

FLOYD COUNTY RESOLUTION 2002-X
A RESOLUTION PERTAINING TO CERTAIN AMENDMENTS TO
FLOYD COUNTY ORDINANCE 68-1

WHEREAS, on the 25th day of August, 1968, the Subdivision Control Ordinance of Floyd County, Indiana, being Floyd County Ordinance 68-1, was duly adopted by the Board of Commissioners of the County of Floyd (Board), and has been thereafter modified and amended from time to time; and

WHEREAS, on the first day of July, 2002, the Floyd County Plan Commission (Commission), pursuant to the provisions of IC 36-7-4-605, certified to the Board certain amendments to Floyd County Ordinances 68-1 (the 'Revised Ordinance'), the Commission having first conducted public hearings thereon, pursuant to notice, on the 20th day of May, 2002, and the 17th day of June, 2002; and

WHEREAS, the Board published notice of its intention to further consider the Revised Ordinance, as permitted by the provisions of IC 36-7-606(b)(2), and scheduled a public hearing thereon for the 21st day of August, 2002; and

WHEREAS, thereafter, pursuant to the provisions of IC 36-7-4-606(c) and/or IC 36-7-4-607(e), the Board gave notice of its intention to consider the Revised Ordinance at its regular meeting to be held on the 17th day of September, 2002; and

WHEREAS, following consideration of the proposed amendments, public comments thereon, and written materials submitted by interested persons, it is the pleasure of the Board that the Revised Ordinance, as certified, be amended as hereinafter provided and returned to the Commission with comments, suggestions, and recommendations, all as permitted and allowed by the provisions of IC 36-4-7-606 and 607.

NOW THEREFORE,

BE IT RESOLVED, that each of the recitals set forth herein be incorporated by reference and made a part of this resolution.

BE IT FURTHER RESOLVED, that subsection F (mis-lettered as "E") of Section 11 of Article IV, of the Revised Ordinance, as certified by the Floyd County Plan Commission to the Board of Commissioners of the County of Floyd on the 1st day of July, 2002, be, and the same hereby is amended as hereinafter set forth, and that paragraph 1 of subsection A, Section II of Floyd County Ordinance 68-1 be supplemented by the addition of the following amended language:

Any provision of the Floyd County Subdivision Control Ordinance (Floyd County Ordinance 68-1) to the contrary, notwithstanding, no application for plat approval of a subdivision which shall propose the use of a new or pre-existing package wastewater treatment plant, shall be eligible for conditional approval until on or after the 180th day following the effective date of this amendment, and no hearing, pursuant to IC 36-7-4-705 or this ordinance, shall be scheduled for any such subdivision until after such date, PROVIDED, this prohibition shall not apply to any such application receiving conditional approval prior to the effective date of this amendment. For purposes of this provision, the phrase "package wastewater treatment plant" shall mean a mechanical treatment facility, whether existing, prefabricated, or site-built, installed or constructed to treat wastewater generated from lots in a subdivision, but not including any such facility which is owned and/or operated by a city or town. The term or phrase "effective date" shall mean and be that date ascertained pursuant to IC 36-7-4-606(g).

BE IT FURTHER RESOLVED, that the Revised Ordinance, as certified by the Floyd County Plan Commission to the Board of Commissioners of the County of Floyd on the first day of July, 2002, be, and the same hereby is further amended by the deletion therefrom of each and every other Article, Section, subsection, paragraph, term, and provision, all to the end that the only remaining provision of said Revised Ordinance is that amended subsection which is more particularly set forth in this resolution, and all to the effect that Floyd County Ordinance 68-1 shall be and remain in full force and effect as originally drafted, previously amended, and supplemented hereby.

BE IT FURTHER RESOLVED that the Revised Ordinance, together with a written statement of the reasons for the amendment thereof, be forwarded to the Floyd County Plan Commission, as soon as practicable after the adoption of this resolution, for such action as the Commission shall deem necessary and appropriate pursuant to applicable statute.

SO RESOLVED this 17th day of September, 2002.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

John C. Reiter

MEMBER

Mike Mills

MEMBER

Charles A. Frutiger

MEMBER

ATTEST:

Barbara Sillings
FLOYD COUNTY AUDITOR