owner shall make a direct connection to that sewer. All septic tanks, seepage pits, outhouses, privy pits and similar sewage disposal and treatment facilities on that property shall be abandoned and filled in a safe and sanitary manner.

(I) If a new business building or a subdivision is developed where a combined, public or sanitary sewer is available, the business owner or subdivision developer shall make a connection to that sewer.

(J) If the owner or occupant of any property receives a written order from the County Board of Health or health officer, the owner or occupant shall comply with that order and this chapter and perform all acts required by that order within the time limit set forth in that order. The order shall be served on the owner or occupant of the property, but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of this chapter and any order issued under it.

(<sup>84</sup> Code, • 16-19-3-4) (Ord. 500, passed 2-18-57; Am. Ord. 589, passed 10-1-84; Am. Ord. 500A, passed 7-7-86; Am. Ord. 662, passed 5-9-94) Penalty, see • 10.99

## **• 53.02 PERMITS AND INSPECTION.**

(A) Before commencement of construction of any private or semi-public building, residence or the placement of one or more mobile homes, or the installation of any facility intended for human occupancy, temporary or permanent, where a private sewage disposal system or privy is to be installed or where any alteration, repair or addition to an existing private sewage disposal system is planned, the

owner or agent of the owner shall first obtain a written permit signed by the health officer. This permit is valid for only one year. If the installation has not been completed within one year, a new application must be made for a written permit. The application for this permit shall be made on a form provided by the county, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the county health officer. A permit or inspection fee of \$15 shall be paid to the County Health Fund, and shall be accompanied by a list of the properties and owners for which the application is filed.

(B) No permit for a private sewage disposal system or privy shall be issued before construction is begun and shall not become effective until the installation is completed to the satisfaction of the county health officer. The officer shall be allowed to inspect the work at any stage of construction. The applicant for a permit shall notify the county health officer when the work is ready for final inspection, and before any underground portions are covered. The county health officer shall make the inspection within two working days of the receipt of notice from the applicant.

(C) The applicant shall post the permit in a conspicuous place at or near the building where the sewage disposal system is under construction. The notice shall be plainly visible from the nearest public thoroughfare serving the building.

(<sup>84</sup> Code, • 16-19-3-4) (Ord. 500, passed 2-18-57; Am. Ord. 589, passed 10-1-84; Am. Ord. 500A, passed 7-7-86; Am. Ord. 662, passed 5-9-94)

### • 53.03 POWER TO INSPECT.

(A) If the Board of Commissioners has employed a sanitarian, the county health officer shall appoint that sanitarian as the officer's agent to receive applications and issue permits required by this chapter.

(B) The county health officer or the officer's agent shall be permitted to enter upon all properties at any reasonable and proper time for the purposes of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this chapter upon producing proper credentials and identification.

(<sup>84</sup> Code, • 16-19-3-4) (Ord. 500, passed 2-18-57; Am. Ord. 589, passed 10-1-84; Am. Ord. 500A, passed 7-7-86; Am. Ord. 662, passed 5-9-94)

### • 53.04 LICENSING.

(A) A person shall not engage in the building, installation of a new facility, or repair of an existing facility for the disposal of sewage who does not possess a valid license for the purpose of engaging in that activity. 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 issued by the county health officer or the officer's agent upon completion of the application and payment of the fee set forth herein.

(B) Nothing in this chapter shall be construed to require a license for a property owner to build, install or repair a facility for the disposal of sewage on the property owner's own property.

(C) (1) A license issued hereunder may be suspended by the county health officer without notice or hearing for a period not to exceed 60 days if there is evidence that the building, installation of a new or repair of an existing facility for the disposal of sewage has been done in violation of this chapter or without the permits and inspections required by this chapter. If the licensee files a written application with the county health officer within 15 days after that suspension, the county health officer shall conduct a hearing upon the matter after giving at least five days' written notice of the time, place and purpose of the hearing to the suspended licensee.

(2) Every suspension order shall be issued by the county health officer in writing and served upon the licensee by leaving a copy at the licensee's usual place of business or by delivery of certified U.S. mail to that address.

(D) Any person whose license has been suspended may at any time apply to the county health officer for the reinstatement of that license.

(84 Code, § 16-19-3-4) (Ord. 500, passed 2-18-57; Am. Ord. 589, passed 10-1-84; Am. Ord. 500A, passed 7-7-86; Am. Ord. 662, passed 5-9-94)

## **TITLE VII: TRAFFIC CODE**

### **Chapter**

#### **70. GENERAL PROVISIONS**

#### **71. TRAFFIC RULES**

#### **72. PARKING REGULATIONS**

#### **73. SNOWMOBILES**

#### **74. TRAFFIC SCHEDULES**

#### **75. PARKING SCHEDULES**





## **CHAPTER 70: GENERAL PROVISIONS**

### **Section**

- 70.01 Highway Department
- 70.02 Preferential roads
- 70.03 Location of county roads
- 70.04 Arterial highway system

### **§ 70.01 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.

**Steuben County - Traffic Code**

(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.

(<sup>84</sup> 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.

(<sup>84</sup> 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.

(<sup>84</sup> 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*

## **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.

(<sup>84</sup> 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

### **§ 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

## 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 350 East	From US 20 to CR 200 North	No through trucks	-	9-7-82
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

**Steuben County - Traffic Code**

<i>Street</i>	<i>Location</i>	<i>Load/Weight Restrictions</i>	<i>Ord. No.</i>	<i>Date Passed</i>
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
Bellfountain 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

<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 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 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

# Traffic Schedules

19

<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

<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

## 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 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 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



## 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 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

## 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 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

<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 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

29

<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

31

<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
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 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

## Traffic Schedules

37

<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 750 North	From CR 925 East to the Michigan state line	30 mph	-	4-15-96



## Traffic Schedules

39

<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 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

## Traffic Schedules

41

<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

**Steuben County - Traffic Code**

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
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
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
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

## Traffic Schedules

43

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
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
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	From CR 760 North to the dead end	30 mph	2124	7-1-02
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

## Steuben County - Traffic Code

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
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
Northwood Subdivision	All roads	20 mph	-	6-4-79
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
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

45

<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 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
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

**Steuben County - Traffic Code**

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
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

## Steuben County - Traffic Code

<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
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

## 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)

2012 S-6

● **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

**Steuben County - General Regulations**

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)

2012 S-6

## 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
- 92.44 Septic system
- 92.45 Wells
- 92.46 Plan reviews



92.47 License fees for tattoo and piercing establishments

92.48 Refundable/transferable

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)

2008 S-2

• 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.

(<sup>c</sup>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.

(<sup>c</sup>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;



(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.

(<sup>84</sup> 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.

(<sup>84</sup> 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. •

(<sup>84</sup> 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, \$75 per year. Includes all other establishments not falling under the limited food establishment definition.

(3) Bed and breakfast establishment, \$40 per year. Includes 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.

(4) Annual mobile unit (food service or retail), \$40 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, \$10 per day (not to exceed \$40 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, \$10 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)

#### • 92.41 VITAL RECORDS SERVICES.

- (A) Certified birth certificate: \$10.00 for each copy.

(B) Certified death certificate: \$10.00 for initial copy, \$5.00 for each copy thereafter.

(C) Genealogical search: \$1.00 per name without a copy.

(D) Affidavit of paternity: \$10.00 each.

(E) Affidavit requesting amendment to birth certificate: \$10.00 each (includes one certified copy of certificate).

(F) Report of legal change of name: \$10.00 each (includes one certified copy of certificate).  
(Ord. 745, passed 4-4-05; Am. Ord. 768, passed 9-4-07)

• **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)

• **92.44 SEPTIC SYSTEM.**

Forty dollars per permit, valid for one year from issue date.  
(Ord. 745, passed 4-4-05; Am. Ord. 768, passed 9-4-07)

• **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)

• **92.46 PLAN REVIEWS.**

All plan reviews, \$30 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)



**• 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, \$100 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, \$25 per year. Includes any person conducting or performing the services as defined in division (A)(1) of this section who is a permanent employee of a licensed establishment.

(C) Guest artist, \$10 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, \$10 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)

**• 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)

● 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. (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.

2006 S-1

- (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.

2006 S-1

(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)

2006 S-1





## 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)

**• 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)

2008 S-2

**• 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)



2008 S-2



## 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) *Title.* 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 maintained by the Highway Department (■Roads•).



(B) *Snow emergency declaration.*

(1) The Board, after consultation with the Sheriff, the Emergency Management/Department Homeland Security Director, and the Highway Director, if available, or the respective representative designated by each as the person to consult in his/her absence for the purpose of recommending a snow emergency declaration, may declare a snow emergency by executive order when, in the Board's judgment, such order would be in the best interest of the public safety and welfare of the residents of the county.

(2) If only one member of the Board is available, he or she can declare a snow emergency if at least two of said officials (or the respective designated representatives of each) also recommend a declaration. If no members of the Board are available to declare a snow emergency, then all three of said 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 1 (declared) Snow Emergency or a Level 2 (Warning) Snow Emergency or a Level 3 (Watch) Snow Emergency based on the criteria set forth in division (C) below. A Level 4 (Caution) may be activated and transmitted to the public by one of the following and does not need a declaration from the Commissioners: Sheriff, Director of the Highway Department or the Emergency Management/Department of Homeland Security Director.

(4) Such emergency shall continue in effect until the above mentioned Board members and/or officials or their respective designees who declared the emergency thereafter determine an emergency no longer exists and terminate the emergency order.

(C) *Levels.* A snow emergency declaration pursuant to this section shall consist of four levels in order to keep the residents of the county informed of the weather and county road conditions, and to assist County Highway Department in the clearing of the county roadways by eliminating stranded vehicles:

(1) A Level 1 (Red) Snow Emergency may be declared when roads have become impassable and the County Highway Department are not able to keep the roadways cleared due to severe snow fall and high winds producing high drifts and blizzard like conditions are present. Travel may be restricted to emergency personnel *ONLY* and essential emergency travel by members of the public (i.e. to and from work, emergency situations, and the like). Further restrictions that the Board deems necessary may be enacted at this time.

(2) A Level 2 (Orange) Warning Snow Emergency may be declared when conditions threatening to the safety of the public. Only essential travel is recommended (i.e. to and from work, emergency situations, and the like). Emergency action plans have been or should be implemented by businesses, schools, government agencies and other organizations.

(3) A Level 3 (Yellow) Watch Snow Emergency may be declared when routine travel or activities may be restricted in areas of the county because of a hazardous situation; citizens should use caution or avoid these areas. Schools and businesses may begin to implement their emergency action plans.

(4) A Level 4 (White) Caution Snow Level may be activated when conditions may develop that limits or hinders travel or activities in isolated areas. No travel restrictions have been reported but citizens should be alert to changing road and weather conditions. (This is not a declared emergency, but an activation of this section to alert the public of possible hazardous conditions).

(D) Publication and broadcast of a Level, 1, 2, 3, or 4 Snow Emergency declaration order/activation shall be made or caused to be made by the Board or other officials designating the level of the snow emergency using a press release to all law enforcement agencies, fire departments, hospitals and news media. The declaration shall be filed with the County Emergency Management/Department Of Homeland Security, State Department Of Homeland Security, County Clerk and County Auditor.

(E) Those vehicles exempt from this section shall include medical assistance, law enforcement, fire department, emergency management, public utility, and fuel hauling vehicles, and employees of any of the above exempt services, if engaged in performing their respective duties. Any other vehicles violating this section are subject to removal by towing or other means at the expense of the owner of the vehicle, when such towing and/or removal is deemed necessary by any one or more of the following: the Highway Department, the Sheriff's Department, the State Conservation Officer, or the state police.  
(Ord. 775, passed 4-21-08)

#### ● 96.99 PENALTY.

Any persons violating any provisions of ● 96.03 shall be guilty of the commission of an infraction and may be fined any sum not to exceed \$100 and such shall be enforceable in any court of law, duly authorized by state law, and in addition to such fine the court shall be authorized to direct the violator to repay the county any monetary losses or expenses incurred in the incident.  
(Ord. 775, passed 4-21-08)



## 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)

#### ● 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.ALARM SYSTEMS**

#### **113.RETAIL FOOD ESTABLISHMENTS**

#### **114.TATTOO AND BODY-PIERCING**

#### **115.CONTRACTOR REGISTRATION**

#### **116.AIRPORT MINIMUM STANDARDS**



## 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.

(<sup>84</sup> 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.

(<sup>84</sup> 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.

(<sup>84</sup> 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.

(<sup>84</sup> 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 sales and rentals
- 111.05 Discrimination in real estate transactions
- 111.06 Discrimination in brokerage services
- 111.07 Interference, coercion or intimidation
- 111.08 Prevention of intimidation
- 111.09 Exemptions
- 111.10 Administrative enforcement

### ***Statutory reference:***

*Administration of fair housing, see I.C. 22-9.5-4-1 et seq.*

### **§ 111.01 POLICY STATEMENT.**

It is the policy of the county 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.

(^84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94)

### **§ 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.** Any person who:

- (1) Claims to have been injured by a discriminatory housing practice; or
  - (2) Believes that the person will be injured by a discriminatory housing practice that is about to occur.
- (I.C. 22-9.5-2-2)

**COMMISSION.** The State Civil Rights Commission, created pursuant to I.C. 22-9-1-4 *et seq.*  
(I.C. 22-9.5-2-3)

**COMPLAINANT.** A person, including the Commission, who files a complaint under I.C. 22-9.5-6. (I.C. 22-9.5-2-4)

**DISABILITY.**

- (1) With respect to a person:
  - (a) A physical or mental impairment which substantially limits one or more of the person's major life activities;
  - (b) A record of having an impairment; or
  - (c) Being regarded as having an impairment.
- (2) **DISABILITY** includes an impairment described or defined pursuant to the Federal Americans with Disabilities Act of 1990 and any other impairment. **DISABILITY** does not include current illegal use of or addiction to a controlled substance as defined in 21 USC 802, nor does **DISABILITY** include an individual solely because that individual is a transvestite.

**DISCRIMINATORY HOUSING PRACTICE.** An act that is unlawful under §§ 111.04 through 111.07 or I.C. 22-9.5-5.

**DWELLING.**

- (1) 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

(2) Any vacant land that is offered for sale or lease for the construction or location of a building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one or more families.

(I.C. 22-9.5-2-8)

**FAMILY.** An individual or individuals having familial status as that term is defined in this section.

(I.C. 22-9.5-2-9)

**FAMILIAL STATUS.** Discrimination on the basis of **FAMILIAL STATUS** means discrimination because the person is:

(1) Pregnant;

(2) Domiciled with an individual under the age of 18 years of age in regard to whom the person is:

(a) The parent or legal custodian; or

(b) Has the written permission of the parent or legal custodian for domicile with that person.

(3) In the process of obtaining legal custody of an individual younger than 18 years of age.

**PERSON.** 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.

**TO RENT.** To lease, to sublease, to let and otherwise grant for a consideration the right to occupy the premises not owned by the occupant. (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)

### § 111.03 UNLAWFUL PRACTICES.

(A) Persons are subject to the following with the prohibitions against discrimination in the sale or rental of housing set forth in I.C. 22-9.5-5-1 and in § 111.04 apply to all dwellings, except as exempted by division (B) below and I.C. 22-9.5-3:

(1) Division (B) below;

(2) This chapter's § 111.09; and

(3) I.C. 22-9.5-3.

(B) Other than the provisions of division (C) below, nothing in § 111.04 applies to the following:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three single-family houses at any one time. However, in the sale of a single-family house by a private individual owner who is not residing in the house at the time of sale or who was not the most recent resident of the house prior to the sale, the exemption applies only to one sale within any 24-month period. The private individual owner may not own any interest in, not have owned or reserved on the owner's behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three single-family houses at one time. The sale or rental of any single-family house is exempted from the application of this section only if the house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesperson, any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent, salesperson or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of § 111.04(C). Nothing in this exemption prohibits the use of attorneys, escrow agents, abstractors, title companies and other 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 the living quarters as the owner's residence.

(C) For purposes of division (B) above, a person is considered to be in the business of selling or renting dwellings if the person:

(1) Has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

(2) Has, within the preceding 12 months, participated as agent, other than in the sale of the person's own 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) Is 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)

**§ 111.04 DISCRIMINATION IN SALES AND RENTALS.**

As made applicable by § 111.03 and, except as exempted by §§ 111.03(B) and 111.09, it is unlawful to do any of the following:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin;

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin;

(C) To make, print or publish, or cause to be made, printed or published, any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, disability, familial status or national origin, or an intention to make any preference, limitation or discrimination;

(D) To represent to any person because of race, color, religion, sex, disability, familial status or national origin, that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available;

(E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status or national origin;

(F) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(1) That buyer or renter;

(2) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(3) Any person associated with that person.

(G) 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 the dwelling, because of a disability of:

(1) That person;



**Steuben County - Business Regulations**

(2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or

(3) Any person associated with that person.

(H) For purposes of divisions (F) and (G) above, “discrimination” includes any of the following:

(1) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the 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 modification, reasonable wear and tear excepted;

(2) A refusal to make reasonable accommodations in rules, policies, practices or services, when accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling;

(3) In connection with the design and construction of covered multi-family dwellings for first occupancy, a failure to design and construct those dwellings in a manner that:

(a) The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons;

(b) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

(c) All premises within the dwellings contain the following features of adaptive design:

1. An accessible route into and through the dwelling;

2. Light, switches, electrical outlets, thermostats and other environmental controls in accessible locations;

3. Reinforcements in bathroom walls to allow later installation of grab bars (compliance with the appropriate requirements of the Americans With Disabilities Act of 1990) and of the American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Disabled People, commonly cited as “ANSI A117.111,” suffices to satisfy this requirement; and

4. Usable kitchens and bathrooms, such that an individual in a wheelchair can maneuver about the space.

(I) Nothing in divisions (F) and (G) above requires that a dwelling be made available to an individual whose tenancy would:

(1) Constitute a direct threat to the health or safety of other individuals; or

(2) 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)

**§ 111.05 DISCRIMINATION IN REAL ESTATE TRANSACTIONS.**

(A) It is 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 a transaction, or in the terms or conditions of a transaction, because of race, color, religion, sex, disability, familial status or national origin.

(B) As used in this section, “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 section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, disability or familial status.

(^84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94) Penalty, see § 10.99

**§ 111.06 DISCRIMINATION IN BROKERAGE SERVICES.**

It is 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 the person in the terms or conditions of the access, membership or participation, on account of race, color, religion, sex, disability 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) Penalty, see § 10.99

**§ 111.07 INTERFERENCE, COERCION OR INTIMIDATION.**

It is unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, on account of the person's having exercised or enjoyed or on account of the person having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by §§ 111.03 and 111.04.

(^84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94) Penalty, see § 10.99

**§ 111.08 PREVENTION OF INTIMIDATION.**

Whoever, whether or not acting under color of law, by force or threat of force, willfully injures, intimidates, interferes with or attempts to injure, intimidate or interfere with:

(A) Any person because of the person's race, color, religion, sex, disability or familial status, or national origin and because the person 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 the person is or has been, or in order to intimidate the person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, sex, disability familial status or national origin, in any of the activities, services, organizations or facilities described herein; or

(2) Affording another person or class of persons opportunity or protection so to participate.

(C) Any citizen because the citizen is or has been, or in order to discourage the citizen (or any other citizen) from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, familial status or national origin, in any of the activities, services, organizations or facilities described in division (A) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined.

(^84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94)

**§ 111.09 EXEMPTIONS.**

(A) Exemptions defined or set forth under I.C. 22-9.5-3 are exempt from the provisions of this chapter to include those activities or organizations set forth under this section.

(B) Nothing in this chapter prohibits 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 that it owns or operates for other than a commercial purpose, to persons of the same religion or from giving preference to the persons, unless membership in the religion is restricted on account of race, color or national origin.

(C) Nothing in this chapter prohibits a private club not in fact open to the public which, as an incident to its primary purpose or purposes provides lodging that it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(D) (1) Nothing in this chapter applies to housing for older persons.

(2) As used in this section, "housing for older persons" means housing:

(a) Provided under any state or federal programs that the Secretary of the Federal Department of Housing and Urban Development or the Commission determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(b) Intended for, and solely occupied by, persons at least 62 years of age; or

(c) 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)

#### **§ 111.10 ADMINISTRATIVE ENFORCEMENT.**

(A) The authority and responsibility for properly administering this chapter and referral of complaints under this chapter, as set forth in division (B) below, is vested in the Chief Executive Officer of the county.

(B) Notwithstanding I.C. 22-9.5-4-8, the county, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, elects to refer all formal complaints of violations of this chapter by complainants to the Commission for administrative enforcement actions under I.C. 22-9.5-6. The Chief Executive Officer of the county shall refer all complaints to the Commission, as provided for in division (A) above, 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 Executive Officer of the county and the Commission to further the purposes.

(D) The Chief Executive Officer of the county or designee shall provide information on remedies available to any aggrieved persons or complainant requesting the information.

(84 Code, § 22-9.5-4-1) (Ord. 656, passed 8-16-93; Am. Ord. 662, passed 5-9-94)

## **CHAPTER 112: ALARM SYSTEMS**

### **Section**

- 112.01 Title
- 112.02 Purpose
- 112.03 Definitions
- 112.04 Panel monitoring
- 112.05 Permit; application and fee
- 112.06 Location of permit
- 112.07 Alarm business licenses
- 112.08 Identification card required
- 112.09 Automatic telephone dialing devices
- 112.10 Audible systems
- 112.11 Prohibited acts
- 112.12 Notice of violation
- 112.13 Hearing on excuse

### **§ 112.01 TITLE.**

This chapter maybe referred to as the “County Alarm Chapter.”  
(`84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96)

### **§ 112.02 PURPOSE.**

It is the purpose of this chapter to enhance and preserve the public safety and welfare of persons and property in the county by regulating alarm systems in the county.  
(`84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96)

### **§ 112.03 DEFINITIONS.**

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

***ALARM AGENT.*** A person who is employed or hired by an alarm business, either directly or indirectly, and whose duties include leasing, maintaining, monitoring, servicing, repairing, altering, replacing, moving, installing or responding to any alarm system on or in any building, structure, facility or premises.

***ALARM BUSINESS.*** Any business of any person who leases, maintains, monitors, services, repairs, alters, replaces, moves, installs or responds to, or causes to be leased, maintained, monitored, serviced, repaired, altered, replaced, moved, installed or responded to any alarm system in or on any building, structure, facility or premises.

***ALARM SYSTEM.***

(1) Any device, silent or audible, which is designed to be actuated manually or automatically upon the detection of an unauthorized entry, intrusion, fire or other emergency in or on any building, structure, facility or premises, which when activated, leads to notifications being made directly or indirectly to the Public Safety Communications Department or to any agency for which the Public Safety Communications Department serves as dispatcher.

(2) The term does not include any of the following:

(a) An alarm system installed on a motor vehicle; (However, an alarm system is required to comply with the requirements contained herein.)

(b) A medical alarm system;

(c) An alarm system installed upon premises occupied by the United States, this state or any political subdivision of the United States or this state; and/or

(d) Any type alarm that does not require fire, police or EMS response, such as environmental or temperature control.

***AUTOMATIC TELEPHONE DISABLING DEVICE.*** Any device connected to an alarm system which, when activated, automatically dials a predetermined telephone number and sends a prerecorded message or coded signal.

***DIRECTOR.*** The Director of the Public Safety Communications Department.

***LICENSE HOLDER.*** The person to whom an alarm business license is issued.

***PERSON.*** Individuals, firms, corporations, associations, partnerships, consortiums, joint ventures, trusts, estates and any other legal entity, group or organization.

**PERMIT HOLDER.** The person to whom an alarm system permit is issued.

**PUBLIC SAFETY COMMUNICATIONS DEPARTMENT.** The Communications Center of the County Public Safety Communications System District.  
(^84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96; Am. Ord., passed - -)

#### **§ 112.04 PANEL MONITORING.**

The Public Safety Communications Department will maintain an alarm monitoring panel, computer or device for answering Direct (hard wired) alarms from any county person or business.

(A) The alarm monitoring panel, computer or device will be answered by the Public Safety Communications Department.

(B) The Public Safety Communications Department will maintain the alarm system from the contact closure outputs of the alarm owners equipment located in the county equipment location (equipment room) to the county alarm monitoring equipment located within the dispatch area. All other maintenance will be the responsibility of the alarm owner.

(C) All alarms coming into the Public Safety Communications Department will terminate in the equipment room. All outputs from the alarms must be contact closures (one for the alarm, one for the circuit/trouble). The Public Safety Communications Department will contract for the services required to install the alarm from the alarm termination location within the communications equipment room to the alarm monitoring panel, computer or devices. The cost of this service will be the responsibility of Public Safety Communications Department.

(D) Only one contracted company will be allowed access to the equipment owned by Public Safety Communications Department.

(E) All companies that are hooked up to the panel, computer or device must sign a hold harmless agreement with the Public Safety Communications Department.

(F) Every financial institution and/or business maintaining an alarm system monitored by Public Safety Communications Department shall pay an annual monitoring fee to the Public Safety Communications Department for each alarm monitored, payable on or before June 1 of each year, for the following 12-month period. In the case of a company having multiple alarms being monitored, the fee for the first alarm shall be set by the county and all other alarms monitored through the alarm panel will have an annual fee.



(G) Every direct alarm monitored through the equipment of the Department will be exempt from paying the alarm permit fee under this chapter. Paperwork must be completed on an annual basis.

(H) All fees collected under this subsection shall be transferred to and deposited in the County Communications Fund through the County Auditor, to be used for purposes of administration of this chapter and other operations of the Public Safety Communications Department.

(I) All government agencies are exempt from paying any charges or fees mentioned within this chapter.

(^84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96; Am. Ord., passed - -)

#### **§ 112.05 PERMIT; APPLICATION AND FEE.**

(A) It is unlawful for a person to operate, cause to be operated or permit the operation of an alarm system unless a current alarm system permit has been obtained from the Public Safety Communications Department. A person who operates, causes to be operated or permits the operation of an alarm system at the time this chapter becomes effective shall have 180 days after the effective date to obtain an alarm system permit under this chapter without penalty.

(B) Application for the operation of an alarm system permit may be made by the owner or operator of the building, structure, facility or premises on which the alarm system is to be installed and operated. Application for a permit may also be made on behalf of the owner or operator by an alarm system business licensed under this section. The application shall be made in writing to the Public Safety Communications Department on a form approved by the Public Safety Communications Department. The form shall include the following information:

- (1) The name, address and telephone number for each owner and operator of the building, structure, facility or premises;
- (2) The street address of the property and the location thereon for which the alarm system is to be installed and operated;
- (3) Any business name used for the premises on which the system is installed and operated;
- (4) Whether the alarm system or systems are monitored locally and whether the alarm systems are designed to give notice of a burglary, robbery, fire or other type of emergency;
- (5) The name of the person or alarm system business who will install the alarm system;

(6) The names and telephone numbers of two persons or of an alarm business who are able, have agreed to and will:

(a) Receive notification at any time;

(b) Come to the alarm site within 20 minutes after receiving a request from the police or fire agency in that jurisdiction; and

(c) Grant access to the alarm site, deactivate the alarm system, if such becomes necessary.

(7) The names and telephone numbers of any person or company that has access to the building after normal business hours (cleaning crews, bank couriers and the like);

(8) The names of all utilities serving the premises;

(9) A list of any hazardous or dangerous materials and the location within the building; and

(10) Any other information deemed necessary by the Director of the Public Safety Communications Department.

(C) (1) The Director of the Public Safety Communications Department or the Director's designee shall issue an alarm system permit to the person submitting an application in accordance with this chapter and upon payment of the permit fee, unless the Director or the designee finds that any statement made in the application is incomplete or false.

(2) Upon issuance of the alarm system permit, the Director shall retain a copy of the permit and protect it as confidential information under this chapter. However, nothing in this chapter prohibits the use of this information for legitimate law enforcement and protection purposes and for enforcement of this chapter.

(3) The permit holder shall notify the Director in writing of any change in the information contained on the permit application no later than ten days after the change.

(D) (1) An alarm system permit issued pursuant to this chapter is valid and effective commencing from the date of issuance and expiring as hereinafter described. All alarm system permits issued pursuant to this chapter expire annually on May 31, with the first expiration date being May 31.

(2) The fee for an alarm system permit is as set by the county. The renewal fee for an alarm system is as set by the county. Alarm system permits may be renewed annually during the months of April and May upon updating the application information and providing payment of the renewal fee.

**Steuben County - Business Regulations**

(3) A late fee shall be charged for each month or partial month the renewal permit fee is obtained or renewed after May 31 of each year.

(4) An alarm system permit issued pursuant to this chapter is personal to the permit holder and non-transferable.

(5) Payment must be made at the time the permit is issued. Business and personal checks will be accepted with the following understanding:

(a) A service charge will be made on all returned checks from the bank.

(b) If a check is returned by a bank, all future payments must be made by cash, certified check, money order or cashier's check only.

(c) Non-payment or returned checks make the alarm system permit void.

(6) All fees collected pursuant to this section shall be transferred and deposited in the County Communications Fund through the County Auditor, to be used for purposes of the administration of this chapter and other operations of the Public Safety Communications Department.

(^84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96; Am. Ord., passed - -) Penalty, see § 10.99

**§ 112.06 LOCATION OF PERMIT.**

The permit holder for an alarm system shall keep the permit at the alarm site in a location that will reasonably enable the permit holder to produce the permit to any official who responds to an alarm.

(^84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96)

**§ 112.07 ALARM BUSINESS LICENSES.**

(A) It is unlawful for a person to operate, cause to be operated or permit the operation of an alarm business unless a current alarm business license has been obtained from the Public Safety Communications Department.

(B) (1) Application for a license for the operation of an alarm business may be made by the owner or operator of the alarm system business. The application must be made in writing to the Public Safety Communications Department on a form approved by the Public Safety Communications Department. The application shall include the following information:

- (a) The full name, address and telephone number of the alarm business;
- (b) The full name, business address, home address and home telephone number of the manager;
- (c) The full name, business address, and telephone number of each owner and officer of the alarm business; and (However, no more than five persons are required to be listed.)
- (d) A telephone number at which the Public Safety Communications Department can notify the personnel of the alarm business of a need for assistance at any time.

(2) An alarm business shall have the following information on file and immediately available to the Public Safety Communications Department at any time that the alarm business notifies the Public Safety Communications Department, directly or indirectly, that an alarm system has been activated:

- (a) The name, address and telephone number for each owner and operator of the building, structure, facility or premises that is the subject of the alarm;
- (b) The exact 911 street address (not post office box) of the property and the exact 911 street location (not post office box) on the property that is the subject of the alarm;
- (c) Any business name used for the premises that is the subject of the alarm;
- (d) Whether the alarm system or systems are designed to give notice of a burglary, robbery, fire or other type of emergency, which shall be specified;
- (e) The name and address for the alarm business as well as the name and telephone number of the caller; and
- (f) The name and telephone number of any person or an alarm agent of the alarm business who is able, has agreed to, and will:

- 1. Receive notification at any time;

2. Come to the alarm site within 20 minutes after receiving a request from the police, fire or other responding agency in that jurisdiction; and

3. Grant access to the alarm site, deactivate the alarm system and re-secure the alarm site, if that is necessary.

(C) (1) The Director of the Public Safety Communications Department or the Director's designee, shall issue an alarm business license to the person submitting an application in accordance with this chapter and upon payment of the license fee, unless the Director or the designee finds that any statement made in the application is incomplete or false.

(2) Upon issuance of an alarm business license, the Director shall retain a copy of the license.

(3) The alarm business shall notify the Director in writing of any change in the information contained on the license application within ten days of the change.

(4) The alarm business license must be on public display at the location of the business.

(D) (1) An alarm business issued pursuant to this chapter is valid and effective commencing from the date of issuance and expiring as hereinafter described. All alarm business licenses issued pursuant to this chapter expire annually on May 31.

(2) The fee for an alarm business license is as set by the county. Alarm business licenses may be renewed annually during the months of April and May upon updating the application information and providing payment of the fee.

(3) A late fee shall be charged for each month or partial month the renewal alarm business license is obtained or renewed after May 31 of each year.

(4) An alarm system permit issued pursuant to this chapter is personal to the permit holder and non-transferable.

(5) Payment must be made at the time the permit is issued. Business and personal checks will be accepted with the following understanding:

(a) A service charge will be made on all returned checks from the bank.

(b) If a check is returned by a bank, all future payments must be made by cash, certified check, money order or cashier's check only.

(c) Non-payment or returned checks make the alarm system permit void.

(6) All fees collected pursuant to this section shall be transferred and deposited in the County Communications Fund through the County Auditor, to be used for purposes of the administration of this chapter and other operations of the Public Safety Communications Department.

(`84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96; Am. Ord., passed - -)

**§ 112.08 IDENTIFICATION CARD REQUIRED.**

(A) Every alarm agent whose duties include leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or responding to any alarm system shall carry on the agents person at all times while engaged in the alarm business a personal identification card:

- (1) Provided by the alarm business;
- (2) Containing the name and a current personal photograph of the alarm agent; and
- (3) Identifying the name, address and telephone number of the alarm business.

(B) This card shall be displayed to any official upon request.

(`84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96)

**§ 112.09 AUTOMATIC TELEPHONE DIALING DEVICES.**

(A) It is unlawful to use or install or permit the use or installation of an automatic telephone dialing device that is programmed to dial the Public Safety Communications Department or any agency for which the Public Safety Communications Department serves as dispatcher.

(B) Any existing automatic telephone dialing device must be discontinued or programmed to any other consenting parties within 90 days after the effective date of this chapter.

(C) (1) The Public Safety Communications Department will provide 1 seven-digit public telephone number that can be used for programming automatic dialing devices.

(2) Only one number will be used by all automatic dialing devices within the county.

(`84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96; Am. Ord., passed - -) Penalty, see § 10.99

**§ 112.10 AUDIBLE SYSTEMS.**

(A) It is unlawful to use or install or permit the use or installation of any alarm system that when activated produces an alarm that is audible outside of the property sought to be protected by the alarm system unless the alarm system has an automatic shut-off that deactivates the audible alarm within 15 minutes after being activated.

(B) The Director of the Public Safety Communications Department may waive this restriction on audible alarms for any alarm system where the owner or operator establishes to the satisfaction of the Director that the existence and operation of the audible alarm portion of the alarm system is required to be and is in compliance with an established and nationally recognized alarm system standard for insurance, bonding, regulatory or other legitimate purposes.

(^84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96; Am. Ord. -, passed -)

**§ 112.11 PROHIBITED ACTS.**

(A) It shall be a prohibited act in this chapter to do any of the following acts:

(1) For a person who owns or controls property on which an alarm system is installed to issue, cause to be issued or permit the issuance of a false alarm.

(2) For a person who owns or controls property to install, maintain or permit to operate any alarm which automatically dials into the Public Safety Communications Department's public or emergency telephone lines when an alarm is activated, except as provided herein.

(3) For a person participating in the ownership or management of an alarm system business to do any business within the county without registering as required in this chapter.

(B) Each separate occurrence under division (A) above and each separate day under division (A) above constitutes a separate and distinct violation.

(^84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96; Am. Ord., passed - -) Penalty, see § 10.99

**§ 112.12 NOTICE OF VIOLATION.**

(A) (1) The Director or the Director's representative may issue a notice of violation. The first notice of alarm violation will be mailed via regular U.S. mail. The second and third violation notices will be sent certified U.S. mail to the last known owner at the last known address.

(2) No action will be taken by the Director if steps are taken to correct the problem and the violator certifies in writing within two weeks or 14 days that the alarm has been repaired and the problem should not occur again in the future.

(3) No action will be taken by the Director against any alarm company if steps are taken to correct any violations after receiving written notice. All notices shall be sent via U.S. mail certified to the last known address of the alarm company.

(4) All penalties for violation of this chapter by alarm companies shall be at the discretion of the Board of County Commissioners.

(B) The notice of violation shall state the name of the violator, the location of the violation, the date and time of the violation, the penalties for the violation, and the violator's right to an appeal under any section of this chapter, if applicable.

(C) A notice of violation shall be served on the violator at the violator's last known address. Service shall be complete upon the mailing, regardless of the receipt of the notice, or posting of the notice upon the property where the alarm is located.

(^84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96)

### **§ 112.13 HEARING ON EXCUSE.**

(A) (1) Any person noticed for a violation hereof may petition the Director of Communications of the county for return of alarm service. Should this request be denied by the Director of Communications, then the person noticed for the violation may petition the County Commissioners for a hearing to show that for some reason beyond the violators control, the false alarm was activated. The petition for a hearing must state specifically the reasons beyond the violator's control for the activation of the alarm. The violator must also furnish the Board with the names and addresses of any and all witnesses as to the foregoing reasons. The petition must be filed within two weeks of service of notice of the violation.

(2) After the hearing, the Board of County Commissioners, in its sole discretion, will determine whether the false alarm was activated for reasons beyond the control of the violator. The violation will then be excused and service be extended.

(B) (1) Any person noticed for a violation hereof may petition the Director of Communications of the county for return of alarm service.



(2) Should this request be denied by the Director of Communications, then the person noticed for the violation may petition the County Commissioners for a hearing to show that for some reason beyond the violator's control, the person violated the provisions. The petition for a hearing must state specifically the reasons beyond the violator's control for the violation. The violator must also furnish the Board with the names and addresses of any and all witnesses as to the foregoing reasons. The petition must be filed within two weeks of service of notice of the violation. After the hearing, the Board of County Commissioners, in its sole discretion, will determine whether the violation was beyond the control of the violator. The violation will then be excused and service be extended. (84 Code, § 36-8-2-10) (Ord. 642, passed 12-8-92; Am. Ord. 662, passed 5-9-94; Am. Ord. passed 4-1-96)

## 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
- 113.22 Inspection
- 113.23 Compliance and enforcement
- 113.24 Appeals
- 113.25 Expense
- 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

#### **§ 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)

## **§ 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 to 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
- 114.07 Permits
- 114.08 General safety and standards
- 114.09 Operator training responsibilities
- 114.10 Operator responsibilities
- 114.11 Professional liability insurance
- 114.12 Operator policies
- 114.13 Artist Indiana OSHA training-facility responsibility
- 114.14 Patron records
- 114.15 Illness
- 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
- 114.23 Treatment and transport of infectious waste
- 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: AIRPORT MINIMUM STANDARDS**

### **Section**

- 116.01 Title
- 116.02 Authority
- 116.03 Purpose
- 116.04 Policy
- 116.05 Definitions; qualifications; requirements
- 116.06 Fixed-base operators
- 116.07 Aircraft sales
- 116.08 Airframe and/or power plant repair or other specialized aircraft maintenance services
- 116.09 Aircraft rental
- 116.10 Flight instruction
- 116.11 Air taxi or charter service
- 116.12 Aircraft fuels and dispensing service
- 116.13 Aerial application operations
- 116.14 Specialized commercial flight services
- 116.15 Adoption and amendment to minimum standards

### **§ 116.01 TITLE.**

This chapter may be cited as the Airport Minimum Standards Ordinance of the Steuben County Board of Aviation Commissioners Code of Ordinances.  
(Ord. 845, passed 7-1-13)

### **§ 116.02 AUTHORITY.**

This chapter is created pursuant to authority granted by I.C. 8-22-2-5(3).  
(Ord. 845, passed 7-1-13)

**§ 116.03 PURPOSE.**

(A) In order to foster, encourage, and insure the economic health and orderly development of general aviation and its related aeronautical activities at Tri-State Steuben County Airport (hereinafter referred to as "Airport"), and in order to insure adequate commercial aeronautical services and facilities are available to the users of the airport, the following minimum standards and requirements for commercial aeronautical tenants (as defined in § 116.05(A)), (hereinafter referred to as "operator"), have been adopted by the Steuben County Board of Aviation Commissioners (hereinafter referred to as "Board").

(B) This chapter sets forth the minimum standards for an entity based upon and engaging in one or more aeronautical activities at the Airport. Any operator who is based on the Airport will be subject to applicable federal, state and local laws, codes, ordinances, and other regulatory measures, including Airport standard operating procedures. The Board reserves the right to change these minimum standards at its discretion. All entities affected by these changes will have an opportunity to comment on proposed changes and will be appraised of dates of implementation of such changes, see § 116.15. A written lease agreement, properly executed by operator and the Board, is a prerequisite to tenancy on the Airport and the commencement of operations. The lease provisions will be compatible with these minimum standards and will not change or modify such standards. All leases shall include a number of standard items that are a part of all leases between the Board and any entity based on the Airport and engaged in aeronautical services or activities.

(C) In adopting these minimum standards, the Steuben County Board of Aviation Commissioners does not waive or abrogate, for itself or its employees (including the Airport Manager), the provisions of the Indiana Tort Claims Act, which in pertinent part relieves the Steuben County Board of Aviation Commissioners, the Airport Manager and others from liability arising from the adoption and/or failure to adopt minimum standards and the enforcement and/or failure to enforce minimum standards so adopted.

(Ord. 845, passed 7-1-13)

**§ 116.04 POLICY.**

A fair and reasonable opportunity, without discrimination, shall be afforded all applicants to qualify, or otherwise compete, for available airport facilities and the furnishing of selected aeronautical services; subject to the minimum standards as established by the Board. An operator shall have the right and privilege of engaging in and conducting the activities selected and specified by the written contract contingent upon meeting the established minimum standards, the execution of a written lease with Steuben County, the payment of the prescribed rentals, fees, and charges, and compliance with all federal, state, county, and airport laws, rules, codes, and regulations. The granting of such right and privilege, however, shall not be construed as affording the operator any exclusive right of use of the

premises and facilities of the Airport, other than those premises which may be leased exclusively to the operator, and then only to the extent provided in a written agreement. The prospective operator shall select one or more aeronautical services covered by these minimum standards. When more than one activity is proposed, the minimum requirements will vary (dependent upon the nature of individual services in such combination) but will not necessarily be cumulative in all instances. Because of these variables, the applicable minimum standards to combinations of service will be discussed with the prospective operator at the time of application. The Board reserves and retains the right for the use of the Airport by others who may desire to use the same, pursuant to applicable federal, state, and local laws, ordinances, codes, minimum standards, and other regulatory measures pertaining to such use. The Board reserves the further right to designate the specific Airport areas in which aeronautical services may be conducted. Such designation shall give consideration as to the nature and extent of the operation and the lands available for such proposed uses, consistent with the orderly and safe operation of the Airport.

(Ord. 845, passed 7-1-13)

#### **§ 116.05 DEFINITIONS; QUALIFICATIONS; REQUIREMENTS.**

(A) *Definition.* For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

**AVIATION OPERATOR.** An entity engaging in an activity, which involves, makes possible, or is required for the operation of aircraft, or which contributes to, or is required for the safety of such aircraft operations. The purpose of such activity may be to secure earnings, income, compensation, or profit, whether or not such objective(s) are accomplished. Authorized activities by an operator shall be strictly limited to any one or a combination of the following aeronautical services performed in full compliance with the specific standards for that activity as set forth herein:

- (a) Aircraft sales (new and/or used);
- (b) Airframe and power plant repair facilities;
- (c) Aircraft rentals;
- (d) Flight training;
- (e) Line services (aircraft fuels and oil dispersing);
- (f) Specialized aircraft repair service - radios, propellers, instruments, and accessories;
- (g) Aircraft charter and air taxi;
- (h) Specialized commercial flying services;



(i) Aviation operators subleasing from another aviation operator (see § 116.05(D)(1)(H));

(j) Warehouse type facilities using air transportation and located on the airport;

(k) Medical related equipment and supplies;

(l) Other aviation related activities;

(m) Airport shuttle (ground transportation) operator; and

(n) Any other activities not specifically provided for in these minimum standards, will be subject to negotiation.

(B) *Prequalification requirements.* The prospective operator shall submit, in written form, to the Airport Manager, at the time of application, the following information, plus such other information as may be reasonably requested by the Board:

(1) *Intended scope of activities.* Before being granted an operating privilege on the Airport, the prospective operator must submit to the Board a detailed description of the intended activity(s), and the means and methods to be employed to accomplish the activity(s). This description shall include:

(a) The services to be offered;

(b) The amount of land to be leased;

(c) The building space to be constructed or leased;

(d) The number of aircraft to be provided;

(e) The number of persons to be employed;

(f) The hours of proposed operation; and

(g) The number and types of insurance coverage to be maintained.

(2) *Financial responsibility.* The prospective operator shall demonstrate the financial capability to initiate operations and for the construction of improvements and appurtenances that may be required commensurate with the proposed operation(s).

(C) *General requirements.*

(1) *Requirement of a written agreement.* Prior to the commencement of operations, the prospective operator will be required to enter into a written agreement with the Board, which agreement will recite the terms and conditions under which he or she will operate his or her business on the Airport, including, but not limited to, the term of agreement; the rentals, fees, and charges; the rights, privileges and obligations of the respective parties; and other relevant covenants. It should be understood that these minimum standards do not represent a complete recitation of the provisions to be included in the written agreement. Such contract provisions, however, will not change, modify, or be inconsistent with these minimum standards.

(2) *Site development standards.*

(a) *Physical facilities.* The minimum space requirements shall be satisfied with one building, attached buildings, or separate buildings on permanent foundations. Mobile office facilities may be used on leased property, by special permission of the Board, providing facility is in compliance with all rules, regulations, and ordinances of the FAA, Indiana Department of Transportation and Steuben County. All construction must be approved by the Board and other appropriate agencies.

(b) *Engineering standards.* No person shall make any alterations of any nature whatsoever to any buildings, ramp or other Airport space, nor erect any building or other structure without prior submission of a written request, including detailed plans and specifications, and have receipt of written permission from the Board. Prospective operators shall comply with all building codes of Steuben County and shall deliver to the Airport Manager "as built" plans upon completion. Alterations or construction must be submitted to the Federal Aviation Administration, FAA Form 7460-1 (Notice of Proposed Construction and/or Alteration) and receive a favorable determination, prior to commencement of any construction.

(D) *General lease clauses.*

(1) For all Airport lease agreements.

(a) *Aircraft service by owner or operator of aircraft.* No right or privilege granted herein shall prevent any entity operating aircraft on the Airport from performing any services on its own aircraft with its own regular employees (including, but not limited to, maintenance repair and self-fueling) that it may choose to perform, subject to board and federal restrictions and these minimum standards.

(b) *Airport development.* The Board reserves the right to further develop or improve the airfield. If the physical development of the Airport requires the relocation of operator-owned facilities, the Board agrees to provide a comparable location, and agrees to relocate all operator-owned buildings or provide similar facilities for the operator at no cost to the operator.

(c) *Board's rights.* The Board reserves the right (but shall not be obligated to the operator) to maintain and keep in repair the airfield. The Board shall have the right to regularly audit the financial records of all operators if the Board has an interest in the records. The Board shall have the right to inspect all operators in order to establish proof of currency of all licenses, compliance with all laws, rules, regulations, and standards with which the operator is required to comply. The Board reserves the right to operate or conduct any or all aeronautical activities, as a part of airport operations, as necessary to benefit the Airport.

(d) *Airport obstructions.* The Board reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstructions, together with the right to prevent the operator from erecting, or permitting to be erected, any building or other structure on the Airport which in the opinion of the Board, would limit the usefulness of the Airport or constitute a hazard to aircraft.

(e) *Subordination.* Airport leases shall be subordinate to the provisions of any existing or future agreement between the Board and the United States, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport.

(f) *Compliance with laws, and the like.* The operator shall at all times comply with the airport rules and regulations, federal, state, and local laws, ordinances, codes and other regulatory measures now in existence or, as may be hereafter modified or amended, applicable to the specific type of operation contemplated. The operator shall procure and maintain during the term of the agreement all licenses, permits, and other similar authorizations required for the conduct of his or her business operations.

(g) *Misrepresentation.* All terms and conditions with respect to these minimum standards are expressly contained herein, and the operator agrees that no representation or promise has been made with respect to these minimum standards not expressly contained herein.

(h) *Subleasing.* If permitted in the lease between operator and the Board, all or a portion of a leased area may be subleased to another operator. No such operator shall be exempt from these minimum standards.

(2) For agreements which provide services to the public:

(a) The operating entity, its heirs, personal representatives, successors in interest, and assignees, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the property described in an Airport lease for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar serves or benefits, the

operators shall maintain and operate the facilities and service in compliance with all other requirements imposed in federally assisted programs of the Department of Transportation, and as said regulations may be amended.

(b) The operating entity, for itself, its heirs, its personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that:

1. No person on the grounds of race, sex, color, marital status, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of the facilities.

2. That in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, sex, color, marital status, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination.

3. That the operator shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, nondiscrimination in federally assisted programs of the Department of Transportation, and as said regulations may be amended.

(c) The operator assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to insure that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered by 14 CFR Part 152, Subpart E. The operator assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by their subpart. The operator assures that it will require that its covered suborganizations provide assurances to the operator that they will undertake affirmative action programs and that they will require assurances from their sub-organizations, as required by 14 CFR Part 152, Subpart E., to the same effect.

(d) Operator agrees to furnish service on a fair, equal and not unjustly discriminatory basis to all users thereof, and to charge fair, reasonable and not unjustly discriminatory prices for each unit of service; provided, that operator may make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers. None of the above provisions are required for a hangar lease where space is used only for storing lessee's aircraft, and no services are provided to the public, however, the leases must state the intended use, and stipulate that services to the public are prohibited. Reference FAA Advisory Circular 150/5190-7, minimum standards for commercial aeronautical activities, and the Airport's Rules and Regulations, as may be amended. (Ord. 845, passed 7-1-13)

**§ 116.06 FIXED-BASE OPERATORS.**

(A) *Qualifications.* An operator shall qualify as a fixed-base operator (FBO) upon proof that the operator is a financially stable and responsible business enterprise. In addition, the operator shall perform more than one operation as listed in § 116.05(A) of these minimum standards. The operator shall demonstrate that the premises from which it operates at the Airport and the personnel employed by it comply with the following requirements, as appropriate to the conduct of operator's business.

(B) *Minimum area.* The operator shall construct a building or lease all or a portion of a building to provide suitable facilities for the type of operations proposed. Such space shall include an office area, parking for employees and customers, a public telephone, and properly lighted and heated restrooms for customers and employees. In the event the building is new construction, the land area to be leased shall include a minimum of 2.5 times the building footprint. Building shall include a general aviation service hangar area sufficient for intended use. Ramp area constructed shall be a minimum of 1.5 times the area of hangar.

(C) *Personnel.* Provide employees with the proper training and certifications for the operations proposed.

(D) *Equipment.* Provide the equipment necessary to perform the operations proposed.

(E) *Hours of operation.* The operator shall post and maintain hours of operation convenient to customers.

(F) *Insurance.* The operator shall provide minimum insurance coverage for all operations performed in amounts as required by the Indiana Tort Claims Act. At present, those standards are as follows:

(1) For personal injury to any one person: \$700,000.

(2) For injury to or death of all persons in any one occurrence: \$5,000,000.

(3) For property damage: \$1,000,000.

(Ord. 845, passed 7-1-13)

**§ 116.07 AIRCRAFT SALES.**

Any aeronautical service desiring to engage in the sale of new or used aircraft must lease or provide as a minimum the following:

(A) *Minimum area.* The operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, customer lounge area, aircraft parking, and auto parking for customers and employees. Operator shall provide properly lighted and heated restrooms for customers and employees.

(B) *Personnel.* The operator shall provide one or more persons holding a current pilot certificate and ratings appropriate for the type of aircraft to be demonstrated. Provision must be made for the office to be attended during posted business hours.

(C) *Parts and service.* The operator shall have access to an adequate supply of parts and servicing facilities to provide maintenance service to customer's aircraft.

(D) *Hours of operation.* The operator shall provide hours of operation convenient to customers.

(E) *Insurance.* The operator shall provide insurance coverage for all operations performed as set forth in § 116.06(F).

(Ord. 845, passed 7-1-13)

#### **§ 116.08 AIRFRAME AND/OR POWER PLANT REPAIR OR OTHER SPECIALIZED AIRCRAFT MAINTENANCE SERVICES.**

Any service desiring to engage in airframe and/or power plant repair or other specialized aircraft maintenance services shall provide as a minimum the following:

(A) *Minimum area.* The operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, aircraft parking, and auto parking for customers and employees. Operator shall provide properly lighted and heated restrooms for customers and employees.

(B) *Personnel.* The operator shall provide a minimum of one person properly certificated by the FAA or other regulatory agency with appropriate ratings for work to be performed.

(C) *Equipment.* The operator shall provide sufficient equipment, supplies, and parts availability to perform maintenance in accordance with manufacturer recommendations or equivalent on various types of based aircraft.

(D) *Hours of operation.* The operator shall post and maintain hours of operation convenient to customers.

(E) *Insurance.* The operator shall provide insurance coverage for all operations performed as set forth in § 116.06(F).

(Ord. 845, passed 7-1-13)

**§ 116.09 AIRCRAFT RENTAL.**

Any service desiring to engage in the rental of aircraft to the public shall provide as a minimum the following:

(A) *Minimum area.* The operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, pilot supply sales, customer lounge area, aircraft parking, and auto parking for customers and employees. The operator shall provide properly lighted and heated restrooms for customers and employees. A telephone shall be supplied for flight plans, weather briefings, or other flight related uses.

(B) *Personnel.* The operator shall provide for office to be attended during posted working hours.

(C) *Aircraft.* The operator shall own or have exclusive lease in writing at least one aircraft equipped for flight under instrument conditions. Aircraft is to be maintained in accordance with all applicable FAA regulations.

(D) *Hours of operation.* The operator shall post and maintain hours of operation convenient to customers.

(E) *Insurance.* The operator shall provide insurance coverage for all operations performed as set forth in § 116.06(F).

(Ord. 845, passed 7-1-13)

**§ 116.10 FLIGHT INSTRUCTION.**

All independent flight instructors, defined as giving instruction only in student owned aircraft, are exempt from this article of the minimum standards. All other operators desiring to engage in flight instruction shall provide as a minimum the following:

(A) *Minimum area.* The operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, pilot supply sales, customer lounge area, aircraft parking, and auto parking for customers and employees. The operator shall provide properly lighted and heated restrooms for customers and employees. A telephone shall be supplied for flight plans, weather briefings, or other flight related uses.

(B) *Personnel.* The operator shall provide a minimum of one person holding a current commercial pilot certificate with appropriate ratings for flight instruction. Additional persons to provide for office to be attended during posted working hours.

(C) *Aircraft*. The operator shall own or have exclusive lease in writing for one aircraft equipped for flight under instrument conditions. Aircraft is to be maintained in accordance with all applicable FAA regulations.

(D) *Hours of operation*. The operator shall post and maintain hours of operation convenient to customers.

(E) *Insurance*. The operator shall provide insurance coverage for all operations performed as set forth in § 116.06(F).

(Ord. 845, passed 7-1-13)

### **§ 116.11 AIR TAXI OR CHARTER SERVICE.**

Any service desiring to engage in air taxi or charter service shall, in addition to meeting all provisions of FAR Part 135, provide as a minimum the following:

(A) *Minimum area*. The operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, customer lounge area, aircraft parking, and auto parking for customers and employees. Operator shall provide properly lighted and heated restrooms for customers and employees.

(B) *Personnel*. The operator shall provide a minimum of one FAA certified commercial pilot appropriately rated to conduct air service offered. Additional personnel as required to attend office during normal working hours.

(C) *Aircraft*. The operator shall provide a minimum of one aircraft equipped for flight under instrument conditions. Nonowned aircraft must have exclusive lease in writing.

(D) *Hours of operation*. The operator shall post and maintain hours of operation convenient to customers.

(E) *Insurance*. The operator shall provide insurance coverage for all operations performed as set forth in § 116.06(F).

(Ord. 845, passed 7-1-13)

### **§ 116.12 AIRCRAFT FUELS AND DISPENSING SERVICE.**

(A) *Fixed-base operator (FBO)*. Any operator desiring to dispense fuel or provide fueling services must comply with fixed-base operator (FBO) requirements detailed in § 116.06(A).



(B) *Minimum area.* The operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, customer lounge area, aircraft parking, and auto parking for customers and employees. The operator shall provide properly lighted and heated restrooms for customers and employees. A public telephone shall be supplied for flight plans, weather briefings, or other public uses.

(C) *Personnel.* The operator shall provide one or more persons trained in the servicing of aircraft on duty during posted working hours.

(D) *Equipment.* The operator shall use fuel storage provided by owner.

(E) *Services required.* The operator shall provide the following the following services:

- (1) Fuel service for 100LL and Avjet.
- (2) Portable preheaters.
- (3) Tow vehicles.

(F) *Hours of operation.* The operator shall post and maintain hours of operation convenient to customers. Hours shall be not less than eight hours per day, five days per week.

(G) *Insurance.* The operator shall provide insurance coverage for all operations performed as set forth in § 116.06(F).

(H) *Commercial/noncommercial compliance with fire/safety standards.* All commercial operators, or noncommercial operators authorized to conduct business or operate at the Airport shall comply with the Airport's "Fire Safety/Fuel Handling Standards" considered a part of these minimum standards.

(Ord. 845, passed 7-1-13)

### **§ 116.13 AERIAL APPLICATION OPERATIONS.**

*Compliance with federal law.* Crop spraying and dusting services shall not be permitted to take place using the Airport as a base of operations, until operator has demonstrated to the Manager compliance with all applicable federal, state, and local laws and regulations or requirements. All requirements for this class of operation will be negotiated prior to the commencement of operation from the Airport. This restriction shall not apply to insect/pest control aerial spraying by a bonafide governmental unit or agency undertaken for the protection of the public. Such governmental units or agencies shall obtain the permission of the Airport Manager prior to initiating these activities.

(Ord. 845, passed 7-1-13)

**§ 116.14 SPECIALIZED COMMERCIAL FLIGHT SERVICES.**

Services desiring to engage in specialized commercial air activities such as, but not limited to the following: banner towing and aerial advertising; aerial photography or survey; fire fighting or fire patrol; power line or pipeline patrol; any other operations specifically excluded from Part 135 of the FAA Regulations, shall comply with the following minimums:

(A) *Minimum area.* The operator shall construct a building or lease a portion of a building to provide suitable facilities for office space, flight planning, aircraft parking, and auto parking for customers and employees. The operator shall provide properly lighted and heated restrooms for customers and employees.

(B) *Personnel.* The operator shall provide at least one person having a current commercial certificate with appropriate ratings for the aircraft to be flown.

(C) *Aircraft.* The operator shall provide at least one properly certificated aircraft owned or leased by written agreement.

(D) *Hours of operation.* The operator shall post and maintain hours of operation convenient to customers.

(E) *Insurance.* The operator shall provide insurance coverage for all operations performed as set forth in § 116.06(F).  
(Ord. 845, passed 7-1-13)

**§ 116.15 ADOPTION AND AMENDMENT TO MINIMUM STANDARDS.**

(A) *Adoption.* These standards shall be effective 30 days following the date of the approval by the Board of Commissioners of Steuben County, State of Indiana.

(B) *Amendment.* The Board reserves the right to amend these minimum standards at its own discretion. Prior to all amendments, a written comment period of 60 days will transpire for all proposed amendments. Proposed amendments will be distributed by certified mail to all operators at the Airport affected by the minimum standards, for comment on proposed amendment(s). Written comments will be discussed at the next regularly scheduled meeting of the Board. The proposed amendment(s) to the minimum standards will be adopted at the following regularly scheduled meeting of the Board.  
(Ord. 845, passed 7-1-13)



## 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

#### ***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

#### ***Statutory reference:***

*Check deception, see I.C. 35-43-5-5*

#### **• 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:





(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-ol {also known as HU-210}

(3) Naphthalen-1-yl-(1-butyloctan-3-yl)methanone {also known as 1-Pentyl-3-(1-naphthoyl)indol or JWH-018}

(4) Naphthalen-1-yl-(1-butyloctan-3-yl)methanone {also known as 1-Butyl-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)





**STEUBEN COUNTY, INDIANA  
CODE OF ORDINANCES  
TABLE OF CONTENTS**

Chapter

**TITLE I: GENERAL PROVISIONS**

- 10. Rules of Construction; General Penalty
- 11. County Standards

**TITLE III: ADMINISTRATION**

- 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

**TITLE V: PUBLIC WORKS**

- 50. Water Supply Systems
- 51. Water Wells
- 52. Solid Waste Disposal; Sanitary Landfills
- 53. Sewage Disposal Systems

**TITLE VII: TRAFFIC CODE**

- 70. General Provisions
- 71. Traffic Rules
- 72. Parking Regulations

**Steuben County - Table of Contents****TITLE VII: TRAFFIC CODE Cont'd**

- 73. Snowmobiles
- 74. Traffic Schedules
- 75. Parking Schedules

**TITLE IX: GENERAL REGULATIONS**

- 90. Animals
- 91. Littering
- 92. Health and Sanitation
- 93. Parks and Recreation
- 94. Wildlife
- 95. Abandoned Motor Vehicles
- 96. Streets and Roads
- 97. Fireworks

**TITLE XI: BUSINESS REGULATIONS**

- 110. General Provisions
- 111. Fair Housing
- 112. Alarm Systems
- 113. Retail Food Establishments
- 114. Tattoo and Body-Piercing
- 115. Contractor Registration
- 116. Airport Minimum Standards

**TITLE XIII: GENERAL OFFENSES**

- 130. General Offenses

**TITLE XV: LAND USAGE**

- 150. Building Regulations; Construction
- 151. Planning
- 152. [Reserved]
- 153. Floodplain Management
- 154. Thoroughfare Standards
- 155. Address Numbers and Sizes
- 156. Zoning
- 157. Subdivisions

**TABLE OF SPECIAL ORDINANCES**

Table

- I. Vacations and Closings
- II. Zoning Changes
- III. Agreements
- IV. Improvements
- V. Urban Development Areas
- VI. Street Acceptances
- VII. Real Estate Transactions
- VIII. Street Name Changes

**PARALLEL REFERENCES**

References to Indiana Code  
References to 1984 Code  
References to Resolutions  
References to Ordinances

**INDEX**



## **TABLE OF SPECIAL ORDINANCES**

Table

- I. VACATIONS AND CLOSINGS**
- II. ZONING CHANGES**
- III. AGREEMENTS**
- IV. IMPROVEMENTS**
- V. URBAN DEVELOPMENT AREAS**
- VI. STREET ACCEPTANCES**
- VII. REAL ESTATE TRANSACTIONS**
- VIII. STREET NAME CHANGES**





**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

**Steuben County - Table of Special Ordinances**

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

## Vacations and Closings

7

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

9

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



**Steuben County - Table of Special Ordinances**

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

**Steuben County - Table of Special Ordinances**

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

## Vacations and Closings

13

<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**

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

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

**Steuben County - Table of Special Ordinances**

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

**Steuben County - Table of Special Ordinances**

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

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

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

**TABLE II: ZONING CHANGES**

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

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

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

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

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

**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.





**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



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



**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



## **PARALLEL REFERENCES**

References to Indiana Code

References to 1984 Code

References to Resolutions

References to Ordinances



## REFERENCES TO INDIANA CODE

<i>I.C. Cite</i>	<i>Code Section</i>
1-1-1-5	10.04
1-1-1-7	10.12
1-1-1-8	10.06
1-1-4-5	10.05
1-1-5-1	10.11
1-1-6-1	10.08
3-11-1.5-1	11.03
4-1-4-2	30.01
4-21.5-1-9	113.01, 114.02
4-21.5-3-7	150.45
4-23-7-3	35.10
4-33-2	156.104
5-3-1	40.10, 95.06, 156.270, 156.332, 157.017
5-10-1.1-1	34.01
5-10.3-1-1	34.02
5-14-1.5-5(d)	35.03
5-14-3-3(d)	37.14
5-14-3-3(e)	37.09
5-16-9-4	34.03
5-16-9-5	34.03
6-1.1-1-10	50.01
6-1.1-27	39.03
6-1.1-27-3	39.03
6-2.1-3-20–6-2.1-3-22	113.03, 113.21
6-3.5-1.1-12	39.05
6-3.5-1.1-15	39.05
6-3.5-1.1-25	39.05
6-3.5-1.1-26	39.05
6-9-39-1 <i>et seq.</i>	39.03
8-17-3-2	154.31
8-21-10-3	156.127
8-22-2-5(3)	116.02
8-23-4-3	70.04
9-13-2-23	71.15
9-13-2-196	71.04
9-18-12	95.01
9-20	71.04
9-20 <i>et seq.</i>	71.04



## Steuben County - Parallel References

<i>I.C. Cite</i>	<i>Code Section</i>
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
10-2-4-6	35.03
10-2-4-7	35.03
10-2-10	35.03
10-4-1	35.03
10-4-1-5	35.03
10-4-1-5(b)	35.03
10-4-1-7	35.03
10-4-1-10	35.03
10-4-1-10(d)	35.03
10-4-1-17	35.03
10-4-1-18(c)	35.03
10-4-1-20	35.03
10-4-1-23(a)	35.03
10-4-1-25	35.03
11-12-5-5	38.01
12-10-15	113.01
12-13-5	113.01
14-8-2-261	73.01
14-16-1	Ch. 73
14-16-2	73.02, 73.03
14-28-1	153.34, 156.216, 156.218, 156.233
14-28-1-6	153.34
14-28-1-26	156.218
14-28-4	156.215
16-18-2	113.01
16-19-3-4	53.01–53.04
16-20	35.01
16-20-1-3	35.01
16-20-1-8	35.01
16-20-1-26	113.22

<i>I.C. Cite</i>	<i>Code Section</i>
16-20-1-27	35.01, 113.21
16-20-2-1	35.01
16-20-8-5	113.22, 113.23
16-20-8	113.22
16-21-2	113.01
16-25-11	113.01
16-37	35.01
16-37-1-12	114.05
16-41-11-6	92.01–92.31
16-42-1-6	113.20
16-42-1-13	113.22
16-42-1–16-42-24	113.05
16-42-5-23	113.22
20-4-8-14	11.03
22-4-9-4	110.01, 110.15–110.25
22-9-1-4 <i>et seq.</i>	111.02
22-9-1-12.1	110.01, 110.15–110.25
22-9.5	111.01
22-9.5-2-2	111.02
22-9.5-2-3	111.02
22-9.5-2-4	111.02
22-9.5-2-8	111.02
22-9.5-2-9	111.02
22-9.5-2-13	111.02
22-9.5-3	111.03, 111.09
22-9.5-4-1 <i>et seq.</i>	111.01–111.10
22-9.5-4-8	111.10
22-9.5-5	111.02
22-9.5-5-1	111.03
22-9.5-6	111.02, 111.10
22-11-4-8(a)	97.01
22-12	150.45
22-12-1-3	150.75
22-12-1-4	150.03
22-12-1-5	150.03
22-12-1-7	150.03
22-12-1-14	150.03
22-12-1-16	150.03
22-12-1-17	150.03
22-12-1-18	150.03

## Steuben County - Parallel References

<i>I.C. Cite</i>	<i>Code Section</i>
22-12-1-22(b)(12)	150.61
22-12-1-24	150.03
22-12-1-26	150.03
22-12-7	150.05
22-13	150.45
22-13-2-6	150.04
22-13-2-7	150.45
22-13-2-7(b)	150.60
22-13-2-9	150.04
22-13-2-11	150.05
22-14	150.45
22-14-2-3(b)	150.60
22-15	150.45
22-15-3	150.21
22-15-4	150.04
23-14-8	157.065
23-14-67-3.5	35.10
27-4-5-2	37.03
31-16-17-12	35.04
31-25-2-17	40.13
31-37-1-2	35.04
32-25-2-9	150.03
32-29-7-3(h)	37.13
33-9-11.5	35.04
33-9-14	35.04
33-9-15-5	35.04
33-19-7-1	37.06
33-37-5-2	37.06
33-37-5-22	37.06
33-39-8-5	38.08
34-28-5-4	71.03, 71.04
35-31.5-75	35.04
35-43-5-5	130.02
36-1-3-1 <i>et seq.</i>	11.02
36-1-3-1	11.02
36-1-3-4	157.005
36-1-3-8	71.03, 71.04
36-1-3-8(a)(10)	10.99
36-1-4-11	71.04
36-1-5-4	72.01, 150.60, 150.61
36-1-6-1 - 36-1-6-31	157.007

## References to Indiana Code

6A

<i>I.C. Cite</i>	<i>Code Section</i>
36-1-6-3	71.03, 71.04
36-1-6-4	150.43
36-1-6-9	150.45
36-1-11	95.06
36-1-12-1	33.01–33.11
36-1-20.2	34.06
36-1-21	34.06
36-2-2-4	31.01
36-2-2-6	31.02
36-2-2-8(a)	35.03
36-2-2-10	37.02
36-2-2-20	36.01–36.07
36-2-3-4	31.02
36-2-4	71.04 36-2-4-1 <i>et seq.</i> 71.03
36-2-4-8	30.02
36-2-4-11	11.01
36-2-9-18(d)	37.15
36-7-1-2 (1983)	157.007
36-7-1-22	157.007
36-7-3-10	157.076
36-7-3-12	157.076
36-7-4	153.01, 156.215, 157.007
36-7-4-200	35.06
36-7-4-311	156.285
36-7-4-506	154.01
36-7-4-602	156.338
36-7-4-602(b)	156.338
36-7-4-602(c)(1)(B)	156.330
36-7-4-603	156.336
36-7-4-608	156.333, 156.334, 156.335
36-7-4-700	156.007, 157.001
36-7-4-900	156.300
36-7-4-916	156.302
36-7-4-918.4	156.005
36-7-4-918.5	156.005
36-7-4-1000	156.302
36-7-4-1014(d)	156.286
36-7-4-1109	156.302
36-7-7.5	35.05

**Steuben County - Parallel References**

<i>I.C. Cite</i>	<i>Code Section</i>
36-7-8-6	35.05
36-7-8-9	150.45
36-7-9-1 - 36-7-9-28	150.70
36-7-9-2	150.74
36-7-9-4	150.74
36-7-9-14	150.76
36-7-10.1	92.01–92.13; 92.25–92.31s
36-7-12	157.076
36-7-700	157.005
36-8-2-4	94.01
36-8-3-20	35.08
36-8-16.7	37.05
36-8-17	150.31
36-9-30	52.01
36-9-30-12	52.01–52.05
36-10-3-10	93.01

## REFERENCES TO 1984 CODE

<i>1984 Code Section</i>	<i>2002 Code Section</i>
3-11-1.5-1	11.03
4-1-4-2	30.01
5-10-1.1-1	34.01
5-10.3-1-1	34.02
5-16-9-4	34.03
6-1.1-22-8	39.01
6-6-2.1-904	39.02
6-9-20-12	52.05
6-31-5-1	92.03, 92.07
8-17-3-1	154.15, 154.16, 154.18
8-17-3-2	154.30–154.35
8-17-3-4	70.01
8-17-9-1	70.02
8-20-1-2	70.03
8-23-4-3	70.04
9-20-1-1	71.04
9-20-1-3	71.02
9-21-5-6	71.03
9-21-16-5	72.01
10-5-1-11	35.02
11-12-5-5	38.01
13-1-13-5	37.04
13-2-22.5-3	153.01
13-7-4-1	91.01–91.04
14-16-2-23	73.01–73.03
14-33-20-11	50.01
15-2.1-7-1	90.01–90.03
16-19-3-4	53.01–53.04
16-20-1-3	35.01
16-20-1-27	35.01
16-20-2-1	35.01

**Steuben County - Parallel References*****1984 Code Section******2002 Code Section***

16-31-5-1	92.01; 92.02; 92.04–92.06; 92.08–92.13
20-4-8-1	11.03
22-4-9-4	110.01
22-9-1-12.1	110.15–110.25
22-9.5-4-1	111.01–111.10
25-39-4-1	51.01–51.10
27-4-5-2	37.03
35-2-3-4	32.01
35-43-5-5	130.02
36-1-3-1	11.02
36-1-12-1	33.01–33.11
36-2-2-4	31.01
36-2-2-6	31.02
36-2-2-10	37.02
36-2-2-20	36.01–36.07
36-2-4-10	30.02
36-2-4-11	11.01
36-6-1-2	11.03
36-7-4-200	35.06
36-7-4-506	154.01
36-7-6.1-6	35.05
36-7-10-3	92.25–92.31
36-8-2-4	94.01
36-8-2-10	112.01–112.13
36-8-3-1	35.07
36-8-3-20	35.08
36-8-16-1	37.05
36-9-20-12	52.01–52.05
36-10-3-10	93.01

## REFERENCES TO RESOLUTIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	5-1-61	30.02
-	9-8-64	154.15, 154.16, 154.18
-	3-7-66	52.01–52.05
-	8-4-75	153.01
-	9-8-87	37.04
-	7-14-92	110.15–110.25
-	11-2-92	92.01–92.13
-	1-19-93	37.04
-	4-3-95	34.01
689	7-6-98	40.10–40.12
03-99	3-18-99	TSO VII
09-99	9-14-99	39.02
10-99	10-4-99	TSO III
08-00	8-8-00	TSO IV
708	6-11-01	TSO III
09-02	9-3-02	37.07
-	8-21-03	96.01
10-1	10-21-05	37.10
06-2007-01	6-18-07	37.04
4-2008-01	4-7-08	37.16
02-2010-01	3-1-10	156.006
03-2010-01	3-15-10	35.09





## REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	-	112.03
-	-	112.04
-	-	112.05
-	-	112.07
-	-	112.09
-	-	112.10
-	-	112.11
VE-77-12	-	TSO I
-	5-2-1899	32.01
-	11-5-34	TSO I
-	7-1-35	TSO I
-	1-6-36	TSO I
-	6-6-36	TSO I
-	7-23-36	TSO VI
-	10-5-36	TSO I
-	1-11-37	TSO VI
-	4-5-37	TSO I
-	12-6-37	TSO I; TSO VI
-	10-3-38	TSO I; TSO VI
-	8-7-39	TSO I; TSO VI
-	1-2-40	TSO VI
-	7-1-40	TSO I
-	7-7-41	TSO I
-	11-3-41	TSO VI
-	6-1-42	TSO VI
-	1-4-45	TSO VI
-	9-4-45	TSO VI
-	12-3-45	TSO VI
-	1-7-46	TSO VI
-	5-6-46	TSO VI
-	6-6-46	TSO VI
-	8-5-46	TSO VI

**Steuben County - Parallel References**

<i><b>Ord. No.</b></i>	<i><b>Date Passed</b></i>	<i><b>Code Section</b></i>
-	10-5-46	TSO VI
-	12-2-46	TSO VI
-	6-2-47	TSO VI
-	11-3-47	TSO VI
-	12-1-47	TSO I
-	2-6-50	TSO I
-	2-7-55	TSO I
-	2-19-55	TSO I
-	7-7-55	TSO I
-	9-6-55	TSO I
-	11-7-55	TSO I
-	8-23-56	35.01
500	2-18-57	53.01–53.04
-	5-15-57	Ch. 74, Sched I
-	9-3-57	Ch. 74, Sched. III
-	7-6-59	Ch. 74, Sched. III
-	11-7-60	Ch. 74, Sched. III
-	5-1-61	Ch. 74, Sched. III
-	5-6-63	Ch. 74, Sched. II; Ch. 74, Sched. III
-	12-5-63	Ch. 74, Sched. II
-	12-16-63	Ch. 75, Sched. I
-	8-3-64	Ch. 74, Sched. III
-	5-3-65	Ch. 74, Sched. III
524	9-7-65	35.06
-	8-7-67	Ch. 74, Sched. II; Ch. 74, Sched. III
-	9-8-67	Ch. 74, Sched. II
-	12-4-67	Ch. 74, Sched. III
-	2-5-68	Ch. 74, Sched. II
-	2-5-68	Ch. 74, Sched. III
-	8-5-68	Ch. 74, Sched. II
-	11-25-68	Ch. 74, Sched. II
-	3-10-69	Ch. 74, Sched. III
-	5-5-69	Ch. 74, Sched. III
-	9-2-69	35.02
-	10-6-69	Ch. 74, Sched. II
-	12-2-69	TSO I
538	8-3-70	90.01–90.03
-	9-7-70	Ch. 74, Sched. II

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	9-8-70	Ch. 74, Sched. II; Ch. 74, Sched. III; TSO VI
-	9-28-70	Ch. 74, Sched. II
-	10-4-70	TSO VI
-	6-7-71	Ch. 74, Sched. III
-	6-5-72	Ch. 74, Sched. III
-	8-7-72	TSO II
Z-2	9-5-72	TSO II
Z-5	9-5-72	TSO II
Z-9	9-5-72	TSO II
Z-13	9-5-72	TSO II
Z-31	9-5-72	TSO II
Z-8-3	10-2-72	TSO II
Z-8-4	11-6-72	TSO II
Z-8-5	11-6-72	TSO II
Z-8-6	11-6-72	TSO II
Z-31	12-18-72	TSO II
Z-32	12-18-72	TSO II
Z-40	12-18-72	TSO II
Z-39	2-5-73	TSO II
Z-41	2-5-73	TSO II
Z-73-2	2-5-73	TSO II
Z-30	5-7-73	TSO II
Z-73-4	5-7-73	TSO II
Z-73-5	5-7-73	TSO II
Z-73-8	7-2-73	TSO II
Z-73-9	7-2-73	TSO II
Z-73-10	7-2-73	TSO II
Z-73-12	8-6-73	TSO II
Z-73-14	10-1-73	TSO II
-	12-3-73	Ch. 74, Sched. III
Z-73-15	2-4-74	TSO II
544	3-4-74	32.01
Z-74-2	5-6-74	TSO II
Z-74-3	5-6-74	TSO II
Z-74-4	7-1-74	TSO II
-	8-4-74	Ch. 74, Sched. III
-	9-3-74	Ch. 74, Sched. III
Z-74-6	11-2-74	TSO II

## Steuben County - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
Z-74-10	12-16-74	TSO II
-	2-3-75	Ch. 74, Sched. II
Z-74-9	2-3-75	TSO II
Z-75-1	2-3-75	TSO II
Z-75-2	4-7-75	TSO II
Z-75-3	4-7-75	TSO II
Z-75-4	4-7-75	TSO II
Z-75-7	6-2-75	TSO II
Z-75-8	6-2-75	TSO II
Z-75-5	7-7-75	TSO II
Z-75-9	7-7-75	TSO II
Z-75-10	7-7-75	TSO II
Z-75-12	7-7-75	TSO II
-	9-2-75	TSO I
Z-75-13	10-6-75	TSO II
Z-75-6	11-3-75	TSO II
Z-75-16	11-20-75	TSO II
Z-76-1	1-15-76	TSO II
Z-76-2	5-3-76	TSO II
Z-76-4	5-3-76	TSO II
VE-76-1	6-7-76	TSO I
Z-76-5	6-7-76	TSO II
Z-76-6	6-7-76	TSO II
VE-76-5	8-2-76	TSO I
VE-76-6	8-2-76	TSO I
Z-76-7	9-7-76	TSO II
Z-76-8	9-7-76	TSO II
-	10-4-76	TSO VI
Z-76-12	12-6-76	TSO II
Z-76-13	12-6-76	TSO II
Z-76-14	12-6-76	TSO II
VE-76-11	12-20-76	TSO I
VE-76-14	12-20-76	TSO I
Z-76-10	12-20-76	TSO II April 2, 2002
Z-76-11	12-20-76	TSO II
VE-76-4	1-3-77	TSO I
Z-76-9	1-3-77	TSO II
-	1-7-77	TSO VI
-	2-7-77	Ch. 74, Sched. II

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
VE-77-5	2-7-77	TSO I
VE-77-6	2-7-77	TSO I
VE-77-7	2-7-77	TSO I
Z-77-1	2-7-77	TSO II
Z-77-2	3-7-77	TSO II
-	4-4-77	Ch. 74, Sched. II
Z-77-4	5-2-77	TSO II
Z-77-5	5-9-77	TSO II
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

## Steuben County - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
Z-78-20	2-5-79	TSO II
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
Z-79-4	7-2-79	TSO II
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

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
Z-81-5	4-6-81	TSO II
Z-81-6	4-6-81	TSO II
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
Z-81-14	9-8-81	TSO II
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



**Steuben County - Parallel References**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
Z-83-7	12-19-83	TSO II
-	2-6-84	Ch. 74, Sched I; Ch. 74, Sched. II
VE-83-1	4-2-84	TSO I
-	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; 53.01–53.04; 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

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
Z-85-8	12-12-85	TSO II
Z-85-9	12-12-85	TSO II
VE-86-1	1-6-86	TSO I
-	4-7-86	Ch. 74, Sched. III
VE-86-3	4-7-86	TSO I
Z-86-1	4-7-86	TSO II
VE-86	5-5-86	TSO I
Z-86-2	6-16-86	TSO II
500A	7-7-86	53.01– 53.04
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
VE-86-6	1-5-87	TSO I
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
600	9-21-87	TSO I
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
Z-88-2	2-15-88	TSO II
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
Z-89-3	6-5-89	TSO II

**Steuben County - Parallel References**

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
Z-89-4	6-5-89	TSO II
Z-89-5	6-5-89	TSO II
-	7-3-89	TSO VI
611	7-3-89	TSO I
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
Z-92-5	7-6-92	TSO II
-	7-20-92	Ch. 75, Sched. I
Z-92-7	11-16-92	TSO II
642	12-8-92	112.01–112.13
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

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	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
VE-92-6	4-5-93	TSO I
VE-92-8	4-5-93	TSO I
VE-92-11	4-5-93	TSO I
VE-92-12	4-5-93	TSO I
VE-92-14	4-5-93	TSO I
VE-93-2	4-5-93	TSO I
650	4-19-93	154.01
VE-93-4	4-19-93	TSO I
VE-93-5	5-17-93	TSO I
VE-93-6	5-17-93	TSO I
VE-93-7	6-7-93	TSO I
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	111.01–111.10
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
Z-93-1	12-6-93	TSO II
Z-93-4	12-6-93	TSO II
-	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

## Steuben County - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
662	5-9-94	11.01–11.03; 31.01; 31.02; 33.01–33.11; 35.01; 35.02; 35.05; 35.06; 35.08; 36.01–36.07; 37.02; 37.05; 51.01–51.10; 52.01–52.05; 53.01–53.04; 70.01; 70.03; 70.04; 71.02; 71.04; 72.01; 90.01–90.03; 91.01–91.04; 92.01–92.13; 92.25–92.31; 94.01; 110.01; 110.15–110.25; 111.01–110.10; 112.01–112.13; 130.02; 154.01; 154.15–154.18
-	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
Z-95-1	3-20-95	TSO II
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
3019	5-15-95	TSO I
3020	5-15-95	TSO I

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
3022	6-19-95	TSO I
3021	6-26-95	TSO I
-	7-3-95	Ch. 74, Sched. III
670	7-3-95	154.30–154.35
3023	7-17-95	TSO I
3024	8-7-95	TSO I
Z-95-04	8-7-95	TSO II
-	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
3030	3-4-96	TSO I
3031	3-4-96	TSO I
3032	3-4-96	TSO I
-	4-1-96	112.01–112.13
-	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
2057	10-28-96	Ch. 74, Sched. III
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
Z-97-02	2-20-97	TSO II
Z-97-03	4-7-97	TSO II
VE-96-07	5-15-97	TSO I
VE-97-02	5-15-97	TSO I
VE-97-04	5-15-97	TSO I
681	6-2-97	TSO III

**Steuben County - Parallel References**

<i><b>Ord. No.</b></i>	<i><b>Date Passed</b></i>	<i><b>Code Section</b></i>
Z-97-04	6-13-97	TSO II
Z-97-05	7-17-97	TSO II
2065	8-20-97	Ch. 74, Sched. III
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
697	5-24-99	155.01–155.05

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>	
3051	5-24-99	TSO I	
3053	5-24-99	TSO I	
2079	9-2-99	Ch. 74, Sched. II	
2080	9-2-99	Ch. 74, Sched. III	
2081	9-2-99	Ch. 74, Sched. III	
3054	10-21-99	TSO I	
3055	10-21-99	TSO I	
698	11-18-99	113.01–113.07	3056 12-16-99
TSO I			
3057	12-16-99	TSO I	
Z-99-03	2-7-00	TSO II	
Z-00-01	2-17-00	TSO II	
3058	3-6-00	TSO I	
700	3-16-00	38.02	
701	3-16-00	71.01	
702	4-20-00	35.03	
3059	4-20-00	TSO I	
3060	5-23-00	TSO I	
2082	7-18-00	Ch. 74, Sched. II	
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	
2100	7-18-00	Ch. 74, Sched. III	
2101	7-18-00	Ch. 74, Sched. III	
2102	7-18-00	Ch. 74, Sched. III	
703	8-17-00	130.01	
2103	8-17-00	Ch. 74 Sched. IV	



**Steuben County - Parallel References**

<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>	<b><i>Code Section</i></b>
3061	9-21-00	TSO I
705	11-20-00	35.04
3062	12-21-00	TSO I
2104	2-5-01	Ch. 74, Sched. III
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
2110	2-5-01	Ch. 74, Sched. III
2111	2-5-01	Ch. 74, Sched. III
2112	2-15-01	Ch. 74, Sched. II
2113	2-15-01	Ch. 74, Sched. IV
3063	2-15-01	TSO I
2114	3-15-01	Ch. 74, Sched. III
2115	4-4-01	Ch. 74, Sched. III
2116	4-4-01	Ch. 74, Sched. III
Z-01-01	4-19-01	TSO II
2117	5-7-01	Ch. 74, Sched. III
2118	5-24-01	Ch. 75, Sched. I
2119	6-29-01	Ch. 74, Sched. II
709	7-19-01	38.03
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
3068	10-18-01	TSO I
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
3074	3-7-02	TSO I
Z-02-01	3-7-02	TSO II
3075	3-14-02	TSO I
714	4-18-02	71.15 - 71.18, 71.99
716	5-6-02	Adopting Ordinance
3076	5-6-02	TSO I
3077	7-1-02	TSO I

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
2121	7-1-02	Ch. 74, Sched. II
2122	7-1-02	Ch. 74, Sched. III
2123	7-1-02	Ch. 74, Sched. III
2124	7-1-02	Ch. 74, Sched. III
2125	7-1-02	Ch. 74, Sched. II
Z-02-03	7-1-02	TSO II
3078	7-18-02	TSO I
2126	8-5-02	Ch. 74, Sched. II
3079	8-15-02	TSO I
3080	8-15-02	TSO I
3081	10-7-02	TSO I
214	10-14-02	TSO I
717	3-12-02	39.04
718	10-18-02	Ch. 74, Sched. I
720	12-2-02	38.01
2127	12-19-02	Ch. 74, Sched. III
3082	1-17-03	TSO I
3083	2-21-03	TSO I
3084	3-20-03	TSO I
3085	3-20-03	TSO I
723	4-3-03	37.08
724	4-3-03	38.05
725	4-7-03	37.09
Z-03-01	7-17-03	TSO II
Z-03-02	8-21-03	TSO II
3086	9-18-03	TSO I
3087	12-1-03	TSO I
3088	11-24-03	TSO I
2128	12-1-03	Ch. 74, Sched. II
732	1-22-04	93.02
733	1-22-04	130.02
738	6-7-04	38.03
Z-04-01	6-24-04	TSO II
2129	8-19-04	Ch. 74, Sched. III
2130	8-19-04	Ch. 74, Sched. III
3089	10-15-04	TSO I
3090	10-15-04	TSO I
3091	11-1-04	TSO I
3092	11-18-04	TSO I
741	12-6-04	TSO III

**Steuben County - Parallel References**

<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>	<b><i>Code Section</i></b>
3093	2-24-05	TSO I
742	3-7-05	114.01 - 114.34, 114.99
2131	3-7-05	Ch. 74, Sched. III
2132	3-7-05	Ch. 74, Sched. III
2133	3-7-05	Ch. 74, Sched. III
745	4-4-05	92.40 - 92.48
3094	5-2-05	TSO I
3095	6-6-05	TSO I
3096	8-18-05	TSO I
2130	8-18-05	Ch. 74, Sched. III
2134	8-18-05	Ch. 74, Sched. II
2135	8-18-05	Ch. 74, Sched. II
2136	8-18-05	Ch. 74, Sched. II
746	8-18-05	93.03
747	11-7-05	150.01 - 150.05, 150.20 - 150.23, 150.30, 150.31, 150.40 - 150.45, 150.60, 150.61
748	11-17-05	96.02
A-05-04	1-3-06	153.01 - 153.10, 153.20 - 153.22, 153.30 - 153.37, 153.50 - 153.56, 153.99
3097	3-20-06	TSO I
2137	7-3-06	Ch. 74, Sched. III
751	7-17-06	115.01 - 115.09, 115.99
752	6-22-06	39.03
754	8-8-06	37.11
Z-06-02	11-6-07	TSO II
756	12-18-06	Adopting Ordinance
3098	12-18-06	TSO I
Z-06-03	12-18-06	TSO II
Z-06-04	12-18-06	TSO II
3099	1-16-07	TSO I
757	1-16-07	37.12, 37.99
Z-07-01	1-16-07	TSO II
Z-07-02	1-16-07	TSO II
Z-07-03	1-16-07	TSO II
759	2-20-07	37.13
Z-06-01	3-5-07	TSO II
3100	3-19-07	TSO I
2139	3-19-07	Ch. 74, Sched. II

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
Z-97-07	3-19-07	TSO II
3101	4-2-07	TSO I
760	4-2-07	36.06
761	4-16-07	154.36
762	5-8-07	37.11
763	8-6-07	97.01 - 97.03, 97.99
3102	6-18-07	TSO I
764	7-16-07	40.13
765	7-16-07	92.32, 92.99
3103	8-6-07	TSO I
766	8-6-07	37.14
767	9-4-07	113.01, 113.20 - 113.28
768	9-4-07	92.40 - 92.48
769	12-3-07	37.15
771	2-4-08	95.01 - 95.09
3104	3-17-08	TSO I
773	4-8-08	38.06, 38.07
775	4-21-08	96.03, 96.99
3105	5-5-08	TSO I
3106	5-5-08	TSO I
776	6-3-08	38.04
3107	6-20-08	TSO I
777	7-3-08	156.001 - 156.005, 156.015 - 156.018, 156.025 - 156.028, 156.035 - 156.038, 156.045 - 156.049, 156.060 - 156.063, 156.080 - 156.083, 156.095 - 156.112, 156.120 - 156.129, 156.140 - 156.154, 156.165 - 156.170, 156.180 - 156.183, 156.195 - 156.204, 156.215 - 156.219, 156.230 - 156.236, 156.245 - 156.253, 156.265 - 156.275, 156.285 - 156.290, 156.300 - 156.303, 156.315 - 156.319, 156.330 - 156.338, 157.001 - 157.007, 157.015 - 157.020, 157.030 - 157.042, 157.050 - 157.053, 157.060 - 157.065, 157.075 - 157.077, 157.999
778	10-6-08	37.17
Z-08-01	10-6-08	TSO II
779	12-9-08	37.05
780	11-19-08	39.05

**Steuben County - Parallel References**

<i><b>Ord. No.</b></i>	<i><b>Date Passed</b></i>	<i><b>Code Section</b></i>
781	11-19-08	39.05
782	12-1-08	Adopting Ordinance
3108	12-18-08	TSO I
A-09-01	3-16-09	156.005, 156.145
A-09-02	3-16-09	156.005, 156.028, 156.038, 156.049, 156.063, 156.083
3109	4-6-09	TSO I
Z-09-01	10-7-09	TSO II
Z-09-02	10-7-09	TSO II
Z-09-03	10-7-09	TSO II
Z-09-04	10-19-09	TSO II
A-09-03	11-12-09	156.005, 156.015, 156.026, 156.036, 156.046, 156.061, 156.081, 156.109, 156.120, 156.140, 156.350 - 156.356
788	11-16-09	Adopting Ordinance
789	11-16-09	34.05
3110	12-11-09	TSO I
3111	12-11-09	TSO I
3112	12-11-09	TSO I
3113	12-11-09	TSO I
A-10-01	1-7-10	156.005, 156.026, 156.036, 156.046, 156.061, 156.081, 156.108, 156.124, 156.140, 156.141, 156.145
A-10-02	1-7-10	157.019
Z-10-01	1-20-10	TSO II
Z-10-02	4-15-10	TSO II
Z-10-03	4-15-10	TSO II
Z-10-04	4-15-10	TSO II
A-10-03	4-19-10	156.302, 156.303
3114	4-19-10	TSO I
3115	6-7-10	TSO I
Z-10-05	6-8-10	TSO II
Z-10-06	7-13-10	TSO II
Z-10-07	7-13-10	TSO II
797	8-2-10	35.10
2141	8-2-10	Ch. 74, Sch. III
VE-10-01	8-16-10	TSO I
800	9-14-10	150.76
801	9-20-10	130.03
A-10-04	9-20-10	156.005, 156.215, 156.216, 156.218(G), 156.233, 156.285(M)

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
802	11-1-10	Adopting Ordinance
3116	11-15-10	TSO I
3117	--	TSO I
3118	--	TSO I
3119	--	TSO I
Z-10-09	12-6-10	TSO II
Z-10-10	12-20-10	TSO II
Z-10-11	12-20-10	TSO II
Z-10-12	12-20-10	TSO II
804	1-24-11	37.19
Z-11-01	1-24-11	TSO II
Z-11-02	1-24-11	TSO II
Z-11-03	1-24-11	TSO II
A-11-01	3-7-11	157.001 - 157.007, 157.015 - 157.020, 157.030 - 157.038, 157.040 - 157.042, 157.050 - 157.053, 157.061 - 157.065, 157.075 - 157.077, 157.999
Z-11-05	3-7-11	TSO II
Z-11-06	3-7-11	TSO II
Z-11-04	5-16-11	TSO II
Z-11-06A	5-16-11	TSO II
Z-11-07	5-16-11	TSO II
A-11-02	7-5-11	156.003 - 156.005, 156.015, 156.025 - 156.028, 156.035 - 156.038, 156.045 - 156.049, 156.060 - 156.062, 156.080, 156.083, 156.095 - 156.112, 156.120, 156.124, 156.125, 156.127, 156.141, 156.142, 156.145, 156.146, 156.155, 156.170, 156.230 - 156.233, 156.235, 156.352 - 156.356
Z-11-08	7-5-11	TSO II
815	9-6-11	38.08
Z-11-09	9-6-11	TSO II
Z-11-10	9-6-11	TSO II
816	10-3-11	40.25 - 40.32
Z-11-11	10-17-12	TSO II
817	11-7-11	Adopting Ordinance
821	12-27-11	90.15 - 90.23
Z-11-12	1-17-12	TSO II
Z-12-01	2-6-12	TSO II

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
Z-12-02	2-6-12	TSO II
Z-12-03	2-6-12	TSO II
3121	4-16-12	TSO I
Z-12-04 & 05	4-16-12	TSO II
3122	5-21-12	TSO I
3123	4-16-12	TSO I
3124	6-18-12	TSO I
829	8-6-12	37.12
830	7-2-12	34.06
A-12-01	10-1-12	156.141
Z-12-06	10-15-12	TSO II
3125	11-5-12	TSO I
835	11-19-12	Adopting Ordinance
Z-12-07	12-27-12	TSO II
842	4-15-13	37.20
3126	4-15-13	TSO I
845	7-1-13	116.01 - 116.15
2144	8-5-13	Ch. 75, Sch. I
3128	8-5-13	TSO I
Z-13-02	8-5-13	TSO II
—	8-7-13	TSO VI
3127	8-19-13	TSO I
2146	9-3-13	Ch. 74, Sch. III
A-13-01	9-16-13	156.004, 156.005, 156.215 - 156.219
Z-13-03	9-16-13	TSO II

## INDEX





## **INDEX**

### **ABANDONED MOTOR VEHICLES (See also HEALTH AND SANITATION)**

- Abandoned Vehicle Fund, 95.03
- Definitions, 95.01
- Disposal, 95.06
- Liability for loss or damage, 95.09
- Measurement of time, 95.08
- Notice of impoundment, 95.05
- Procedure, 95.04
- Responsible public agencies; powers, 95.02
- Towing, storage and disposition charges, 95.07

### **ABANDONING WELLS (See WATER WELLS)**

### **ADA POLICY (See NONDISCRIMINATION POLICY)**

### **ADDRESS NUMBERS AND SIZES**

- Definitions, 155.01
- Disbursement of fine; funds raised, 155.04
- Enforcement, 155.03
- Minimum requirements, 155.02

### **ADJUSTED GROSS INCOME TAX**

- Increase in tax to fund public safety costs, 39.05
- Increase in tax to provide property tax relief, 39.05

### **AGREEMENTS, TSO III**

### **AIRPORT MINIMUM STANDARDS**

- Adoption and amendment to minimum standards, 116.15
- Aerial application operations, 116.13
- Air taxi or charter service, 116.11
- Aircraft fuels and dispensing service, 116.12
- Aircraft rental, 116.09
- Aircraft sales, 116.07
- Airframe and/or power plant repair or other specialized aircraft maintenance services, 116.08
- Authority, 116.02
- Definitions; qualifications; requirements, 116.05
- Fixed-base operators, 116.06
- Flight instruction, 116.10
- Policy, 116.04

**AIRPORT MINIMUM STANDARDS (Cont'd)**

- Purpose, 116.03
- Specialized commercial flight services, 116.14
- Title, 116.01

**ALARM SYSTEMS**

- Alarm business licenses, 112.07
- Audible systems, 112.10
- Automatic telephone dialing devices, 112.09
- Definitions, 112.03
- Hearing on excuse, 112.13
- Identification card required, 112.08
- Location of permit, 112.06
- Notice of violation, 112.12
- Panel monitoring, 112.04
- Permit; application and fee, 112.05
- Prohibited acts, 112.11
- Purpose, 112.02
- Title, 112.01

**AMBULANCE SERVICE, 37.03****ANIMALS**

- Cattle Testing
  - Area of responsibility, 90.03
  - Purpose, 90.02
  - Title, 90.01
- County Option Dog Tax, 39.03
- Dog Regulations
  - Definitions, 90.15
  - Dog fighting, 90.19
  - Dog tag identifying owner required, 90.22
  - Dogs barking and at large, 90.16
  - Impoundment; destruction; redemption, 90.23
  - Insurance, 90.20
  - Leash and muzzle, 90.17
  - Penalties and enforcement procedures, 90.21
  - Signs, 90.18

**ANNEX BUILDING (See COUNTY PROPERTY)****BOUNDARIES, PRECINCTS AND DISTRICTS (See COUNTY STANDARDS)**

**BUILDING REGULATIONS; CONSTRUCTION**

Administration and enforcement

- Civil action, 150.43
- Monetary penalty, 150.44
- Permit revocation, 150.41
- Right of appeal, 150.45
- Stop work order, 150.42
- Withhold issuance of permits, 150.40

Authority, 150.05

Building permits

- Application for building permit, 150.21
- Building permits required, 150.20
- Certificate of occupancy, 150.23
- Issuance of building permit, 150.22

Carbon monoxide detectors and alarms, 150.06

Definitions, 150.03

Investigations and inspections of construction activities

- General authority to make inspections and investigations, 150.30
- Inspections by Fire Department, 150.31

Minimum construction standards

- Adoption of rules by reference, 150.60
- Lifting devices located within a private residence, 150.61

Purpose, 150.02

Scope, 150.04

Title, 150.01

Unsafe Buildings

- Building Commissioner, 150.73
- Declaration of nuisance, 150.71
- Definitions, 150.74
- Repair or removal, 150.72
- Standards of construction, 150.75
- Statutory authority, 150.70
- Unsafe Building Fund, 150.76
- Violation, 150.77

CARBON MONOXIDE (See BUILDING REGULATIONS; CONSTRUCTION)

CATTLE TESTING (See ANIMALS)

CEMETERY COMMISSION, 35.10

COMMISSIONER DISTRICTS (See COUNTY COMMISSION)

COMMISSIONER MEETINGS (See COUNTY COMMISSION)

COMMUNICABLE DISEASES (See HEALTH AND SANITATION)

COMMUNITY CENTER (See COUNTY PROPERTY)

## CONSULTANTS

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

## CONTRACTOR REGISTRATION

- Commercial construction superintendent registration, 115.03
- Contractor categories, 115.02
- Contractor registration, 115.07
- Fees, 115.08
- Home improvement contractor registration, 115.06
- Penalty, 115.99
- Proficiency, 115.09
- Registration required, 115.01
- Residential contractors, 115.04
- Residential construction superintendent registration, 115.05

COUNCIL DISTRICTS, 32.01

## COUNTY COMMISSION

- Commissioner districts, 31.01
- Meetings, 31.02

## COUNTY JAIL; CORRECTIONS

- Community Corrections Fund, 38.05
- Medical co-payments for inmates, 38.01
- Prosecutor's diversion and deferral program funds disbursement, 38.08
- Work release supervision, 38.04
- Work release transportation, 38.03
- Work release uniform, 38.02

2013 S-7

## COUNTY OFFICIALS AND EMPLOYEES

- Anti-nepotism policy, 34.06
- Compensation and salary, 34.04

- Deferred compensation, 34.01
- Deferred compensation plan for Sheriff's Department, 34.05
- Disabled parking for employees, 34.03
- Nondiscrimination policy, Ch. 110
- Public Employees' Retirement Fund, 34.02

#### COUNTY POLICIES AND FEES

- 911 emergency telephone system, 37.05
- Accident report fee, 37.11
- Bad check fee, 37.08
- Business hours, 37.02
- Conditions for use of information obtained on disk, tape or any electronic format, 37.14
- Electronic maps and integrating GIS data, fees for, 37.09
- Fee schedule, 37.01
- Late fees, 37.06
- Multi-hazard mitigation plan, 37.16
- National Incident Management System (NIMS), adoption of, 37.10
- Penalty, 37.99
- Prohibited devices in courthouse, 37.12
- Real property endorsement fee, 37.15
- Retention of e-mails policy, 37.20
- Request for recorded information, 37.17
- Purchasing regulations, 37.07
- Sex and violent offender registry fees, 37.19
- Sheriff's sale program and service fee, 37.13
- Smoking policy, 37.04
- Tax Statement copying fee, 39.01
- Vending machines; proceeds, 37.18

#### COUNTY PORT AUTHORITY, 35.09

#### COUNTY PROPERTY

- Annex Building, 36.02
- Coin-operated machines, 36.06
- Community Center, 36.03
- County parking spaces, 36.01
- Tax statement copying fee, 39.01
- Telephones; long distance calls, 36.04

#### COUNTY SEAL, 11.01

2013 S-7

6B

#### Steuben County - Index

#### COUNTY STANDARDS

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

DEPARTMENT OF BUILDING SAFETY (See BUILDING REGULATIONS; CONSTRUCTION)

DEPARTMENT OF EMERGENCY MANAGEMENT, 35.03

DISCRIMINATION (See FAIR HOUSING)

DOGS (See ANIMALS)

#### DRIVEWAYS

- Agricultural purposes; fee exemption, 154.32
- Closing driveways, 154.35
- Definitions, 154.30
- Other structures; fees, 154.34
- Permits, 154.31
- Residential driveway permit fees, 154.36
- Single-family structure, 154.33

#### E-MAILS

- Retention of e-mails policy, 37.20

#### FAIR HOUSING

- Administrative enforcement, 111.10
- Definitions, 111.02
- Discrimination in brokerage services, 111.06
- Discrimination in real estate transactions, 111.05
- Discrimination in sales and rentals, 111.04
- Exemptions, 111.09
- Interference, coercion or intimidation, 111.07
- Policy statement, 111.01
- Prevention of intimidation, 111.08
- Unlawful practices, 111.03

FIREARMS, 36.07

#### FIREWORKS

- Definitions, 97.01
- Enforcement, 97.03
- Penalty, 97.99
- Uses of consumer fireworks, 97.02

FLAGS, 36.05

**FLOODPLAIN MANAGEMENT**

Abrogation and greater restrictions, 153.07

Administration

Designation of administrator, 153.20

Floodplain Administrator, duties and responsibilities of, 153.22

Permit procedures, 153.21

Basis for establishing regulatory flood data, 153.04

Compliance, 153.06





**FLOODPLAIN MANAGEMENT (Cont'd)**

- Definitions, 153.02
- Discrepancy between mapped floodplain and actual ground elevations, 153.08
- Establishment of floodplain development permits, 153.05
- Findings of fact, 153.01
- Interpretation, 153.09
- Lands to which this chapter applies, 153.03
- Objectives, 153.01
- Penalty, 153.99
- Provisions for flood hazard reduction
  - AO Zones, standards for, 153.37
  - Critical facility, 153.33
  - General standards, 153.30
  - Identified floodways, standards for, 153.34
  - Identified fringe, standards for, 153.35
  - Specific standards, 153.31
  - SFHAs without established base flood elevation and/or floodways/fringes, standards for, 153.36
  - Subdivision proposals, standards for, 153.32
- Purpose, 153.01
- Statutory authorization, 153.01
- Variance procedures
  - Conditions for variances, 153.53
  - Historic structure, 153.55
  - Special conditions, 153.56
  - Variance and Appeals Board, designation of, 153.50
    - Duties of, 153.51
  - Variance notification, 153.54
  - Variance procedures, 153.52
- Warning and disclaimer of liability, 153.10

**FROST LAW (See TRAFFIC RULES)****FUNDS**

- Community Corrections Fund, 38.05
- County Option Dog Tax Fund, 39.03
- Voice Stress Analysis Fund, 38.07
- Voice stress analysis test, 38.06

**GENERAL OFFENSES**

- Returned checks, 130.02
- Skateboards prohibited, 130.01
- Synthetic cannabinoid, 130.03

## HEALTH AND SANITATION (See also ABANDONED MOTOR VEHICLES; LITTERING)

### Communicable Diseases

- Application, 92.02
- Biohazard warnings, 92.12
- Conditions of employment, 92.13
- Disposal procedures, 92.08
- Hepatitis B vaccination, 92.10
- Housekeeping, 92.07
- Infection control, 92.04
- Intent, 92.01
- Laundry, 92.09
- Methods of compliance, 92.05
- Notice of policy, 92.03
- Personal protective equipment, 92.06
- Post-exposure evaluation, 92.11

### Dog Regulations

- Definitions, 90.15
- Dog fighting, 90.19
- Dog tag identifying owner required, 90.22
- Dogs barking and at large, 90.16
- Impoundment; destruction; redemption, 90.23
- Insurance, 90.20
- Leash and muzzle, 90.17
- Penalties and enforcement procedures, 90.21
- Signs, 90.18

### Environmental Nuisances

- Applicability, 92.27
- Banning fertilizer containing phosphorus, 92.32
- Definitions, 92.26
- Enforcement, 92.30
- Procedures, 92.29
- Prohibited activity, 92.28
- Purpose and intent, 92.25
- Right to object to complaint, 92.31

### Health Department, 35.01

### Penalty, 92.99

### Wildlife, Ch. 94

## HEALTH DEPARTMENT, 35.01

- Fee schedule for services performed by
  - Food establishments, license fees for, 92.40
  - Letter of non-objection, 92.43
  - Plan reviews, 92.46

## HEALTH DEPARTMENT (Cont'd)

- Fee schedule for services performed by (Cont'd)

- Refundable, 92.48
- Septic system, 92.44
- Soil investigations, 92.42
- Tattoo and piercing establishments, license fees for, 92.47
- Transferable, 92.48
- Vital records services, 92.41
- Wells, 92.45

HEPATITIS B (See HEALTH AND SANITATION)

IMPOUNDMENT (See ABANDONED MOTOR VEHICLES)

IMPROVEMENTS, TSO IV

INDUSTRIALIZED BUILDINGS (See BUILDING REGULATIONS; CONSTRUCTION)

INSPECTIONS, BUILDINGS (See BUILDING REGULATIONS; CONSTRUCTION)

LEGISLATIVE PROCEDURE

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

LITTERING (See also HEALTH AND SANITATION)

- Enforcement, 91.03
- Littering on county property, 91.01
- Remedies, 91.04
- Residing and the like on rights-of-way; interference, 91.02

MANUFACTURED HOMES (See BUILDING REGULATIONS; CONSTRUCTION)

MAUMEE RIVER BASIN COMMISSION, 35.05

MOTOR FUEL TAX (See TAXATION)

MOTOR VEHICLES (See ABANDONED MOTOR VEHICLES)

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS), 37.11

NONDISCRIMINATION POLICY

- ADA Policy; coordinators, 110.19
- Comments, 110.23
- Communication standards, 110.21
- Compliance with state and federal law, 110.16
- Consultants, Ch. 33; 110.17

- Cooperation, 110.24
- Grievance procedures, 110.08
- New construction, 110.20
- Notice, 110.22
- Officials and employees, Ch. 34
- Policy adopted, 110.15
- Removal of barriers, 110.25

NUISANCES (See HEALTH AND SANITATION)

ORDINANCES (See RULES OF CONSTRUCTION; LEGISLATIVE PROCEDURES)

ORLAND WATER SUPPLY SYSTEM, 50.01

#### PARKING REGULATIONS

- County parking spaces, 36.01
- Disabled parking for employees, 34.03
- No parking areas, Ch. 75, Sched. I
- Parking restrictions, 72.01

#### PARKS AND RECREATION

- Clear Lake Public Beach, rules and regulations, 93.03
- Rules, 93.01
- Steuben County Park, rules and regulations for, 93.02

PENALTY, GENERALLY, 10.99

PERSONNEL POLICY (See COUNTY OFFICIALS AND EMPLOYEES;  
NONDISCRIMINATION POLICY)

PLAN COMMISSION, 35.06

PLANNING, 151.01

POLICE DEPARTMENT, 35.07

PUBLIC DEFENDER BOARD, 35.04

2012 S-6

### **Index**

11

PUBLICATION OF NOTICES (See PURCHASING PROCEDURES)

#### PURCHASING PROCEDURES

- Advance payments, 40.13
- Delay of opening offers, 40.04
- Discussions with offerors; requests, 40.03
- Evidence of financial responsibility, 40.05
- Modification and termination of contracts, 40.07
- Protection of offers; status of documents, 40.02

- Publication of notices, 40.10
- Purchase of services, 40.08
- Purchases of supplies manufactured in the United States, 40.09
- Purchasing agents; designation, 40.01
- Receiving offers, 40.11
- Requests for Proposals and Financial Responsibility of Bidders
  - Discussions with offerors responding to a request for proposals, 40.26
  - Evidence of financial responsibility, 40.28
  - Offers
    - Delay in opening of, 40.27
    - Protection of: status of documents as public records, 40.25
  - Modification and termination of contracts, 40.30
  - Purchase of equipment, 40.32
  - Purchase of services, 40.31
  - Use of RFP for purchases of designated types of supplies, 40.29
- Small purchases, 40.12
- Use of RFP for certain types of purchases, 40.06

## REAL ESTATE TRANSACTIONS, TSO VII

### RETAIL FOOD ESTABLISHMENTS

- Approval of plans, 113.07
- Definitions, 113.01
- Inspections, 113.06
- Licenses, 113.03
- Minimum requirements, 113.04
- Permits, 113.02
- Retail food and bed and breakfast establishments
  - Appeals, 113.24
  - Compliance and enforcement, 113.23
  - Conflict of interest, 113.27
  - Cumulative, 113.26
  - Expense, 113.25
  - Inspection, 113.22

2012 S-6

12

## Steuben County - Index

### RETAIL FOOD ESTABLISHMENTS (Cont'd)

- Retail food and bed and breakfast establishments (Cont'd)
  - Permit fees, 113.21
  - Permits, 113.20
  - Unconstitutionality clause, 113.28
- Unwholesome, adulterated or misbranded food, 113.05

### RETURNED CHECKS, 130.02

### ROAD CUTTING

- Civil actions, 154.18
- Definitions, 154.15

Liability, 154.17

Permits, 154.16

**ROADS AND HIGHWAYS (See also STREET ACCEPTANCES; STREET NAME CHANGES)**

Arterial highway system, 70.04

Highway Department, 70.01

Load and weight limits, Ch. 74, Sched. I

Location of county roads, 70.03

One-way streets, Ch. 74, Sched. IV

Preferential roads, 70.02

Speed limits, Ch. 74, Sched. III

Stop intersections, Ch. 74, Sched. II

**RULES OF CONSTRUCTION; GENERAL PENALTY**

Application to future ordinances, 10.03

Construction of code, 10.04

Errors and omissions, 10.09

General penalty, 10.99

Interpretation, 10.02

Limitation periods, 10.12

Ordinances unaffected, 10.13

Ordinances which amend or supplement code, 10.14

Preservation of penalties, offenses, rights and liabilities, 10.16

Reasonable time, 10.10

Reference to offices; name designations, 10.08

Reference to other sections, 10.07

Repeal or modification of code section, 10.11

Rules of interpretation; definitions, 10.05

- Section histories; statutory references, 10.15
- Severability, 10.06
- Title of code, 10.01

#### SEWAGE DISPOSAL SYSTEMS

- General requirements, 53.01
- Licensing, 53.04
- Permits and inspection, 53.02
- Power to inspect, 53.03

SEX AND VIOLENT OFFENDER REGISTRY FEES, 37.19

SHERIFF'S RESERVE, 35.08

SIZE AND WEIGHT RESTRICTIONS (See TRAFFIC RULES)

SKATEBOARDS PROHIBITED, 130.01

#### SNOWMOBILES

- Applicability, 73.01
- Operation, 73.03
- State regulations adopted, 73.02

#### SOLID WASTE DISPOSAL; SANITARY LANDFILLS

- Definitions, 52.02
- Inspection of disposal facility sites and operations, 52.05
- Operational requirements and specifications, 52.04
- Permits, 52.03
- Scope, 52.01



SPEED LIMITS (See TRAFFIC RULES)

STREET ACCEPTANCES, TSO VI

STREET NAME CHANGES, TSO VIII

#### STREETS AND ROADS

- Concrete regulations, 96.01

- Penalty, 96.99

- Road patch regulations, 96.02

- Snow emergency, 96.03

#### SUBDIVISIONS

- Authority and jurisdiction, 157.005

- Conditions, 157.006

- Definitions, 157.007

- Design plan, primary plat and construction plans and forms for approval

  - Administrative plat, 157.065

  - Construction plans, 157.062

  - Design plan, 157.060

  - Minor plat, 157.064

  - Primary plat, 157.061

  - Secondary subdivision mat, 157.063

- Improvement and performance bond

  - Improvements and performance bond, 157.050

  - Inspection of public improvements, 157.051

  - Issuance of building permits, 157.053

  - Maintenance of public improvements, 157.052

- Improvement standards

  - Drainage and storm sewers, 157.033

  - General improvements, 157.030

  - Landscaping, 157.038

  - Lot improvements, 157.031

  - Non-residential subdivisions, 157.041

  - Preservation of natural features and amenities, 157.039

  - Recreation area, 157.040

  - Sewerage facilities, 157.035

  - Sidewalks, 157.036

  - Streets, 157.032

  - Tornado siren, 157.042

  - Water facilities, 157.034

  - Utilities, 157.037

- Penalty, 157.999

- Policy, 157.003

**SUBDIVISIONS (Cont'd)**

- Purposes of these regulations, 157.004
- Preamble and enacting clause, 157.001
- Subdivision approval procedures
  - Administrative divisions, 157.019
  - Checkpoint agencies, 157.020
  - Design application procedure for primary approval, 157.016
  - General procedure, 157.015
  - Minor subdivisions, 157.018
  - Subdivisions, 157.017
- Title, 157.002
- Vacation of plats, variances
  - Resubdivision of land, 157.075
  - Vacation of plats, 157.076
  - Variances, 157.077

**SYNTHETIC CANNABINOID, 130.03****TATTOO AND BODY-PIERCING**

- Age limitation and consent, 114.04
- Appeals, 114.32
- Artist Indiana OSHA training-facility responsibility, 114.13
- Body modification, 114.26
- Consent and identification, 114.05
- Definitions, 114.02
- Dyes or pigments or other objects placed under the skin, 114.21
- Exemptions, 114.27
- Expense, 114.33
- General requirements, 114.03
- General safety and standards, 114.08
- Hand washing, 114.16
- Illness, 114.15
- Infectious waste containment, 114.22
- Inspections, 114.28
- Needles, 114.19
- Operator policies, 114.12
- Operator requirements and professional standards, 114.25
- Operator responsibilities, 114.10
- Operator training responsibilities, 114.09
- Patron records, 114.14
- Penalty, 114.99
- Permit and plans requirements, 114.06
- Permits, 114.07
- Personal protective equipment, 114.17

**TATTOO AND BODY-PIERCING (Cont'd)**

- Post tattoo and/or body-piercing infection prevention, 114.24
- Procedures when violations are noted, 114.29
- Professional liability insurance, 114.11
- Remedies cumulative, 114.34
- Reusable equipment, 114.20
- Revocation of permit, 114.30
- Sanitary operations of tattoo and/or body-piercing facilities, 114.01
- Tattooing and/or body-piercing equipment, 114.18
- Treatment and transport of infectious waste, 114.23
- Violations, 114.31

**TAXATION**

- Adjusted Gross Income Tax
  - Increase in tax to fund public safety costs, 39.05
  - Increase in tax to provide property tax relief, 39.05
- County Option Dog Tax, 39.03
- Innkeepers Tax, 39.04
- Motor Fuel and Vehicle Excise Tax, 39.02
- Tax statement copying fee, 39.01
- Unemployment tax, 110.01

**THOROUGHFARE STANDARDS, 154.01****TRAFFIC RULES**

- Frost Law, 71.02
- One-way streets, Ch. 74, Sched. IV
- Passenger restraints
  - Child restraint requirements, 71.17
  - Definitions, 71.15
  - Front seat passengers, 71.16
  - Vehicle stop, 71.18
- Penalty, 71.99
- Size and weight
  - Size and weight restrictions, 71.04
  - Load weight limits, Ch. 74, Sched. I
- Speed limits
  - Speed limit restrictions, 71.03
  - Speed limits, Ch 74, Sched. I
- Stop intersections, Ch. 74, Sched. II
- Weather emergency traffic control, 71.01

**UNEMPLOYMENT TAX (See TAXATION)**

UNSAFE BUILDING STRUCTURES (See BUILDING REGULATIONS; CONSTRUCTION)

URBAN DEVELOPMENT AREAS, TSO V

VACATIONS AND CLOSINGS, TSO I

VACCINATIONS (See HEALTH AND SANITATION)

VEHICLE EXCISE TAX (See TAXATION)

VETERANS' AFFAIRS DEPARTMENT, 35.02

#### WATER WELLS

- Abandoning wells, 51.08
- Commercial on-site water supply systems, 51.10
- Construction, 51.04
- Definitions, 51.01
- Disinfection, samples and reports, 51.07
- Location, 51.03
- Permits and inspections, 51.02
- Powers for inspection; enforcement, 51.09
- Pump installation, 51.05
- Use of wells for drainage purposes, 51.06

WEATHER EMERGENCY (See TRAFFIC RULES)

WILDLIFE (See also HEALTH AND SANITATION)

- Prohibited activities, 94.01

WORK RELEASE (See COUNTY JAIL; CORRECTIONS)

ZONING (See also URBAN DEVELOPMENT AREAS; ZONING CHANGES)

- Accessory buildings, structures and uses
  - Accessory uses, 156.140
  - Entranceways, 156.152
  - Fences, walls, and gated entrances, 156.145
  - Garage sales, 156.153
  - Houseboats, 156.151
  - Man-made ponds/lakes, 156.155
  - Non-residential accessory buildings, 156.154
  - Parking of semi-trucks, shipping containers and construction equipment, 156.150
  - Pools and hot tubs, 156.144
  - Porches and decks, 156.142
  - Reception antennas, 156.147

## ZONING (Cont'd)

## Accessory buildings, structures and uses (Cont'd)

- Residential accessory buildings, 156.141
- Restrictions along lakes and streams, 156.146
- Steps, 156.143
- Storage of recreational equipment, 156.148
- Vehicle repairs and storage, 156.149

## Administration and enforcement

- County Plan Director, 156.285
- Enforcement, 156.286
- Fees, 156.288
- Miscellaneous, 156.287
- Performance guarantees, 156.290
- Violations and fines, 156.289

## Agricultural and environmental control districts

- Building dimensional requirements, 156.028
- Intent, 156.025
- Lot area and width requirements, 156.027
- Uses, 156.026

## Amendments and rezonings

- Application, 156.331
- Application initiation, 156.330
- Board of Commissioners action, 156.335
- Certification, 156.334
- Decision criteria, 156.336
- Notification, 156.332
- Plan Commission public hearing, 156.333
- Written commitments, 156.337
- Zoning text amendments, 156.338

## Board of Zoning Appeals

- Boards of Zoning Appeals: establishment and organization, 156.300
- Boards of Zoning Appeals: procedures, 156.302
- Powers and duties, 156.301
- Termination, 156.303

## Business Districts

- Building dimensional requirements, 156.063
- Intent, 156.060
- Lot area and width requirements, 156.062
- Uses, 156.061

## Construction of language; interpretations, 156.004

## Definitions, 156.005

## Fee schedule for Zoning and Subdivision Control, 156.006

## ZONING (Cont'd)

## Floodplain restrictions

Administration, 156.217

General provisions, 156.216

Provisions for flood hazard reduction, 156.218

Statutory authorization, findings of fact, purpose, and objectives, 156.215

Variance procedures, 156.219

## General regulations

Airspace, 156.127

Alteration of shorelines, 156.128

Corner clearance, 156.125

Height limit, 156.123

Lot area allocation, 156.121

Performance standards and general requirements for all districts, 156.126

Projections into required yards, 156.124

Uses per lot, 156.120

Voting place, 156.122

Water pollution, 156.129

## General Site Development Provisions

Building design requirements, 156.165

Landscaping requirements, 156.166

Lighting regulations, 156.167

Mechanical equipment, 156.169

Stormwater, 156.170

Waste receptacles, 156.168

## Improvement location permits, site plans and certificates of occupancy

Certificate of compliance, 156.234

General requirements, 156.230

Improvement location permits, 156.231

Improvement location permits review, 156.233

Industrial uses: certificate of compliance, 156.235

Records, 156.236

Site plan/sketch plan requirements, 156.232

## Industrial districts

Building dimensional requirements, 156.083

Intent, 156.080

Lot area and width requirements, 156.082

Uses, 156.081

## Manufactured Home District

Building dimensional requirements, 156.049

Intent, 156.045

Lot area and width requirements, 156.048

Manufactured home parks, 156.047

Uses, 156.046

## ZONING (Cont'd)

## Nonconforming

- Nonconforming lots, 156.317
- Nonconformity resulting in right-of-way dedication, 156.319
- Nonconforming sites, 156.318
- Nonconforming structures and buildings, 156.316
- Nonconforming uses, 156.315

## Off-street parking, loading, access and circulation requirements

- Driveway access management, 156.183
- Off-street loading requirements, 156.182
- Off-street parking facility design, 156.181
- Off-street parking requirements, 156.180

## Planned unit development

- Application and review procedure for preliminary and final PUD site plan, 156.270
- Deviations from approved final PUD site plan, 156.275
- Dimensional requirements, 156.268
- Final PUD site plan standards for approval, 156.274
- Final PUD site plan submittal requirements, 156.273
- Intent, 156.265
- Open space, 156.269
- Permitted uses, 156.267
- Preliminary PUD site plan submittal requirements, 156.271
- PUD site plan standards for approval, 156.272
- Qualifying conditions, 156.266

## Preamble and enacting clause, 156.001

## Purpose, 156.002

## Residential districts

- Building dimensional requirements, 156.038
- Intent, 156.035
- Lot area and width requirements, 156.037
- Uses, 156.036

## Scope of application, 156.003

## Signs

- Application procedure, 156.202
- Fees/cost, 156.204
- Intent, 156.195
- General provisions for permitted signs, 156.199
- Permitted signs, 156.200
- Prohibited signs, 156.198
- Scope of requirements, 156.196
- Sign inspection maintenance, 156.203
- Sign location permits, 156.201
- Signs not requiring permit, 156.197

## ZONING (Cont'd)

## Special exception review requirements and procedures

- Application, 156.246
- Conditions and commitments, 156.251
- Decision criteria, 156.249
- Limitations, 156.252
- Notification, 156.247
- Other considerations, 156.250
- Public hearing, 156.248
- Special exception approval, 156.245
- Special exception use expansion, 156.253

## Subdivisions (See SUBDIVISIONS)

## Use regulations

- Agriculture, forestry, fishing and hunting, 156.096
- Arts, entertainment, and recreation, 156.104
- Construction, 156.110
- Educational services, 156.106
- Finance, insurance, real estate, professional, scientific, and technical services, 156.102
- Food services, 156.100
- Health care and social assistance, 156.103
- Lodging accommodation, 156.099
- Manufacturing, 156.112
- Mining/mineral extraction, 156.111
- Motor vehicle dealers, parts and service, 156.098
- Other services, 156.101
- Public administration, 156.107
- Religious, civic, social and similar organizations, 156.105
- Residential, 156.095
- Retail trade, 156.097
- Transportation and warehousing, 156.108
- Utilities and waste disposal, 156.109

## Wind Energy Conversion Systems

- Intent, 156.350
- Large WECS, 156.354
- Medium WECS, 156.353
- Micro WECS, 156.351
- Small WECS and MET towers, 156.352
- Wind Energy Conversion System Overlay Zoning District, 156.356
- Wind farms, 156.355

## Zoning districts and map

- District boundaries interpreted, 156.017
- Official Zoning Map, 156.016
- Zoning Districts, 156.015
- Zoning of vacated lands, 156.018

## ZONING CHANGES, TSO II



