

HOWARD COUNTY, INDIANA

CODE OF ORDINANCES

2017 S-13 Supplement contains:

Local legislation current through Ord. 2016 BCCO-47, passed 12-28-16; and
State legislation current through Legislative Service, 2016 Acts, Pamphlet No. 5

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PUBLISHER'S ACKNOWLEDGEMENT

In the publication of this Code of Ordinances, every effort was made to provide easy access to local law by municipal officials, the citizens of this municipality, and members of the business community.

We want to express our grateful appreciation to all municipal officials for their untiring efforts in the preparation of this Code of Ordinances.

AMERICAN LEGAL PUBLISHING CORPORATION

Stephen G. Wolf, Esq.
President

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(2017)

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ORDINANCE NO. 1998-BCC-13

AN ORDINANCE OF THE HOWARD COUNTY BOARD OF COMMISSIONERS
ENACTING A CODE OF ORDINANCES FOR
HOWARD COUNTY, INDIANA, CODIFYING, REVISING,
REARRANGING, COMPILING, RESTATING AND REENACTING
CERTAIN EXISTING GENERAL ORDINANCES OF HOWARD COUNTY
DEALING WITH THE SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES

WHEREAS, I.C. 36-1-5-1, et seq. empowers and authorizes the legislative body of a unit to codify, revise, rearrange, compile, restate and reenact the ordinances of a unit into a complete and simplified code; and

WHEREAS, the Howard County Board of Commissioners has authorized and caused to be printed such a general codification in book form; and

WHEREAS, it is in the best interests of Howard County that such codification be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Howard County as follows:

Section 1: The general ordinances of Howard County as codified, revised, rearranged, compiled, restated and reenacted by the American Legal Publishing Corporation in book form are hereby adopted as and shall constitute the "Code of Howard County."

Section 2: Such Code of Howard County as adopted in Section 1 shall consist of the following titles:

Title I: General Provisions
Title III: Administration
Title V: Public Works
Title VII: Traffic Code
Title IX: General Regulations
Title XI: Business Regulations
Title XIII: General Offenses
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Section 3: It is hereby determined and declared that the ordinances compiled in such Code of Howard County are restatements and reenactments of original ordinances or amendments thereof, pursuant to I.C. 36-1-5-6. 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.

Section 4: Such Code of Howard County shall constitute presumptive evidence in any legal proceedings as set forth in I.C. 36-1-5-5.

Howard County - Adopting Ordinance

Section 5: Such Code of Howard County shall be in full force and effect, and shall be deemed published, as of the day of its adoption by the Board of Commissioners of Howard County. A copy of such Code of Howard County shall at all times be maintained by the Auditor of Howard County and shall be distributed to such other County departments, agencies and officials as the Board of Commissioners deems appropriate.

Adopted this 2nd day of March, 1998

HOWARD COUNTY BOARD
OF COMMISSIONERS

David A. Griffey /s/
David A. Griffey, President

John B. Harbaugh /s/
John B. Harbaugh, Member

Bradley J. Bagwell /s/
Bradley J. Bagwell, Member

Attest:

Martha Lake /s/
Martha Lake, Auditor

Note: Publish one time in Kokomo Tribune and Kokomo Herald.

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 TITLE OF CODE.

This codification of ordinances by and for Howard County, Indiana, shall be designated as the “Code of Howard County” and may be so cited. (‘83 Code, § 10.01)

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern in the interpretation of this code as those governing in the interpretation of state law. (‘83 Code, § 10.02(A))

§ 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. (‘83 Code, § 10.03)

§ 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 re-enacted 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 re-enacted 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 re-enacted by this code is continued only for the period designated in the original enactment of that appropriation.

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

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

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

(F) All references within a section of this code to any section of previously existing law refer to the new code numbers assigned to that law.

(G) (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. The 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.

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

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

§ 10.05 RULES OF INTERPRETATION; DEFINITIONS.

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

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

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

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

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

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

BOARD OF COMMISSIONERS. The Board of County Commissioners.

CLERK. The Clerk of the County.

CODE or ***CODE OF ORDINANCES.*** The Howard County Code of ordinances as modified by amendment, revision and adoption of new titles, chapters or sections.

COUNCIL. The County Council.

COUNTY. Howard County, Indiana.

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

MAY. The term is permissive.

MONTH. One calendar month.

OWNER. Applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership or joint tenant of the whole or a part of the building or land, either alone or with others.

PERSON. An individual, firm, corporation, association, fiduciary or governmental entity.

PERSONAL PROPERTY. Includes every type of property except real property.

POLICE DEPARTMENT. Means the Police Department of the county, and may also be referred to as the Police Force.

POPULATION. The population according to the most recent federal special or decennial census. This definition applies even if the reference is to the most recent federal decennial census.

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

PROPERTY. Includes both real and personal property.

REAL PROPERTY. The term includes all lands, tenements and hereditaments.

SHALL. The term is mandatory.

SIDEWALK. That portion of a street between the curb lines of the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

STATE. The State of Indiana.

STREET. Except as may otherwise be provided in the Traffic Code, the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right.

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

YEAR. One calendar year, unless otherwise expressly provided.

(`83 Code, § 10.05)

Cross-reference:

State definitions, see 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.

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

(D) The provisions of this act are severable in the manner provided by I.C. 1-1-1-8(b).

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

(I.C. 1-1-1-8) (`83 Code, § 10.09)

§ 10.07 REFERENCE TO OTHER SECTIONS.

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

(`83 Code, § 10.10)

§ 10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS.

(A) *Reference to offices.* Reference to a public office or officer shall be deemed to apply to any office, officer or employee of this 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.

(`83 Code, § 10.11)

(B) *Name designations.* Whenever any county ordinance or resolution 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 resolution or subsequent thereto, the rights, powers, duties or liabilities placed with that entity are or were transferred to a different entity, then such named board, bureau, commission, department, division, officer, agency, authority or instrumentality, whether or not correctly named in the ordinance or resolution

at its effective date, means that correctly named entity or the entity to which such duties, liabilities, powers and rights were transferred.

(I.C. 1-1-6-1)

§ 10.09 ERRORS AND OMISSIONS.

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

(`83 Code, § 10.12)

§ 10.10 OFFICIAL TIME; REASONABLE TIME.

(A) The official time, as established by applicable state and federal law, shall be the official time within the county of the transaction of all county business.

(`83 Code, § 10.13)

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

(C) 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 is a Sunday, it shall be excluded.

(`83 Code, § 10.14)

§ 10.11 REPEAL OR MODIFICATION OF CODE SECTION.

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

(I.C. 1-1-5-1) (`83 Code, § 10.07)

§ 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, or to the prosecution of offenses, or for the recovery of penalties and forfeitures, contained in a law repealed and re-enacted by this code shall not be affected by the repeal and re-enactment, but all suits, proceedings and prosecutions for causes arising or acts committed prior to the effective date of this code may be commenced and prosecuted with the same effect as if this code had not been enacted.

Statutory reference:

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

§ 10.13 ORDINANCES UNAFFECTED.

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

(`83 Code, § 10.16)

§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

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

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance. (`83 Code, § 10.18)

§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES.

(A) (1) As histories for the code sections, the specific number and passage date of the original ordinance and the three most recent amending ordinances, if any, are listed following the text of the code section.

Example: (Ord. 1960-1, passed 1-1-60; Am. Ord. 1970-1, passed 1-1-70; Am. Ord. 1980-1, passed 1-1-80; Am. Ord. 1985-1, passed 1-1-85)

(2) The designation “BCC” indicates an ordinance originally enacted by the Board of County Commissioners, while “CC” indicates an ordinance originally enacted by the County Council.

Example: (BCC Ord. 1980-1, passed 1-1-80)
(CC Ord. 1985-1, 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. 1980-1, passed 1-1-80; Am. Ord. 1985-1, 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 county shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

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

(C) If a section of this code is derived from the previous code of ordinances of the county published in 1983 and subsequently amended, the 1983 code section number shall be indicated in the history.

Example: (‘83 Code, § 30.01)

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

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued and the 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 right-of-ways, 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.

§ 10.98 ORDINANCE VIOLATIONS BUREAU; SCHEDULE OF CIVIL PENALTIES.

(A) There is hereby established an Ordinance Violations Bureau, and the Clerk of the Howard Circuit Court, by virtue of office, is hereby appointed

the Violations Clerk to be the administrator of the Bureau. The Violations Clerk shall serve without any additional salary.

(B) The Violations Clerk may accept written appearances, waivers of trial, admission of violations, and payment of civil penalties of not more than \$100 in ordinance violation cases, subject to the schedule herein prescribed.

(C) Upon the admission of a violation, the following civil penalties shall be assessed:

- (1) Parking violations, first offense - \$10.
- (2) Parking violations, second offense and subsequent offenses - \$25.
- (3) Dog ordinance violations (Chapter 90), citations only, first offense - \$10.
- (4) Dog ordinance violations (Chapter 90), citations only, for each subsequent offense - \$10 plus \$5 for each subsequent offense.
- (5) Violation of § 130.03 in the amount of \$50 for the first violation, and the amount of \$75 for each subsequent violation.

(D) Nothing in this section shall be construed to limit the rights of trial to a person charged with an ordinance violation. If a person charged with an ordinance violation wants to exercise the right to trial, the person shall appear before the Violations Clerk and deny the violation or enter a written denial with the Violations Clerk.

(E) If a person denies an ordinance violation, fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation, or fails to deny or admit the violation, the Violations Clerk shall report this fact to the County Attorney, who may then initiate proceedings in court against the person for the alleged ordinance violation.

(F) Nothing contained in this section shall be construed to limit the county from proceeding to enforce any ordinance by a separate proceeding or to limit the civil penalty which may be assessed by or through such separate proceedings.

(G) Any other ordinance of the county, to the extent that is in direct conflict with this section, is repealed to that extent only.

(H) All sums collected by the Violations Clerk as civil penalties for ordinance violations shall be accounted for and paid to the County Treasurer for deposit in the county's General Fund.

(BCC Ord. 1988-8, passed 6-20-88; Am. Ord. 1999-BCC-35, passed 8-16-99)

Cross-reference:

Dog regulations, see Chapter 90

Parking schedules, see Chapter 72

Statutory reference:

Ordinance Violations Bureau authorized, see I.C. 33-6-3-1 et seq.

§ 10.99 GENERAL PENALTY.

Except as otherwise provided in § 10.98, 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.

(`83 Code, § 10.99)

Statutory reference:

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

TITLE III: ADMINISTRATION

Chapter

- 30. BOARD OF COUNTY COMMISSIONERS
AND COUNTY COUNCIL**
- 31. DEPARTMENTS, BOARDS AND COMMISSIONS**
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CHAPTER 30: BOARD OF COUNTY COMMISSIONERS AND COUNTY COUNCIL

Section

General Provisions

- 30.01 Rules for the transaction of business at council meetings
- 30.02 Procedure for scheduling and conduct of meetings and transaction of business

(b) The Council President has authorized the County Auditor to place such proposed ordinance or resolution upon the agenda; and

(c) It has been properly advertised, if required.

(2) Provided, that the Council may for good cause suspend this Rule #1 as to any such proposed ordinance or resolution by a two-thirds vote of all the elected members of the Council. Provided further that this Rule #1 shall not apply to ordinances or resolutions drafted or sponsored by the County Auditor, a County Council Member, the Board of County Commissioners or the County Attorney.

Elections

- 30.15 Councilmanic districts; County Commissioner districts
- 30.16 Election Sheriff abolished; transfer of duties

(B) Rule #2: Distribution of Council agenda.

Prior to any regular or special meeting of the County Council, the County Auditor shall comply with the notice requirements of the Indiana Open Door Law (I.C. 5-14-1.5-1 et seq.). Additionally, at least three days prior to any such meeting, the County Auditor shall mail to each council member and the County Attorney a copy of the meeting agenda together with a copy of each ordinance or resolution on the agenda. Thereafter, the agenda shall not be amended or changed without the approval of the Council President.

(CC Ord. 1994-19, passed 4-26-94)

GENERAL PROVISIONS

§ 30.01 RULES FOR THE TRANSACTION OF BUSINESS AT COUNCIL MEETINGS.

(A) Rule #1: Filing of proposed resolutions or ordinance prior to meetings.

(1) At any regular or special meeting of the County Council, the Council shall consider only proposed ordinances and resolutions which are placed upon the Council agenda in accordance with this Rule #1. A proposed ordinance or resolution shall not be placed upon the agenda for consideration by the Council unless:

(a) The original of such proposed ordinance or resolution has been filed with the County Auditor and a copy mailed to the Council President and the County Attorney ten days before the Council meeting at which its consideration is desired;

§ 30.02 PROCEDURE FOR SCHEDULING AND CONDUCT OF MEETINGS AND TRANSACTION OF BUSINESS.

(A) Rule No. 1: Scheduling of Meetings. (Ref. I.C. 36-2-4-10)

(1) Regular meetings of the Howard County Board of Commissioners shall be held on the first

Monday of each month at 4:00 p.m. (commencing February 2, 2009) and the third Monday of each month at 8:30 a.m. When the first or third Monday falls upon a county holiday, the meeting shall be held on the following day. Annual notice of regular meetings shall be given by the Auditor as required by I.C. 5-14-1.5-5(c).

(2) A special meeting of the Board of Commissioners may be called by a member of the Board pursuant to I.C. 36-2-2-8. A six-day public notice shall be given as required by I.C. 36-2-2-8(b); and a 48-hour public notice shall be given as required by I.C. 5-14-1.5-5(a).

(3) An Executive Session of the Board of Commissioners may be called by a member of the Board pursuant to I.C. 5-14-1.5-6.1. A 48-hour public notice shall be given as required by I.C. 5-14-1.5-5(a) and I.C. 5-14-1.5-6.1(d).

(4) An Administrative Meeting of the Board of Commissioners as defined and limited by I.C. 5-14-1.5-5(f)(2) may be called by a member of the Board without public notice. However, all such meetings are open to the public and an agenda shall be posted as required by I.C. 5-14-1.5-4(a).

(5) An emergency meeting of the Board of Commissioners may be called by a member of the Board by giving such notice as is required by I.C. 5-14-1.5-5(d)

(B) *Rule No. 2: Minutes or Memoranda.* Minutes or memoranda of all meetings shall be kept as required by I.C. 5-14-1.5-4(b) and I.C. 5-14-1.5-6.1(d); and shall be submitted to the Board for approval at its next regular meeting.

(C) *Rule No. 3: Advance Execution of Documents.*

(1) *Definitions.* As used in this Rule;

DOCUMENT shall mean any written contract, notice, application, report, letter and the like requiring the approval and execution by the Board of

Commissioners. It shall not include an ordinance or non-ceremonial resolution.

CEREMONIAL RESOLUTION shall mean a resolution or proclamation honoring or recognizing a person, event or organization (e.g., a resolution honoring a local sports team).

TIME SENSITIVE shall mean a situation where delay until the next regular Board meeting would materially prejudice the interests of Howard County (e.g., a deadline for submitting a grant application).

(2) *Execution of time-sensitive document.* Any one Commissioner may execute a time-sensitive document if he: (1) has good reason to believe that the Board will ratify his signature and approve the document at the next regular Board Meeting; and (2) obtains the prior approval of the County Attorney or Assistant County Attorney.

(3) *Execution of ceremonial resolution.* Any one or more of the Commissioners may execute a Ceremonial Resolution if it is to be read or presented prior to the next regular Board Meeting.

(4) *Confirmation.* The Commissioner executing a time-sensitive document, and all Commissioners executing a Ceremonial Resolution, shall be responsible for presenting it to the Board for ratification and approval at the next regular Board Meeting.

(Ord. BCC-2010-5, passed 3-15-10)

ELECTIONS

§ 30.15 COUNCILMANIC DISTRICTS; COUNTY COMMISSIONER DISTRICTS.

(A) Pursuant to I.C. 36-2-3-4, the county is hereby divided into the following four councilmanic districts:

| <i>District</i> | <i>City Precincts</i> | <i>County Precincts</i> |
|-----------------|---|--|
| 1 | 1HOW1 305, 405 4TAY1 5TAY1 5TAY2 5TAY3 | Center B Center C Center D Howard A Howard B Jackson Liberty A Liberty B Liberty C Liberty D Taylor A Taylor B Taylor C Union |
| 2 | 502, 503 5HAR1 5HAR2 5HAR3 605, 606, 607 6HAR1 | Harrison A Harrison B Harrison C Honey Creek A Honey Creek B Monroe |
| 3 | 102, 104, 106, 107, 108, 205, 301, 302, 303, 304, 306, 307, 401, 402, 403, 404, 501 | None |
| 4 | 101, 103, 105, 201, 202, 203, 204, 206, 601, 602, 603, 604, 1CLAY1 1CLAY2 | Center A Clay A Clay B Clay C Ervin A Ervin B |

(`83 Code, § 30.02) (Ord. 1981-26, passed 12-28-81; Am. BCC Ord. 1991-37, passed 12-16-91; Am. Ord. 2005-BCC-37, passed 8-3-05; Am. Ord. 2013-BCCO-34, passed 12-16-13)

(B) Pursuant to I.C. 36-2-2-4 and 36-2-2-4.7, the County Commissioner election districts for the county are hereby divided and established as follows:

(1) *District 1.* Clay, Ervin, Harrison, Honey Creek and Monroe Townships.

(2) *District 2.* Center Township.

(3) *District 3.* Howard, Jackson, Liberty, Taylor and Union Townships.
(Ord. BCC-1997-54, passed 12-15-97; Am. Ord. 2011-BCCO-30, passed 12-5-11; Am. Ord. 2011-BCCO-31, passed 12-5-11)

**§ 30.16 ELECTION SHERIFF ABOLISHED;
TRANSFER OF DUTIES.**

(A) Pursuant to I.C. 3-6-6-5(b), all positions of Election Sheriffs are hereby eliminated from the election process in the county in all precincts until further order of the Board of County Commissioners.

(B) The Judges of each precinct in the county shall perform the duties and have the rights of Election Sheriffs in all precincts of the county until further order of the Board of County Commissioners.
(Ord. BCC-1996-54, passed 9-3-96)

CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS

Section

- 31.01 Building Department
- 31.02 Conventions, Visitors and Tourism Commission
- 31.03 Data Processing Study and Advisory Committee
- 31.04 Department of Parks and Recreation
- 31.05 Traffic Commission
- 31.06 Department of Redevelopment, Redevelopment Commission and the Redevelopment Authority
- 31.07 Department of Economic Development and the Economic Development Commission
- 31.08 Public Defender Board
- 31.09 Department of Stormwater Management; Special Stormwater Taxing District
- 31.10 Department of Emergency Management; Advisory Council

Cross-reference:

- Police Force, see § 32.01*
- Sheriff's Merit Board, see § 32.02*
- Solid Waste Management District, see § 50.01*

§ 31.01 BUILDING DEPARTMENT.

(A) Under the provisions of I.C. 36-7-8-2, there is hereby established a Department of Buildings and the Office of Building Commissioner, which shall be composed of the Building Commissioner, inspectors and such other personnel as the Board of County Commissioners shall determine.

(B) The Building Commissioner shall have the power to administer and enforce any and all ordinances or codes adopted now or hereafter by the

Board of County Commissioners that regulate construction, enlargement, repair, alteration, relocation and use of building, heating, ventilation, air conditioning, and electrical and plumbing construction.

(C) For the purpose of carrying out the provisions of this section, the Board of County Commissioners may employ such additional personnel in the Department as may be necessary.

(` 83 Code, § 32.04) (Ord. 1977-41, passed 1-30-78)

Cross-reference:

Building regulations generally, see Chapter 150

§ 31.02 CONVENTIONS, VISITORS AND TOURISM COMMISSION.

(A) *Commission created.* Effective January 1, 2014 and pursuant to I.C. 6-9-18-5(a), there is hereby created the Howard County Conventions, Visitors and Tourism Commission ("Commission").

(B) *Members.* The Commission shall consist of nine members meeting the following qualifications, requirements and/or restrictions:

(1) Each member must reside in Howard County;

(2) A simple majority of the members must be either:

(a) Engaged in a convention, visitor or tourism business (which may include a restaurant or catering business, a museum, or a hotel or motel business); or

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(b) Involved in promoting conventions, visitors or tourism;

(3) Not more than one member may be affiliated with the same business entity;

(4) No more than a simple majority of the members may be affiliated with the same political party; and

(5) If available and willing to serve, at least two members must be engaged in the business of renting or furnishing rooms, lodging or accommodations, which for the purposes of this section shall include a hotel or motel business.

(C) *Appointment.* Subject to division (B) of this section, the appointment of the members shall be made in the following manner:

(1) The Mayor of Kokomo shall appoint six members, three of whom must be engaged in a convention, visitor or tourism business or involved in promoting conventions, visitors or tourism; and at least one of those three members must be engaged in the business of renting or furnishing rooms, lodging or accommodations.

(2) The Howard County Board of Commissioners shall appoint three members, two of whom must be engaged in a convention, visitor or tourism business or involved in promoting conventions, visitors or tourism; and at least one of those two members must be engaged in the business of renting or furnishing rooms, lodging or accommodations.

(3) All appointments shall be reported in writing to the Howard County Auditor prior to the commencement of the terms. The Mayor and Board of Commissioners shall coordinate all appointments made to insure compliance with the requirements of divisions (B)(3) and (4) of this section; any disagreement regarding this coordination shall be resolved by the Board of Commissioners.

(D) *Terms, vacancies and removal.*

(1) All terms of office of Commission members shall commence on January 1, beginning January 1, 2014.

(2) The term of each member shall be two years; provided, however, the initial terms shall be staggered in the following manner:

(a) The Mayor of Kokomo shall appoint three members for one year and three members for two years; and

(b) The Howard County Board of Commissioners shall appoint one member for one year and two members for two years.

(3) A member whose term expires may be reappointed to serve another term at the discretion of the appointing authority.

(4) If a vacancy occurs, the appointing authority shall appoint a qualified person (whose appointment will maintain the requirements of division (B) of this section) to serve for the remainder of the term. If a vacancy is not filled within 30 days, the Commission shall appoint such a replacement by a majority vote.

(5) A member of the Commission may be removed for cause by his or her appointing authority.

(E) *Powers and organization.*

(1) The Commission shall have the powers enumerated in I.C. 6-9-18-6(a).

(2) The Commission shall meet after January 1 each year for the purpose of organization. It shall elect one of its members president, another vice president, another secretary, and another treasurer. The members elected to those offices shall perform the duties pertaining to the offices. The first officers chosen shall serve from the date of their

election until their successors are elected and qualified. A majority of the Commission constitutes a quorum, and the concurrence of a majority of the Commission is necessary to authorize any action.

(3) The Commission may adopt such by-laws as it deems appropriate so long as they do not conflict with any provision of the Uniform Act or this section.

(F) *Expenditures.* The Commission shall adhere to the requirements of I.C. 6-9-18-6(b) with regard to all payments and expenditures. No expenditure shall be made by the Commission unless it is in accordance with an appropriation made by the Howard County Council in the manner provided by law.

(G) *Disposition of funds.* All money coming into possession of the Commission shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money coming into possession of the Commission is subject to audit and supervision by the State Board of Accounts.

(H) *Meetings.* The Commission is deemed to be a governing body of a public agency and subject to the requirements of the Indiana Open Door Law (I.C. 5-14-1.5-1 *et seq.*).
(Ord. 2013-BCCO-35, passed 12-16-13)

§ 31.03 DATA PROCESSING STUDY AND ADVISORY COMMITTEE.

A Data Processing Study and Advising Committee is created consisting of the following members:

- (A) The County Auditor.
- (B) The County Treasurer.
- (C) The County Assessor.

(D) A member of the Board of County Commissioners.

(E) The City Controller of each city of the second class within the county.

(F) A representative of each municipal utility within the county.

(G) A representative of each municipal community school corporation and metropolitan school district within such county.

(H) Such other and further members as may be appointed or provided for by the Board of County Commissioners.
(`83 Code, § 32.08) (Res. passed 10-4-71)

§ 31.04 DEPARTMENT OF PARKS AND RECREATION.

(A) *Establishment.*

(1) The Howard County Park and Recreation Board shall be re-established in accordance with I.C. 36-10-3, and the Board shall be composed of the following:

- (a) Two members appointed by the Judge of the Circuit Court.
- (b) One member appointed by the Board of County Commissioners.
- (c) Two members appointed by the County Council.
- (d) The County Extension Committee shall select one of its members, the County Extension Coordinator, or the County Extension Agent to serve as an ex officio board member.
- (e) The Mayor of the City of Kokomo shall appoint one person as an ex officio board

member. The member appointed by the Mayor must be affiliated with a different political party than the member appointed by the Board of County Commissioners.

(2) Members appointed under divisions (1)(a), (1)(b), and (1)(c) shall be appointed on the basis of their interest in and knowledge of parks and recreation but no more than one member appointed under divisions (1)(a) and (1)(c) shall be affiliated with the same political party.

(3) Ex officio board members have all the rights of regular members, including the right to vote.

(B) *Terms.*

(1) Upon establishment of the Board, the terms of its members shall be as follows:

(a) The appointments by the Circuit Court Judge shall be one-and three-year terms, respectively.

(b) The appointment by the Board of County Commissioners shall be for a two-year term.

(c) The appointments by the Council shall be for two- and four-year terms, respectively.

(d) The appointment by the Mayor shall be coterminous with the Mayor's term of office.

(2) As a term expires, each new appointment shall be for a four-year term. All terms shall expire on the first Monday in January, but a member shall continue in office until his or her successor is appointed. The appointing authorities shall make initial appointments within 90 days after the creation of the Department. If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term. If a vacancy on the Board occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.

(C) *Officers.* At its first regular meeting in each year, the Board shall elect a President and a Vice-President. The Vice-President shall have authority to act as the President of the Board during the absence or disability of the President. The Board may select a Secretary either from within or without its own membership.

(D) *Powers.* The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers and duties listed in I.C. 36-10-3.

(E) *Annual budget.* The Board shall prepare and submit an annual budget in the same manner as other departments of the county government as prescribed by the State Board of Accounts. The Board may accept gifts, donations and subsidies for park and recreation purposes.

(`83 Code, § 32.09) (Ord. 1966-27, passed 2-16-66; Am. Ord. 1972-2, passed 3-7-72; Am. Ord. 1976-3, passed 2-17-76; Am. Ord. 1982-23, passed 12-14-82)

Cross-reference:

Parks and recreation, see Chapter 93

Statutory reference:

Composition of Department, see I.C. 36-10-3-4

§ 31.05 TRAFFIC COMMISSION.

A County Traffic Commission is created, and shall consist of the following members: the County Engineer-Supervisor, the County Sheriff, the Director of the County Plan Commission, a representative of the Kokomo Police Department, one citizen member appointed by the Board of County Commissioners, and a representative of the Board of County Commissioners.

(`83 Code, § 32.15) (Res. passed 11-4-57)

Cross-reference:

Traffic Code, see Title VII

§ 31.06 DEPARTMENT OF REDEVELOPMENT, REDEVELOPMENT COMMISSION AND THE REDEVELOPMENT AUTHORITY.

(A) Pursuant to I.C. 36-7-14-3, the Board of County Commissioners hereby establishes the County Department of Redevelopment for the purposes and to exercise the powers set forth in the Act, being I.C. 36-7-14-1 et seq., or otherwise granted by law. The Department of Redevelopment will be controlled by a board of five members to be known as the Redevelopment Commission, each of whom shall be appointed by the Board of County Commissioners.

(B) Pursuant to I.C. 36-7-14.5-7, there is hereby created as a separate body corporate and politic and as an instrumentality of the county the Redevelopment Authority for the purposes and to exercise the powers set forth in the Act, being 36-7-14.5-1 et seq., or otherwise granted by law. The Redevelopment Authority shall be governed by a Board of Directors consisting of three members, each of whom shall be appointed by the Board of County Commissioners. (BCC Ord. 1996-35, passed 7-15-96)

Cross-reference:

Economic development, see T.S.O. I

§ 31.07 DEPARTMENT OF ECONOMIC DEVELOPMENT AND THE ECONOMIC DEVELOPMENT COMMISSION.

(A) Pursuant to I.C. 36-7-12-4, the County Council hereby establishes the County Department of Economic Development with the powers to finance economic development or pollution control facilities under the Act.

(B) Pursuant to I.C. 36-7-12-7, the Department will be controlled by a board to be known as the County Economic Commission. The Commission will consist of three members; one member to be selected by the Board of County Commissioners, one member nominated by the County Council and one member

nominated by the Common Council of the City of Kokomo, each of whom shall be appointed by the Board of County Commissioners.

(BCC Ord. 2001-14, passed 2-27-01)

Cross-reference:

Economic development, see T.S.O. I

§ 31.08 PUBLIC DEFENDER BOARD.

(A) Pursuant to I.C. 33-40-7-3, the County Public Defender Board (“Board”) is hereby established.

(B) The Board shall consist of three members appointed in accordance with I.C. 33-40-7-3(a) and (b), with terms as designated in I.C. 33-40-7-3(c).

(C) The Board shall have the duties and authority as set forth in I.C. 33-40-7-6, and shall conduct business as specified in I.C. 33-40-7-3(d) and (e).

(D) As set forth in I.C. 33-40-7-3(f), the County Executive may terminate the Board. (Ord. 2004-BCC-49, passed 12-20-04)

§ 31.09 DEPARTMENT OF STORMWATER MANAGEMENT; SPECIAL STORMWATER TAXING DISTRICT.

(A) *Adoption of statutory provisions.* In compliance with I.C. 8-1.5-5-4.5 and I.C. 8-1.5-5-5, the Commissioners hereby adopt and incorporate herein by reference the provisions of I.C. 8-1.5-5-1 through I.C. 8-1.5-5-32, inclusive, as from time to time amended (“Act”).

(B) *Department of Stormwater Management.* Pursuant to I.C. 8-1.5-5-4.5, there is hereby created and established the Howard County Department of Stormwater Management (“Department”). The Department shall be controlled and managed by a Board of Directors consisting of the three members of the Board of Commissioners and the County Surveyor,

all pursuant to I.C. 8-1.5-5-4.5(b) (“Board”). The Board shall have the powers specified under I.C. 8-1.5-5-6, together with all other authority, powers, duties and responsibilities set forth in the Act.

(C) *Special taxing district.* Pursuant to I.C. 8-1.5-5-5, there is hereby created and established a special taxing district, to be known as the Howard County Stormwater Management District (“District”). The jurisdiction of the District shall include all territory of Howard County that is not located within the territorial boundaries of the City of Kokomo, Town of Greentown, and Town of Russiaville. Under I.C. 8-1.5-5-5, the District shall have the power to levy a special user fee for the purposes of storm water collection and disposal, together with all other authority, powers, duties and responsibilities set forth in the Act.

(Ord. 2008-BCC-29, passed 9-15-08)

§ 31.10 DEPARTMENT OF EMERGENCY MANAGEMENT; ADVISORY COUNCIL.

(A) *Creation of Department and Advisory Council.* Pursuant to I.C. 10-14-3-17(b)(1), there is hereby created and established the Howard County Department of Emergency Management (“Department”) and the Howard County Emergency Management Advisory Council (“Council”).

(B) *Council membership; Chairman.*

(1) Pursuant to I.C. 10-14-3-17(c), the Council shall consist of the following individuals or their designees:

(a) The President of the Howard County Board of Commissioners;

(b) The President of the Howard County Council;

(c) The Mayor of the City of Kokomo;

(d) An individual appointed jointly by and representing the Russiaville Town Council and the Greentown Town Council;

(e) Any representative or representatives of private or public agencies or organizations that the Council, in its sole discretion, deems necessary to assist the Department; and

(f) One commander of a local Howard County civil air patrol unit or the commander’s designee, to be appointed by the Council in its sole discretion.

(2) The President of the Howard County Board of Commissioners or his or her designee shall serve as the Chairman of the Council. Any designee of a member shall be appointed in writing signed by the member and delivered to the Council Chairman.

(C) *Council responsibilities and powers.* The Council shall have the following responsibilities and powers:

(1) Exercise general supervision and control over the emergency management and disaster program of Howard County.

(2) Select or cause to be selected, with the approval of the Howard County Board of Commissioners, a county Emergency Management and Disaster Director (“Director”) who:

(a) Has direct responsibility for the organization, administration, and operation of the Department and the emergency management program in Howard County; and

(b) Is responsible to the Chairman of the Council.

(D) *Department responsibilities.* Under the supervision of the Council and Director, the Department shall be responsible for operating and administering an emergency management program for Howard County.

(E) *Funding.* As required by I.C. 10-14-3-17(b)(1) and (g), the Howard County Council shall provide adequate funding for the effective operation of the Department.

(F) *County employees.* The Director and all employees of the Department shall be Howard County employees.

(Ord. 2012-BCCO-36, passed 12-27-12)

Cross-reference:

Emergency management, see Ch. 35

CHAPTER 32: POLICE FORCE

Section

- 32.01 Police Force created
- 32.02 Sheriff's Merit Board
- 32.03 Sheriff's work program
- 32.04 Sheriff's reserve deputy program
- 32.05 Sheriff's Department reserve deputies

Cross-reference:

Emergency management, see Chapter 35
Sheriff's School/Training Fund, see § 33.31

§ 32.01 POLICE FORCE CREATED.

(A) There is created the County Police Force, whose members shall be employees of the county, and whose activities shall be directed by the County Sheriff according to law (see I.C. 36-8-10-2, 36-8-10-3, and 36-8-10-4). The expenses of the County Police Force herein created shall be a part of the Sheriff's budget, and the salaries and number of its personnel shall be determined by the County Sheriff's Merit Board with the approval of the County Council.

(B) Each member of the County Police Force shall have general police powers and be a conservator of the peace within the county; shall arrest, without process, all persons who, within his or her view, shall commit any crime or misdemeanor, take them before the nearest justice of the peace or magistrate of the county, and detain them in custody until the cause of the arrest has been investigated; and suppress all breaches of the peace within his or her knowledge. Each member is hereby given authority to call to his or her aid the power of the county; pursue and commit to the county jail all felons; execute all process directed to the County Sheriff by legal authority; attend upon and preserve order in all courts of record of the county, except justices' courts; and guard prisoners in the county jail. Each member is

hereby empowered to serve all process directed to the Sheriff from the circuit court, superior court, or from the Board of County Commissioners, according to law.

(C) Any member of the County Police Force who becomes Sheriff either by election or by appointment shall, upon the expiration of the term and upon his or her written application, be appointed by the Sheriff's Merit Board to the rank in the County Police Force which he or she held at the time of his or her election or appointment as Sheriff, provided there is a vacancy in the County Police Force. If the Sheriff during his or her tenure of office has qualified in accordance with promotional procedure, as prescribed by the Sheriff's Merit Board in its rules and regulations, for any rank in the County Police Force which is higher than the rank he or she previously held, the Sheriff's Merit Board shall upon expiration of his or her term as Sheriff, appoint him or her for the rank for which he or she has qualified, under promotional procedure; provided, however, that there is a vacancy in such rank.

(D) The County Sheriff shall, with the approval of the Sheriff's Merit Board, establish a classification of ranks, grades and positions for county police officers in the County Police Force. For each rank, grade and position so established, the Sheriff, with the approval of the Sheriff's Merit Board, shall set reasonable standards of qualifications and fix the prerequisites of training, education, and experience. The Sheriff, with the approval of the Sheriff's Merit Board, shall devise and administer examinations designed to test applicants as to the qualifications required for the respective ranks, grades or positions, and only those applicants who, in the opinion of the Sheriff and the Sheriff's Merit Board, best meet the

recognized standards and prerequisites shall be appointed. All county police officers appointed to the County Police Force under this section shall be probationers and on probation for one year from the date of the appointment.

(E) The Sheriff may discharge, demote or temporarily suspend any county police officer for cause after preferring charges in writing and after a fair public hearing before the Sheriff's Merit Board, reviewable by the circuit court, a notice of which charges and hearings shall be delivered by certified mail to the county police officer to be discharged, demoted or temporarily suspended. The county police officer may be represented by counsel. The Sheriff may temporarily suspend without a hearing before the Sheriff's Merit Board any county police officer, after preferring charges of misconduct in writing delivered to the county police officer, for a period not to exceed 15 days. No county police officer shall be discharged, demoted or temporarily suspended because of political affiliation, nor shall any county police officer be discharged, demoted or temporarily suspended after his or her probationary period except as provided in this section. For the purpose of hearings provided in this section, the Sheriff's Merit Board shall have subpoena powers enforceable by the circuit court. Probationers may be discharged by the Sheriff without right to hearing.

(F) All deputy sheriffs who, upon the taking of effect of this section, shall have served for more than one year shall be deemed qualified to serve as county police officers, except that all those holding superior rank, grade or position as deputy sheriffs, upon the taking of effect of this section, must be approved by the Sheriff and the Sheriff's Merit Board before assuming such superior rank, grade or position as county police officer. Deputies having served one or more years upon the taking effect of this section shall be deemed to have passed their probationary period for county police officer.

(` 83 Code, § 32.13) (Ord. 1969-11A, passed 9-4-69)

§ 32.02 SHERIFF'S MERIT BOARD.

(A) A Sheriff's Merit Board is hereby created and shall hereafter be known as the "Howard County Sheriff's Merit Board." The Board shall hereafter have all of the powers and duties set out in I.C. 36-8-10-3, and the terms of this statute shall be binding upon the County Sheriff, his or her successors, and the County Police Force created and defined in § 32.01.

(B) The Sheriff's Merit Board shall consist of five members. Three members shall be appointed by the Sheriff, and two members shall be elected by a majority vote of the members of the County Police Force under procedures established by the Sheriff's Merit Board; however, an active county police officer, a relative (as defined in I.C. 26-1-20.2-8) of an active county police officer, or a relative (as defined in I.C. 26-1-20.2-8) of the sheriff may not serve on the Sheriff's Merit Board, either as a member appointed by the sheriff or elected by the county police force. The term of membership shall be as set forth in I.C. 36-8-10-3 (see also the "Compiler's Notes" following I.C. 36-8-10-3 for regulations as to the original term). No more than two members appointed by the Sheriff nor more than one of the members elected by the officers may belong to the same political party. All members shall reside in the county. All members shall serve during their respective terms and until their respective successors have been appointed and qualified. Any member may be removed for cause duly adjudicated by declaratory judgment of the circuit court.

(C) As compensation for his or her service, each member of the Sheriff's Merit Board shall be entitled to receive from the county the sum of \$15 per day for each and every day, or fraction thereof during which he or she is engaged in transaction of the business of the Sheriff's Merit Board. As soon as practicable after the members of the Sheriff's Merit Board shall have been appointed, they shall meet upon the call of the Sheriff, and shall organize by the election of a President and a Secretary from among their own membership. Three members of the Sheriff's Merit

Board shall constitute a quorum for the transaction of business. The Sheriff’s Merit Board shall hold such regular monthly meetings throughout the year as may be deemed necessary to transact the business of the Police Force.

(D) The Sheriff’s Merit Board is hereby authorized to transfer the sidearm of a County Deputy killed in the line of duty to his or her surviving spouse, regardless of the officer’s eligibility for retirement benefits.

(`83 Code, § 32.14) (Ord. 1969-11A, passed 9-4-69; Am. Ord. 2016 BCCO-13, passed 4-18-16)

Statutory reference:

Sheriff’s merit board, see I.C. 36-8-10-3

§ 32.03 SHERIFF’S WORK PROGRAM.

(A) There is hereby established, and the County Sheriff is hereby authorized to operate and administer, a Howard County Sheriff’s Work Program.

(B) The County Sheriff’s Work Program shall be described and constituted as follows:

(1) To be eligible to participate in the Work Program, a person must meet all of the following qualifications:

(a) He or she must have been committed to the Howard County Criminal Justice Center upon conviction of a crime or adjudication of contempt;

(b) He or she must not have been restricted from participation in such program by the sentencing court and must not have been convicted of a sex offense under I.C. 35-42-4 or 35-46-3;

(c) He or she must volunteer for the Work Program; and

(d) He or she must be approved by the County Sheriff to participate in the Work Program.

(2) Eligible prisoners shall not be released from custody to participate in the Work Program, but shall at all times remain in the custody of a County Sheriff’s deputy or deputies assigned to supervise such Work Program.

(3) Eligible prisoners participating in the Work Program shall be paid from Work Program revenues the sum of \$1 for each day or part of a day during which they participate in the Work Program.

(4) Eligible prisoners shall not be required to perform any hazardous, demeaning or unreasonably strenuous work.

(5) To cover the expenses of the Work Program, the County Sheriff is hereby authorized to charge those for whom services are performed the sum of \$45 per hour per crew of prisoners. All sums collected by the County Sheriff under this provision shall be deposited in and disbursed from the fund established in § 33.29.

(BCC Ord. 1997-44, passed 10-6-97; Am. Ord. BCC-2008-27, passed 8-18-08)

§ 32.04 SHERIFF’S RESERVE DEPUTY PROGRAM.

(A) *Establishment.* The Howard County Sheriff’s Reserve Deputy Program is established to operate in accordance with I.C. 36-8-3-20 and this section.

(B) *Number.* The maximum number of reserve deputies is fixed at 20.

(C) *Qualifications.* To be eligible for appointment as a reserve deputy, a person must:

(1) Be at least 21 years of age;

(2) Not be an employee of the county;

(3) Successfully complete a pre-basic training course under I.C. 5-2-1-9(f) and any other training required by rules established under division (F) of this section; and

(4) Meet any other qualifications required by rules established under division (F) of this section.

(D) *Appointment and dismissal.* Subject to division (C) of this section, a reserve deputy shall be appointed by the County Sheriff and shall serve at the pleasure of the Sheriff. A reserve deputy appointment may be terminated by the County Sheriff at any time for any reason or for no reason at all.

(E) *Status.* A reserve deputy shall:

(1) Serve strictly as a volunteer without any compensation;

(2) Not be considered or construed as an employee of the County Sheriff's Department or the county for any reason or purpose;

(3) Not be eligible to participate in any pension program or be entitled to any county benefits provided for regular members of the County Sheriff's Department except as provided in division (D)(4) of this section;

(4) As a volunteer, be entitled to medical benefits under the county's workers comprehensive coverage together with any extended accidental death or disability coverage the county, in its sole discretion, may choose to provide;

(5) Have the same police powers as the regular deputies of the County Sheriff's Department except as modified or limited by rules or regulations established pursuant to division (F) of this section.

(6) At the same time of appointment, execute a written form acknowledging that he or she has read, understands and agrees to the provisions of this section, and, in particular, divisions (D) and (E).

(F) *Rules.* The County Sheriff may from time to time adopt such rules and regulations as he deems necessary and appropriate for the operation of the Reserve Deputy Program, so long as such rules and regulations are not contrary to or inconsistent with I.C. 36-8-3-20 or this section.

(G) *Reserve Deputy Fund.* Subject to the approval of the County Council, there is hereby established as a line item in the Sheriff's budget a Reserve Deputy Fund. The purpose of this fund will be to receive and disburse monies to operate and sustain the Reserve Deputy Program. Any payment received for services rendered by a Reserve Deputy shall be deposited into this Fund. Disbursements shall be made at the sole discretion of the Sheriff.

(Ord. BCC 2003-34, passed 8-4-03)

§ 32.05 SHERIFF'S DEPARTMENT RESERVE DEPUTIES.

(A) Upon retirement after a minimum of ten years of service, a County Sheriff's Department Reserve Deputy shall be given ownership of his or her department sidearm without charge if he or she:

(1) Is retiring in good standing and under honorable circumstances; and

(2) Is legally permitted to possess a firearm under Indiana law.

(B) Such transfer shall be in recognition of and appreciation for the Reserve Deputy's dedicated service to the county.

(C) The Board hereby delegates to the County Sheriff the authority to:

(1) Determine whether the retiring Reserve Deputy is in all respects qualified for this recognition; and

(2) The authority to sign all documents and comply with all laws necessary to effect legal transfer of the sidearm.

(Ord. 2016 BCCO-40, passed 11-7-16)

CHAPTER 33: FINANCE AND TAXATION

Section

General Provisions

- 33.01 Membership dues; meeting expenses
- 33.02 Reproduction fees
- 33.03 Emergency telephone system fee
- 33.04 Property endorsement fee
- 33.05 Tax sale list fees
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- 33.25 County Corrections Fund
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- 33.46 Vehicle taxes: excise surtax and wheel tax
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Cross-reference:

- Community Redevelopment, see § 31.06*
- Convention and Visitor Commission, see § 31.02*
- Health Department service fees established, see §§ 92.15 et seq.*
- Promotion fund, see § 31.02(F)*

GENERAL PROVISIONS

§ 33.01 MEMBERSHIP DUES; MEETING EXPENSES.

(A) The Board of County 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, council, 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.

(B) The Board of County 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.

(`83 Code, § 34.08) (Ord. 1982-15, passed 7-26-82)

§ 33.02 REPRODUCTION FEES.

The following fees are adopted for copies of county records:

(A) Accident reports, \$5 per copy.

(B) Film costs for abstract companies, \$.50 per foot.

(C) Theft, robbery, vandalism and B-cards, \$1 per sheet.

(`83 Code, § 34.18) (Ord. 1985-16, passed 9-3-85; Ord. 1985-17, passed 9-3-85; Ord. 1985-20, passed 9-3-85)

§ 33.03 EMERGENCY TELEPHONE SYSTEM FEE.

(A) The monthly enhanced emergency telephone system fee for each exchange access facility, as defined by I.C. 36-8-16-3, used in the county shall be \$0.91 per month, commencing August 1, 2008, and continuing monthly thereafter until further action by Council.

(B) All E911 fees collected pursuant to this section shall be used only to pay for those purposes specified and authorized by I.C. 36-8-16-14(a).

(C) Pursuant to I.C. 36-8-16-12, each service supplier that collects an E911 fee on behalf of the county is entitled to a 3% administrative fee as compensation for collecting the fee. Each service supplier shall remit to the County Treasurer the E911 fees it collects during a calendar quarter within ten days after the end of the quarter; and at the same time the service supplier shall provide a fee collection report to the County Auditor. Additionally, pursuant to I.C. 36-8-16-11(b), during January of each year, each service supplier shall provide the County Treasurer with a delinquent fee report and the Treasurer may initiate legal action to collect any delinquent fees.

(D) Pursuant to I.C. 36-8-16-13, the County Treasurer shall collect and deposit all E911 fees into a separate fund known as the "Howard County Emergency Telephone System Fund." The County Treasurer may invest money held in the fund and deposit any income earned back into the fund.

(E) Not later than January 31 of each year, the county fiscal body shall submit to each municipality within Howard County that operates a PSAP a report of all expenditures of E911 funds paid during the immediately preceding calendar year.

(CC Ord. 1988-17, passed 8-2-88; Am. CC Ord. 1989-4, passed 2-21-89; Am. BCC Ord. 1993-27, passed 8-2-93; Am. Res. 2007-BCC-20, passed 8-20-07; Am. Ord. 2008-CC-22, passed 7-24-08)

§ 33.04 PROPERTY ENDORSEMENT FEE.

(A) As used in this section, the term *LEGAL DESCRIPTION* shall mean any description of real estate in a deed or affidavit presented to the Auditor under I.C. 36-2-11-14 which has a tax identification

number assigned, thus requiring transfer on the Auditor's records.

(B) When a deed or affidavit of transfer is presented to the Auditor for endorsement under I.C. 36-2-11-14, the Auditor shall collect the following fee authorized by I.C. 36-2-19-18(d):

(1) Five dollars for the first legal description contained in the deed or affidavit; and

(2) Three dollars for each additional legal description contained in the deed or affidavit.

(C) The Auditor shall endorse each legal description for which a charge is made under this section.

(D) The fee provided for under this section is in addition to any other fee provided by law.

(E) The Auditor shall place revenue received under this section in the Auditor's Plat Book Fund. (BCC Ord. 1991-7, passed 3-25-91; Am. BCC Ord. 2002-34, passed 8-19-02; Am. Ord. BCC-2004-39, passed 11-1-04; Am. Ord. BCC-2006-14, passed 4-3-06)

§ 33.05 TAX SALE LIST FEES.

The Board of County Commissioners hereby establishes a charge for taxpayers requesting copies of tax sale lists. For each tax sale list requested, a fee of \$5 shall be collected.

(BCC Ord. 1992-20, passed 6-1-92)

§ 33.06 SUPPLEMENTAL RECORDING FEES.

(A) Pursuant to I.C. 36-2-7-10(b)(11), the County Recorder shall charge a supplemental fee of \$3 per document, which shall be paid at the time the document is recorded.

(B) The supplemental recording fee of \$3 is in addition to all other recording fees required by law for services rendered by the County Recorder.

(C) Pursuant to I.C. 36-2-7-10(b)(11), the supplemental fee shall be placed in the County Recorder's Records Perpetuation Fund, along with the fees collected pursuant to I.C. 36-2-7-10(b)(5), (b)(6) and (b)(9), to be used by the County Recorder for the preservation of records and the improvement of record-keeping systems and equipment upon appropriation by the County Council. (BCC Ord. 1995-29, passed 8-14-95)

§ 33.07 SHERIFF'S DEPARTMENT COPYING FEES.

(A) The following document copying fees are hereby established by and for the Sheriff's Department:

(1) Case reports, \$5 for the first page and \$3 for each additional page.

(2) Case cards (3x5 cards), \$3 per card.

(3) VHS-format videotapes, \$35 per tape; and CD-ROMs, \$12 per CD-ROM.

(4) Standard size photographs, \$5 for the first photograph and \$3 for each additional copy.

(5) Special size photographs, \$5 plus additional costs based on size.

(6) Criminal records check, \$5 per check.

(7) Criminal investigation report, \$5 for the first page and \$3 for each additional page.

(B) The Sheriff's Department shall record and account for such fees collected as required by I.C. 36-2-7-15 and any other applicable laws and regulations, and such fees may be deposited as cost reimbursements to such Sheriff's Department office accounts as the Sheriff shall deem appropriate.

(C) In accordance with I.C. 35-47-2-3(b), the Sheriff's Department shall charge a \$10 fee for each handgun permit application and such fee shall be deposited in the Sheriff's Department's Firearms Training Fund and used for firearms training or firearms equipment purchase as authorized by the statute.

(D) This section shall not affect the Sheriff's Department's duty to disclose or not to disclose records as set forth in the Indiana Access to Records Act, being I.C. 5-14-3-1 et seq. (BCC Ord. 1995-6, passed 2-6-95; Am. Ord. BCC-2005-21, passed 5-16-05)

§ 33.08 COUNTY PROSECUTOR'S COPYING FEES.

(A) The County Prosecutor may establish and charge a fee of \$0.50 per page to make copies of papers and documents to be provided to an individual and other agencies pursuant to the Indiana Access to Records Act, being I.C. 5-14-3-1 et seq.

(B) The copying fee shall become the property of the General Fund, and will be submitted to and received by the County Auditor for deposit on a yearly basis into the General Fund.

(C) Funds so received by the county into the General Fund may be expended by the County Prosecutor by appropriation by the County Council for the General Fund into a line in the County Prosecutor's budget. Such appropriations may be made by regular budget appropriation or special appropriation, and the filing of claims after appropriation by the County Prosecutor. (BCC Ord. 1996-67, passed 12-16-96)

§ 33.09 COUNTY PROSECUTOR'S BAD CHECK SERVICE CHARGE COLLECTION FEES.

(A) The County Prosecutor may establish an account into which the County Prosecutor may deposit service charge fees that are collected and permitted under I.C. 35-43-5-5(e) for the collection of bad checks.

(B) The service charge fees shall become the property of the General Fund and will be submitted to the County Auditor for deposit on a yearly basis into the General Fund.

(C) Funds so received by the county into the General Fund may be expended by the County Prosecutor by appropriation by the County Council for the General Fund into a line in the County

Prosecutor's budget. Such appropriations may be made by regular budget appropriation or special appropriation, and the filing of claims after appropriation by the County Prosecutor. (BCC Ord. 1995-8, passed 2-13-95; Am. BCC Ord. 1996-68, passed 12-16-96)

§ 33.10 FEES FOR PROVIDING ELECTRONIC DATA.

(A) The county hereby establishes and imposes the fees to be charged for the furnishing of electronic data as set forth in this division (E) of this section. Division (E) of this section may be amended from time to time to add additional fees or to modify existing fees. Provided, however, that all fees listed in division (E) shall at all times be calculated and established in compliance with the requirements and limitations set forth in I.C. 5-4-3-8(g).

(B) All fees collected under this section shall revert to the County General Fund.

(C) Howard County hereby adopts the uniform *Request for Electronic Data* form in division (F) of this section. All requests for electronic data must be made in writing on this form, and no electronic data shall be furnished without this form first being completed and filed. All county officeholders, department heads, and employees shall follow the procedures set forth in I.C. 5-14-3-9 and other related public access laws in processing *Request for Electronic Data* properly filed.

(D) This section shall not affect or replace, but shall be in addition to, the following existing Ordinances with respect to the furnishing of certain electronic data:

(1) Section 36.08, Fees for Copies of Documents and Copies of Electronics Formatted Data.

(2) Section 36.09, Fees for Auditor's Mapping.

(E) Schedule A.

| Electronic Data Provided | Fee |
|--|--|
| 1. Standard CD or DVD, updated annually to a specific date after taxes are calculated, containing the following fields of information: | |
| Owner name | |
| Taxpayer name | |
| Location address | |
| Mailing address | |
| Brief legal description | |
| Parcel identification number | |
| Gross assessed value | |
| Net assessed value | |
| Exemptions | |
| Spring/Fall tax installments | |
| Total taxes, including delinquencies | |
| Special assessments | \$250.00 base fee |
| 2. CD or DVD containing any or all of the fields from the Standard CD or DVD, current to date of request | \$250.00 base fee, plus \$25.00 per hour to extract data |
| 3. Applicable exemptions: All media and all local, state and federal governmental entities shall be exempt from the \$250.00 base fee, but shall be subject to the \$25.00 hourly rate if special fields are requested pursuant to Paragraph 2 of this Schedule A. | |

(F) Schedule B.

Request for Electronic Data

To: Howard County Government
Attn. Terry Tribby

This is to request the following electronic data from Howard County (identify data requested with reasonable particularity):

I (we) understand that Indiana Code 5- 14-3-3(e) and Howard County Ordinance BCC-2005-32 prohibit a person who receives information on a disc or tape from using such information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services or sell, loan, give away, or otherwise deliver the information obtained to any other person. I (we) hereby certify to Howard County Government that I (we) will not use the information requested above for such commercial purposes. I (we) agree to pay the required fee for such information before the information is furnished.

Dated, this ____ day of _____, 20__.

Name: _____

Address: _____

Phone: _____

Signature: _____

Requesting Party

Note: You may return this Request by:

(1) Fax to: (765) 456-2803
OR

(2) Mail to:
Howard County Government
Howard County Administration Center
220 North Main Street
Kokomo, IN 46901
Attn: Terry Tribby

(Ord. BCC-2005-32, passed 9-19-05)

§ 33.11 SEX OR VIOLENT OFFENDER REGISTRATION AND CHANGE OF ADDRESS FEES.

(A) *Fund established.* The Howard County Sex or Violent Offender Administration Fund (“Fund”) is hereby established. The purpose of the Fund is to defray the expenses incurred by the Howard County Sheriff in administering, and ensuring compliance with, the laws concerning the Indiana sex and violent offender registry. Accordingly, the Howard County Council shall periodically appropriate money from the Fund for the Howard County Sheriff to use for this purpose as he or she deems appropriate and according to law.

(B) *Imposition of fees.* The Howard County Sheriff is required to collect the following fees hereby imposed:

(1) An annual registration fee of \$50, payable upon the sex or violent offender’s initial registration with the Howard County Sheriff and upon each subsequent annual registration; and

(2) An address change fee of \$5 each time a sex or violent offender registers an address change with the Howard County Sheriff.

(C) *Disposition of fees.* The Howard County Sheriff shall promptly transfer all fees collected pursuant to this section to the Howard County Auditor, who shall monthly:

(1) Deposit 90% of all fees collected to the Fund for appropriation and use in accordance with division (A) above; and

(2) Transfer 10% of all fees collected to the Treasurer of the State of Indiana for deposit in the state sex and violent offender administration fund under I.C. 11-8-8-21.

(Ord. 2013-BCCO-3, passed 2-4-13)

§ 33.12 INTERNAL CONTROL STANDARDS.

(A) The county hereby adopts the standards and procedures developed by the Indiana State Board of Accounts under I.C. 5-11-1-27(e), titled as the *Uniform Internal Control Standards for Political Subdivisions* (“Uniform Standards”).

(B) Each officer or employee of the county whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity must undergo training in the uniform standards.

(Ord. 2016 BCCO-28, passed --)

FUNDS

§ 33.25 COUNTY CORRECTIONS FUND.

(A) The County Council hereby elects to receive deposits from the Department of Corrections in accordance with I.C. 11-12-6-1 et seq.

(B) The County Council hereby elects to receive such deposits at Level III funding.

(C) There is hereby created a “County Corrections Fund” for 1999, to be administered by the County Sheriff. the fund shall consist of deposits received from the Department of Corrections in accordance with I.C. 11-12-6-1 et seq.

(D) The County Corrections Fund may be used only for funding the operation of the county jail, jail programs or other local correctional facilities. Any

money remaining in the County Corrections Fund at the end of the year does not revert to any other fund, but the money shall remain in the County Corrections Fund.

(CC Ord. 1990-2, passed 2-12-90; Am. CC Ord. 1991-3, passed 2-26-91; Am. CC Ord. 1992-9, passed 3-24-92; Am. CC Ord. 1994-18, passed 3-22-94; Am. CC Ord. 1995-4, passed 1-24-95; Am. BCC Ord. 1996-8, passed 2-5-96; Am. CC Ord. 1996-11, passed 2-6-96; Am. CC Ord. 1997-07, passed -97; Am. Ord. 1998-02, passed 1-20-98; Am. Ord. BCC 1999-07, passed 2-15-99; Am. Ord. BCC 2000-12, passed 3-6-00)

§ 33.26 CUMULATIVE CAPITAL DEVELOPMENT FUND.

(A) There is hereby established a Cumulative Capital Development Fund, which fund may be used for any or all of the following purposes:

(1) To purchase, construct, equip or maintain buildings for public purposes;

(2) To acquire the land and any improvements on it that are necessary for the construction of public buildings; and

(3) To demolish any improvements on land acquired for a public building and to level, grade and prepare the land for the construction of the public building.

(B) For the purpose of this section, the following definitions shall apply:

EQUIP. Includes any capital expenditure relating to the furnishing or operation of public buildings including, by way of illustration and not by way of limitation, purchases of office equipment, office furnishings, computers and voting machines.

MAINTAIN. Includes repairing, remodeling or enlargement.

(BCC Ord. 1989-7, passed 3-28-89; Am. BCC Ord. 1994-24, passed 4-25-94; Am. CC Ord. 1994-25, passed 4-26-94; Am. BCC Ord. 1997-41, passed 9-15-97; Am. CC Ord. 1997-51, passed 11-25-97)

§ 33.27 CUMULATIVE BRIDGE FUND.

(A) A need now exists for the establishment of a Cumulative Bridge Fund to provide funds for the cost of construction, maintenance and repair of bridges, approaches and grade separations as defined in I.C. 8-16-3-1.5 and to make county-wide bridge inspections and safety ratings as stated in I.C. 8-16-3-1.

(B) The Board of County Commissioners will adhere to the provisions of I.C. 8-16-3. The total tax levied on all taxable real and personal property in the county for the fund, including the tax increase, shall not exceed \$0.0233 per \$100 of assessed valuation. Said increased tax rate shall be levied beginning with taxes payable beginning in the year 2008.

(BCC Ord. 1995-19, passed 6-5-95; Am. Ord. BCC-2006-28, passed 7-17-06; Am. Ord. BCC-2007-29, passed 6-16-07)

§ 33.28 LAW ENFORCEMENT FUND.

(A) There is hereby established a Law Enforcement Fund. The fund shall consist of deposits in the form of voluntary surrender fees, reimbursement for restitution, seizure of assets and other law enforcement related fees recovered by the office of the County Prosecutor which are not required to be deposited in the General Fund.

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

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

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

(CC Ord. 1990-4, passed 2-13-90)

§ 33.29 WORK PROGRAM FUND.

(A) There is hereby established the Howard County Sheriff's Work Program Fund.

(B) All sums collected by the County Sheriff under § 32.03(B)(5) shall be deposited initially in the Work Program Fund and disbursed without appropriation in the following order:

(1) First, to the payment of the prisoners as provided in § 32.03(B)(3) at least monthly. A sufficient balance shall be maintained in the Work Program Fund at all times to cover all accrued obligations to prisoners;

(2) Second, the balance remaining after satisfaction of division (B)(1) of this section to the County Auditor for deposit in a special fund from which the County Auditor shall pay, upon proper request by the County Sheriff, expenses of the Work Program, including but not limited to the salaries of supervising deputies for the periods during which supervision is actually performed; and

(3) Third, any balance remaining after satisfaction of divisions (B)(1) and (B)(2) of this section shall be transferred by the County Auditor annually to the County General Fund.

(BCC Ord. 1997-44, passed 10-6-97)

§ 33.30 PUBLIC DEFENDER SUPPLEMENTAL FUND.

(A) Funds collected by the County Auditor in the fund known as the Howard County Public Defender Supplemental Fund shall be used to supplement the existing budget of the County Public Defender for the year 2010 for purposes and expenses to provide better quality services and more services available to those persons who have been appointed legal counsel in the county. These expenditures may be for items designated at the discretion of the County Public Defender such as equipment, special court reporter expenses, travel expenses, witness fees, expert witness fees, expert witness analysis, continuing legal education, both in Indiana and outside of Indiana, subscriptions, office expenses and for any other purposes deemed appropriate by the County Public Defender consistent with I.C. 33-9-11.5.

(B) Expenditures from the Fund shall be made by the County Auditor and County Treasurer upon submission to the County Auditor of a claim form indicating the service, equipment, supply, or other item of expenditure, which will be paid by the County Treasurer upon receipt of the claim without the need for ordinary advertising as other claims submitted for payment from the General Fund.

(CC Ord. 2002-04, passed 1-23-02; Am. Ord. CC-2010-5, passed 1-26-10)

§ 33.31 SHERIFF'S SCHOOL/TRAINING FUND.

(A) The Howard County Sheriff's School/Training Fund is hereby established.

(B) The Fund shall be administered by the County Sheriff. The Sheriff shall deposit into the Fund all fees collected from training schools conducted by the County Sheriff's Department and any donations of money given to the Fund. The Sheriff shall disburse from the Fund, without appropriation, such sums as the Sheriff deems appropriate for the support and operation of the Special Teams of the County Sheriff's Department including, but limited to, S.W.A.T., DIVE and CERT.

(C) The Sheriff shall make a written report to the County Board of Commissioners, on a calendar quarterly basis, of the receipts and disbursements from the Fund.

(Ord. BCC-2003-33, passed 8-4-03)

Cross-reference:

Sheriff's Reserve Deputy Fund, see § 32.04

§ 33.32 IDENTIFICATION SECURITY PROTECTION FUND.

(A) The County Identification Security Protection Fund ("Fund") is hereby established pursuant to I.C. 36-2-7.5-6(b)(2), effective as of January 1, 2006.

(B) The Fund shall consist of money deposited into the fund under I.C. 36-2-7.5-6(b)(2), and shall be administered by the County Recorder.

(C) The County Recorder, upon appropriation by the County Council, may use money in the Fund only to purchase, upgrade, implement, or maintain redacting technology used in the office of the County Recorder.

(D) Money in the Fund does not revert to the General Fund.
(Ord. BCC-2005-68, passed 12-5-05)

§ 33.33 SHERIFF DEPUTY BENEVOLENT FUND.

(A) There is hereby established the Howard County Sheriff Deputy Benevolent Fund ("Fund").

(B) The Fund shall be maintained and operated in accordance with the guidelines attached to CC Ord. 2007-51 and incorporated herein as Exhibit A, as from time to time amended; provided, that any such amendment of the guidelines shall not become effective until approved by resolution of this Council.

(C) The Sheriff's Department shall establish and maintain the Fund bank account(s) for the purposes authorized herein. The Fund Committee shall control, deposit to and disburse from the Fund account(s). The Fund and Fund account(s) shall be subject to annual audit by the Indiana State Board of Accounts.

(D) Disbursements from the Fund may be made without appropriation by the County Council; however, the Fund Committee shall report Fund income and disbursements to the County Council no less frequently than annually.
(Ord. CC-2007-51, passed 12-11-07)

§ 33.34 SUPPLEMENTAL PUBLIC DEFENDER SERVICES FUND.

(A) The funds collected by the Auditor of Howard County in the fund known as the Howard County Public Defender Supplemental Fund shall be used to supplement the existing budget of the Howard County Public Defender for the year 2016 for purposes and expenses to provide better quality services available to those persons who have been appointed legal counsel in Howard County. These expenditures may be for items designated at the discretion of the Howard County Public Defender including, but not limited to, equipment, special court reporter expenses, travel expenses, witness fees, expert witness fees, expert witness analysis, investigation, seminar expenses, continuing legal education, both in Indiana and outside of Indiana, subscriptions, office expenses, computers, copiers, fax machines, I-Pads, cell phones, and for any purposes deemed appropriate by the Howard County Public Defender consistent with I.C. 33-0-11.5.

(B) The expenditures from the Fund shall be made by the Howard County Auditor and Treasurer of Howard County upon submission to the Auditor of a claim form indicating the service, equipment, supply, or other item of expenditure, which will be paid by the Treasurer of Howard County upon receipt of the claim without the need for ordinary advertising as other claims submitted for payment from the General Fund.
(Ord. 2011-HCCO-5, passed 2-22-11; Am. Ord. 16-HCCO-05, passed --)

§ 33.35 REVOLVING LOAN FUND.

Pursuant to I.C. 5-1-14-14(b), the Auditor of Howard County is hereby authorized and directed to establish a Revolving Loan Fund for the purpose of loaning money to local government entities for economic development purposes. The name of the fund shall be “The Howard County Revolving Loan Fund,” hereinafter referred to as the “RLF.” (Ord. 2013-HCCO-08, passed 4-23-13)

§ 33.36 RECORDER’S ENHANCED ACCESS FUND.

(A) There is hereby established a Recorder’s Enhanced Access Fund No. 1154 (“Fund”), which shall consist of the access fees collected by the Howard County Recorder under I.C. 5-14-3-8(h). The Recorder shall pay from the Fund the vendors’ portion of the access fees as an operating expense authorized by I.C. 5-14-3-8.3.

(B) Pursuant to I.C. 5-14-3-8(h), the Fund is a dedicated fund with the following purposes:

(1) The replacement, improvement, and expansion of capital expenditures; and

(2) The reimbursement of operating expenses incurred in providing enhanced access to public information.

(C) Consistent with these stated purposes, the Recorder in his or her discretion and upon appropriated by the Council, is hereby authorized to use and expend the Fund:

(1) For the replacement, improvement, and expansion of equipment used to maintain the Howard County Recorder’s Document Indexing System upon which enhanced access depends; and/or

(2) For the reimbursement of operating expenses incurred in providing enhanced access to public information by the Howard County Recorder’s Office.

(D) The Howard County Recorder shall administer the Fund in a manner consistent with the terms of this section.

(E) The Council authorizes and confirms the Recorder’s authority to collect the access fees pursuant to I.C. 5-14-3-8(h). (Ord. 2013-HCCO-16, passed 8-20-13)

§ 33.37 EMERGENCY MANAGEMENT DONATIONS FUND.

(A) There is hereby established the Emergency Management Donations Fund (“Fund”), which shall consist of all monetary donations received by the Department. The Director shall immediately deposit all donations in the Fund.

(B) Upon annual appropriation by the Howard County Council and periodic approval by the Department’s Advisory Council, the Director may use the “Fund” (as a supplement to the Department’s annual budget) for the purchase of items directly related to the Department’s mission, such as (by way of example and not limitation):

(1) Radio/portable/fire pager repair-batteries;

(2) Car washes;

(3) Medical supplies for ambulances;

(4) Vehicle accessories;

(5) Uniforms for volunteers;

(6) Badges;

(7) Office supplies for departments;

(8) Food for volunteers and members in the course of duty;

- (9) Food for special dinners when specified by a donor;
- (10) Water and soft drinks for members and volunteers;
- (11) Pepper spray;
- (12) EMT classes for volunteers;
- (13) EVOC training;
- (14) Fire equipment and gear;
- (15) Plaques for volunteers; and
- (16) IVFA membership dues.

(C) The Director, under the supervision of the Advisory Council, shall administer the Fund in a manner consistent with the terms of this section. (Ord. 2014 BCCO-14, passed 5-5-14)

TAXATION

§ 33.45 ECONOMIC DEVELOPMENT INCOME TAX IMPOSED; CAPITAL IMPROVEMENT PLAN ADOPTED.

(A) The County Income Tax Council imposes the County Economic Development Income Tax (EDIT) on the county taxpayers. Such tax is imposed at a rate of 0.2% on the county taxpayers. This tax takes effect on July 1, 1996. (CC Ord. 1996-1, passed 2-6-96)

(B) The Board of Commissioners, as the executive of the county, hereby adopts a capital improvement plan for the county, to provide for the expenditure of at least 75% of the fractional amount

certified distribution expected to be received by the county from EDIT revenues for the year 2010 and 2011.

(BCC Res. 1996-28, passed 7-15-96; Am. BCC Res. 1996-36, passed 9-9-96; Am. BCC Res. 1999-16, passed 4-26-99; Am. Res. BCC-2008-01, passed 1-7-08; Am. Res. 2010-BCCR-23, passed 11-15-10; Am. Res. 2011-BCCR-2, passed 1-4-11; Am. Res. 2011-BCCR-07, passed 3-21-11; Am. Res. 2011-BCCR-13, passed 6-6-11; Am. Res. 2011-BCCR-27, passed 9-6-11)

§ 33.46 VEHICLE TAXES: EXCISE SURTAX AND WHEEL TAX.

(A) *Excise surtax.* Beginning January 1, 1984, and until further amended by ordinance, all passenger vehicles, motorcycles and trucks with a declared gross weight that does not exceed 11,000 pounds, registered in the county, that are now subject to an excise tax (in lieu of a property tax) shall also be subject to an annual excise surtax of 10%. The surtax on a vehicle shall not be less than \$7.50, to be paid with the registration of the motor vehicle.

(`83 Code, § 70.20)

(B) *Wheel tax.*

(1) Beginning January 1, 1984, and until further amended by ordinance, all of the following six classes of vehicles and vehicles within those classes based on weight classification of those vehicles that are established by the Bureau of Motor Vehicles for use throughout the state, registered in this county, shall be subject to an annual wheel tax as set out in the following schedule, to be paid with the registration of those vehicles:

| <i>Vehicle Classification</i> | <i>Annual Wheel Tax</i> |
|--|-------------------------|
| Buses. | \$15 |
| Recreational vehicles. | 20 |
| Semitrailers. | 15 |
| Tractors. | \$20 |
| Trailers | |
| Gross weight of less than 3,000 pounds. | 5 |
| Gross weight of 3,000 pounds or more and less than 5,000 pounds. | 5 |
| Gross weight of 5,000 pounds or more and less than 7,000 pounds. | 5 |
| Gross weight of 7,000 pounds or more and less than 9,000 pounds. | 5 |
| Gross weight of 9,000 pounds or more. | 5 |
| Trucks. | 15 |

(2) As provided by I.C. 6-3.5-5-4, the following motor vehicles are exempt from the annual wheel tax: vehicles owned by the state, a state agency or a political subdivision; buses owned and operated by a religious or non-profit youth organization and used to haul persons to religious services or for the benefit of their members; and vehicles subject to the annual excise surtax. ([^]83 Code, § 70.21)

(C) *Use of funds.* Beginning January 1, 1984, all of the excise surtax and wheel tax collected on motor vehicles registered in this county shall be distributed, as provided for in I.C. 6-3.5-4-13 and 6-3.5-5-15, to the county, city and town units of this county and shall be used only to construct, reconstruct, repair or maintain streets and roads under their jurisdiction. ([^]83 Code, § 70.22) (Ord. 1983-17, passed - -83)

§ 33.47 INNKEEPER’S TAX.

(A) Commencing January 1, 2014, a tax is hereby levied on every person engaged in the business of renting or furnishing, for periods of less than 30 days, any room or rooms, lodgings or accommodations in any hotel, motel, boat motel, inn, college or university memorial union, college or university hall or dormitory, or tourist cabin that is located in the county. The tax shall be imposed at a rate of 5% commencing January 1, 2014.

(B) The County Treasurer shall continue to maintain a Convention and Visitor Fund as provided by I.C. 6-9-18-4. The innkeeper’s tax shall be reported on forms as issued and approved by the County Treasurer and shall provide that the tax shall be paid monthly to the County Treasurer. Pursuant to I.C. 6-9-18-3, the innkeeper’s tax is to be paid to the County Treasurer not more than 20 days after the end of the month the tax is collected. The County Council acknowledges and confirms that all the provisions of I.C. 6-2.5 relating to the rights, duties, liabilities, procedures, penalties, definitions, exemptions and administration are applicable to the imposition and administration of the tax imposed.

([^]83 Code, § 32.06(E), (F)) (Ord. 2013-HCCO-27, passed 10-22-13)

Statutory reference:

Tax authorized by state law, see I.C. 6-9-15-6

§ 33.48 MOBILE HOME AND PROPERTY TAXES; SINGLE PAYMENT IF \$25 OR LESS.

(A) Effective January 1, 1987, an owner of a mobile home is hereby required to pay his or her property tax liability for his or her mobile home in one installment if the tax liability for a particular year is less than \$25.

(B) Whenever a tax statement shows that an owner’s property tax liability for a particular year for a mobile home is less than \$25, the owner shall pay the entire tax liability for the mobile home for that year on May 10 of that year.

(C) Effective January 1, 1987, a person is hereby required to pay his or her property tax liability in one installment if the tax liability for a particular year is less than \$25.

(D) Whenever a tax statement shows that the person's property tax liability for a year is less than \$25 for the property covered by that statement, the tax liability for that year is due in one installment on May 10 of that year.

(CC Ord. 1986-18, passed 12-2-86)

§ 33.49 FUND FOR OPERATION AND MAINTENANCE OF THE COUNTY JAIL AND JUVENILE DETENTION CENTER.

(A) *Funding.* The County Council hereby finds and determines that revenues from the county option income tax authorized by I.C. 6-3.5-6-28 are needed in the county to fund the operation and maintenance of both the county jail and juvenile detention center.

(B) *Agreement.* The Council hereby covenants and agrees to freeze the part of any property tax levy imposed in the county for the operation of both the jail and juvenile detention center at the rate imposed in the year preceding the year in which a full year of additional county option income tax is certified for distribution to the county, for the term in which this section is in effect.

(C) *Adoption of tax.* Based upon the foregoing determination, the Howard County Council hereby adopts and imposes a county option income tax at a rate of 0.25% on the adjusted gross income of resident county taxpayers; and one-fourth of 0.25% on the adjusted gross income of the nonresident county taxpayers of the county.

(D) *Jail Revenue Fund.* The County Treasurer shall establish a County Jail Revenue Fund. County option income tax revenues derived from the tax rates imposed under this section shall be deposited in the County Jail Revenue Fund before making a certified distribution. This fund shall also include the frozen property tax levy determined under division (B) of this section.

(E) *Uses restricted.* County option income tax revenues derived from the tax rates imposed under this section:

(1) May be used only for the purposes described by statute; and

(2) May not be considered by the Department of Local Government Finance in determining the county's maximum permissible property tax levy limit under I.C. 6-1.1-18.5.

(F) *Application.* This section shall apply to the imposition of the Jail COIT after September 30, 2015. (Ord. CC-2007-12, passed 3-27-07; Am. Ord. CC-2007-26, passed 6-26-07; Am. Ord. 2015 HCCO-22, passed 7-28-15)

§ 33.50 APPLICATION OF PROPERTY TAX REFUNDS TO DELINQUENT PROPERTY TAXES.

(A) The County Auditor and Treasurer are hereby authorized and directed to apply the amount of all refunds first against any delinquent property taxes owed in the county by the taxpayer.

(B) If so authorized and/or advised, either orally or in writing, by the Indiana Department of Local Government Finance, the Indiana Department of State Revenue or the Indiana Property Tax Replacement Fund Board, the Auditor and Treasurer may interpret "delinquent property taxes owed," as that term is used in the Act, as including penalties, special assessments and/or liens.

(Ord. BCC-2007-48, passed 12-17-07)

**§ 33.51 AUTOMATIC MONTHLY
DEDUCTIONS FOR PAYMENT OF
PROPERTY TAXES.**

(A) Pursuant to I.C. 6-1.1-22-9.7(e), Howard County hereby allows all county taxpayers to pay one or more installments of property taxes by means of an AMD.

(B) This section shall take effect immediately upon its adoption and signature by the President; and shall apply to the Spring 2012 installment of property taxes and each consecutive installment indefinitely, unless terminated by action of the Council.

(C) As required by I.C. 6-1.1-22-9.7(f), the Treasurer shall give such notice, and provided such forms, to taxpayers as are necessary to implement the AMD option.

(D) The Howard County Board of Commissioners acting for and on behalf of the Treasurer and Auditor, is hereby authorized to enter into any contracts with financial institutions necessary to implement the AMD options, so long as such contracts conform to the requirements of I.C. 6-1.1-22-9.7.

(Ord. 2010-HCCO-32, passed 11-23-10; Am. Ord. 2011-HCCO-29, passed 11-22-11)

CHAPTER 34: PERSONNEL POLICIES

Section

- 34.01 Employee Handbook adopted
- 34.02 Additional employee contributions to state employees' retirement fund
- 34.03 Policy prohibiting nepotism
- 34.04 Policy requiring disclosure of contracts with relatives

§ 34.01 EMPLOYEE HANDBOOK ADOPTED.

The current County Employee Handbook, as may be amended from time to time, is hereby adopted by reference and made a part of this code as if set forth in full herein.

(Am. 2004-BCC-18, passed 8-16-04; Am. Ord. BCC-2004-45, passed 12-6-04; Am. Ord. BCC-2005-05, passed 1-18-05; Am. Res. 2005-BCC-06, passed 4-18-05; Am. Ord. 2005-BCC-10, passed 2-21-05; Am. Ord. BCC-2005-19, passed 5-2-05; Am. Ord. 2006-BCC-12, passed 3-20-06; Am. Ord. 2006-BCC-48, passed 12-18-06; Am. Ord. 2007-BCC-31, passed 7-2-07; Am. Ord. 2008-BCC-20, passed 6-16-08; Am. Ord. 2009-BCC-11, passed 3-16-09; Am. Ord. 2009-BCC-16, passed 5-18-09; Am. Ord. 2010-BCC-29, passed 10-18-10; Am. Ord. 2011-BCCO-17, passed 7-5-11; 2013-BCCO-24, passed 10-7-13; 2013-BCCO-30, passed 11-18-13; 2014-BCCO-36, passed 12-1-14; 2014-BCCO-42, passed 12-29-14; 2014-BCCO-8, passed 3-16-15; 2015-BCCO-24, passed 8-17-15; 2015-BCCO-41, passed 11-15-15; Am. Ord. 2016 BCCO-08, passed 2-15-16; Am. Ord. 2016 BCCO-20, passed 6-20-16; Am. Ord. 2016 BCCO-47, passed 12-28-16)

§ 34.02 ADDITIONAL EMPLOYEE CONTRIBUTIONS TO STATE EMPLOYEES' RETIREMENT FUND.

(A) Effective as of September 1, 2003, the county desires to pick-up all of the additional employee contributions made by employees through a binding irrevocable payroll deduction authorization. No additional employee contributions prior to August 26, 2003 shall be picked-up.

(B) Such additional employee contributions for state law purposes, are being paid by the county in lieu of said contributions by the employee.

(C) The county shall comply with all of the terms and provisions of the Pick-Up Regulation and applicable provisions of the Internal Revenue Code. (Ord. 2003-HCC-16, passed 8-26-03)

Statutory reference:

For statute authorizing employer pick-up of additional employee retirement contributions, see I.C. 5-10.2-3-2

§ 34.03 POLICY PROHIBITING NEPOTISM.

(A) *Definitions.* The following definitions shall apply in the interpretation and the enforcement of this section.

(1) **EMPLOYED.** An individual who is employed by the county on a full time, part time, temporary, intermittent or hourly basis. The term does not include an individual who holds only an elected

office. The term includes an individual who is a party to an employment contract with the county. The performance of the duties of a precinct election officer (as defined in I.C. 3-5-2-40.1) that are imposed by I.C. Chapter 3 is not considered employment by the county.

(2) ***DIRECT LINE OF SUPERVISION.***

An elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation. The term does not include the responsibilities of the County Council or Board of County Commissioners to make decisions regarding salary ordinances, budgets or personnel policies of the county.

(3) ***RELATIVE.***

(a) Any of the following:

1. Spouse;
2. Parent or step parent;
3. A child or step child;
4. Brother, sister, step brother or step sister;
5. A niece or nephew;
6. An aunt or uncle; or
7. A daughter-in-law or son-in-law.

(b) An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" shall include a brother or sister by half blood (a common parent).

(B) ***Nepotism prohibited.***

(1) Individuals who are relatives shall not be employed by the county in a position that results in one relative being in the direct line of supervision of the other relative.

(2) An individual shall not be promoted to a position if the new position would cause their relative to be in the direct line of supervision of that individual.

(C) ***Exceptions to prohibition against nepotism.***

(1) This section does not abrogate or affect an employment contract with the county that an individual is a party to and is in effect on the date the individual's relative begins service of a term of an elected office of the county.

(2) This section does not apply to individuals who are employed by the county on the date the individual's relative begins serving a term of an elected office in the county and the individual is in the direct line of supervision of the newly elected official.

(3) This section does not apply to a spouse of the County Sheriff employed by the county as prison matron for the county under I.C. 36-8-10-5.

(4) This section does not apply to an individual who served as County Coroner, is currently ineligible to serve due to term limits under Article 6 Section 2(b) of the Constitution of the State of Indiana, has received certification under I.C. 36-2-14-22.3, and whose successor in the office of County Coroner is a relative.

(D) ***Impact of section of those individuals employed by county on July 1, 2012.*** An individual who is employed by the county on July 1, 2012, is not subject to this section unless the individual has a break in employment with the county. The following are not considered a break in employment with the county:

(1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker’s compensation.

(2) The individual’s employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

(E) Certification by elected officers of the county. Each elected officer of the county shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this section. An elected officer shall submit the certification to the Board of County Commissioners not later than December 31 of each year.
(Res. 2012-BCCR-17, passed 6-28-12)

§ 34.04 POLICY REQUIRING DISCLOSURE OF CONTRACTS WITH RELATIVES.

(A) *Definitions.* The following definitions shall apply in the interpretation and the enforcement of this section:

(1) ***ELECTED OFFICIAL.*** A County Commissioner or County Council member.

(2) ***RELATIVE.***

(a) Any of the following:

- 1. Spouse;
- 2. Parent or step parent;
- 3. A child or step child;
- 4. Brother, sister, step brother or step sister;
- 5. A niece or nephew;

6. An aunt or uncle; or

7. A daughter-in-law or son-in-law.

(b) An adopted child of an individual is treated as a natural child of the individual. The terms “brother” and “sister” shall include a brother or sister by half blood (a common parent).

(B) *Application to certain contracts.*

(1) The county may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with an individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official only if disclosure requirements under this section are satisfied,

(2) Contracts in existence at the time the term of office of the elected official begins are not affected until those contracts are renewed.

(C) *Disclosure of contracts with relatives.*

(1) An elected official whose relative enters into a contract with the county shall file a full disclosure of that contract.

(2) Disclosure statement must be in writing, describe the contract or purchase to be made by the county, describe the relationship that the elected official has to the individual or business entity that contracts or purchases, and be affirmed under penalty of perjury.

(3) Disclosure statement must be submitted to the Board of County Commissioners and be accepted by the Board in a public meeting prior to final action on the contract or purchase.

(4) Disclosure statement must be filed not later than 15 days after final action on the contract or

purchase with the State Board of Accounts, and the Howard County Clerk of the Circuit Court.

(D) *Actions by Board of Commissioners or appropriate agency.* The Board of County Commissioners or an appropriate agency of the county designated by the Board of County Commissioners shall make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered or make a certified statement of the reasons why the vendor or contractor was selected.

(E) *Certification by elected officers of the county.* Each elected officer of the county shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this section. An elected officer shall submit the certification to the Board of County Commissioners not later than December 31 of each year.

(Res. 2012-BCCR-19, passed 6-28-12)

CHAPTER 35: EMERGENCY MANAGEMENT

Section

- 35.01 Definitions
- 35.02 Proclamation; curfew
- 35.03 Orders of the Sheriff
- 35.04 Time limit of curfew
- 35.05 Application of chapter

Cross-reference:

Department of Emergency Management and Advisory Council, see § 31.10

Police Force, see § 32.01

§ 35.01 DEFINITIONS.

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

CIVIL EMERGENCY. A riot or unlawful assembly characterized by the use of actual force or violence, or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without power of law.

CURFEW. A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, sidewalk, public property or vacant premises within the unincorporated limits of the county, except officers or persons designated as not subject to such curfew.
(`83 Code, § 90.01) (Ord. 1969-7, passed 7-2-69)

§ 35.02 PROCLAMATION; CURFEW.

(A) When, in the judgment of the Sheriff, a civil emergency as defined in § 35.01 is deemed to exist,

he or she shall forthwith proclaim with the approval of the Board of Commissioners, in writing, the existence of the civil emergency.

(B) After proclamation of a civil emergency by the Sheriff with the approval of the Board of Commissioners, the Sheriff may order a general curfew applicable to such unincorporated geographical areas of the county, or to the county as a whole with the exception of the incorporated areas, as he or she deems advisable and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

(`83 Code, § 90.02) (Ord. 1969-7, passed 7-2-69)
Penalty, see § 10.99

§ 35.03 ORDERS OF THE SHERIFF.

After proclamation of a civil emergency by the Sheriff with the approval of the Board of Commissioners, the Sheriff may also, in the interest of public safety and welfare, make any or all of the following orders:

(A) Closing of all liquor stores.

(B) Closing of all beer taverns.

(C) Closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer is permitted.

(D) Discontinuance of the sale of beer.

(E) Discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or

combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(F) Closing of gasoline stations and other establishments, the chief activity of which is to the sale, distribution or dispensing of liquid flammable or combustible products.

(G) Discontinuance of the sale, distribution and dispensing or giving away of any firearms or ammunition of any character whatsoever.

(H) Closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition.

(I) Issue such other orders as are eminently necessary for the protection of life and property.
(`83 Code, § 90.03) (Ord. 1969-7, passed 7-2-69)
Penalty, see § 10.99

§ 35.04 TIME LIMIT OF CURFEW.

The curfew authorized in this chapter or the orders authorized in § 35.03 shall remain in effect until rescinded by the Sheriff, but for a period not to exceed 72 hours from the time they became effective unless approved by the Board of Commissioners.
(`83 Code, § 90.04) (Ord. 1969-7, passed 7-2-69)

§ 35.05 APPLICATION OF CHAPTER.

This chapter shall not apply to any of the incorporated cities and towns of the county.
(`83 Code, § 90.05) (Ord. 1969-7, passed 7-2-69)

CHAPTER 36: COUNTY POLICIES

Section

- 36.01 (Reserved)
- 36.02 Medical care co-payments by certain jail inmates
- 36.03 Use and access to the County Courthouse lawn
- 36.04 Business travel procedure
- 36.05 Prisoner reimbursement of incarceration costs
- 36.06 Purchasing practices
- 36.07 Commercial reproduction of electronic data restricted
- 36.08 Fees for copies of documents and copies of electronics formatted data
- 36.09 Fees for auditor's mapping
- 36.10 Fees for photocopies and facsimile transmissions
- 36.11 Veterans' burial allowances
- 36.12 Rules for use of Government Center meeting rooms
- 36.13 Advance payment of claims and payment of membership dues and subscriptions
- 36.14 County Courthouse security rules
- 36.15 Uniform categories for travel emergencies
- 36.16 Restricted addresses

Cross-reference:

- Firearms prohibited in the County Courthouse, see § 130.02*
- Personnel policies adopted, see § 34.01*

§ 36.01 (RESERVED)

§ 36.02 MEDICAL CARE CO-PAYMENTS BY CERTAIN JAIL INMATES.

(A) As used in this section, the term ***JAIL INMATE*** shall include and apply to all persons confined to the County Criminal Justice Center except that it shall not include or apply to any person who:

(1) Maintains a policy of insurance from a private company covering medical care, dental care, eye care or any other health care-related service, including but not limited to prescription drugs and non-prescription medications.

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

(3) Is committed to the Department of Correction.

(B) (1) Except as provided in division (C), every jail inmate shall be required to make co-payments of up to \$15 for each provision of any of the following services provided by the county: medical care, dental care, eye care or any other health care-related service, including but not limited to prescription drugs and non-prescription medications.

(2) The County Sheriff shall prepare, maintain and post a listing of the exact co-payment charges to be made under this division, which list may be amended from time to time by the Sheriff.

(C) A jail inmate is not required to make the co-payment required under division (B) if:

(1) The jail inmate does not have funds in his or her commissary account or trust account at the time the service is provided;

(2) The jail inmate does not have funds in his or her commissary account or trust account within 60 days after the service is provided;

(3) The service is provided in an emergency;

(4) The service is provided as a result of an injury received in the County Criminal Justice Center; or

(5) The service is provided at the request of the County Sheriff or his or her authorized staff. (BCC Ord. 1995-13, passed 4-3-95; Am. Ord. BCC-2003-16, passed 4-7-03)

§ 36.03 USE AND ACCESS TO THE COUNTY COURTHOUSE LAWN.

(A) Findings and determinations.

(1) A review of the board minutes and other investigations discloses the to the best of the Board of County Commissioner's knowledge that:

(a) With apparently but one exception, the Board of County Commissioners has maintained strict control over access to the Courthouse lawn, and such access has been limited in nature.

(b) In the limited instances there access has been permitted, it has been granted by the Board of County Commissioners to civic, non-profit organizations such as the United Way and Chamber of Commerce.

(c) For the past few years, a small gas torch has been erected on the northeast corner of the Courthouse lawn and lit in observance of Domestic Abuse Week. This torch burns for a few days annually and no signage or any sort accompanies the torch. Apparently, the Board of County Commissioners has never authorized this display by formal resolution.

(d) In December 1996, the Courthouse maintenance staff place Christmas lights on the evergreen trees growing on the Courthouse Lawn.

(e) It does not appear that the Board of County Commissioners has ever authorized, either formally or informally, any religious displays or symbols to be placed on the Courthouse lawn.

(f) The Board of County Commissioners is currently considering beautification of the Courthouse lawn and has caused the shrubs bordering the lawn to be removed as a first step in such beautification project.

(g) It does not appear that the Board of County Commissioners has ever acted by formal resolution to establish any written policy with regard to use of or access to the Courthouse lawn.

(h) It does not appear that the Courthouse lawn has ever been an open public forum, but rather any request for a display or other temporary use of the Courthouse lawn has been considered by the Board of County Commissioners on a limited request-by-request basis.

(i) The Board of County Commissioners does not believe that the Courthouse Lawn has been either a traditional or designated public forum.

(j) It does not appear that the Board of County Commissioners has ever declared the Courthouse lawn to be either a traditional public forum or a designated (limited) public forum and no such declarations appear in any board minutes.

(2) The Board of County Commissioners has been advised by the County Attorney that the United States Supreme Court case of *Lamb's Chapel v. Center Moriches*, 124 L.Ed.2d 352 (1993), and the Seventh Circuit Court of Appeals cases of *Rabbi Grossbaum v. Indianapolis - Marion County Building Authority*, 63 F.3d 581 (7th Cir. 1995) and 100 F.3d 1287 (7th Cir. 1996), have only recently clarified the extent to which it is constitutionally permissible for a government authority to restrict access to public property, and this Board of County Commissioners seeks to clarify its position with respect to the use of and access of the County Courthouse lawn consistent with the legal principles set forth in these and other applicable court decisions.

(B) *Declarations*. Based upon the foregoing findings and determinations, be it ordained by the Board of County Commissioners that:

(1) The Board of County Commissioners does not now declare the Courthouse lawn to be a traditional public forum or to be a designated (limited) public forum, but now hereby declares the County Courthouse lawn (excluding the sidewalks and any benches which the county may erect and maintain for public seating purposes only, contiguous to and as an extension of the sidewalks) to be a non-public forum.

(2) As a non-public forum, the Board of County Commissioners hereby declares that the Courthouse lawn (excluding the sidewalks and any benches which the county may erect and maintain for public seating purposes only, contiguous to and as an extension of the sidewalks) shall be used exclusively by the government for governmental purposes, and no displays, signs or similar structures shall be permitted or authorized to be erected by any non-governmental private group upon the Courthouse lawn for any purpose.

(BCC Ord. 1997-8, passed 3-3-97) Penalty, see § 10.99

§ 36.04 BUSINESS TRAVEL PROCEDURE.

The county will reimburse employees and officials for reasonable business travel expenses necessary to conduct county business based upon budgeted allocation. All employees must receive advance travel authorization from their elected official or department manager for any travel to be reimbursed.

(A) *Mileage*.

(1) Employees utilizing their personal vehicle for County business shall be reimbursed up to \$.44 per mile. Mileage for out-of-town or out-of-state travel and/or meetings/conferences will be paid from the place of work or home to the destination, or in the case of air travel, the airport in which the travel will be initiated, in all cases whichever is the lesser amount. Travel from home to work and work to home is not considered reimbursable mileage. All claims for mileage shall be filed on a Mileage Claim, General Form 101.

(2) *Mileage for Howard County courts - home visits outside normal business hours (I.C. 11-13-1-1(c))*. Mileage shall be reimbursable for business purposes such as conducting home visits on probation clients with the prior approval of the Court or the Chief Probation Officer/Department Head. In the case of home visits for probation clients, mileage shall only be reimbursable for travel within Howard County.

(a) Please attach a copy of the Google Map, which shows the beginning and ending destination of your travel. If a detour is active in your travel, please add the mileage to your Google Map and initial.

(b) *Howard County Board of Health*. Mileage shall be reimbursable for business purposes such as conducting inspections with the prior approval of the Administrator of the Health Department. Mileage shall only be reimbursable for travel within Howard County.

(B) *Transportation.* Whenever practical, travel will be accomplished in a county owned vehicle or via common carrier. Employees are expected to limit travel expenses to reasonable and economical amounts. Air travel shall be reimbursable for coach class only. The expense of parking and or tolls will be reimbursed based upon a supported receipt. The cost of renting a vehicle, excluding personal usage, shall be reimbursable if suitable local public transportation is not available or practicable. The least expensive practical vehicle shall be rented. Collision Damage Waiver (CDW) or Liability Damage Waiver (LDW) insurance covering the rented vehicle is a reimbursable expense.

(C) *Subsistence.* Employees may be reimbursed for meals including gratuity for travel up to \$50 per day. However, for travel days, the per diem for meals shall be reduced depending upon the departure time. For a departure time after 6:00 a.m. the per diem will be reduced by \$8; for a departure time after 12:00 p.m., the per diem shall be reduced by \$23; and, if the departure time is after 6:00 p.m., no per diem can be reimbursed. Upon returning, per diem for meals shall be reduced depending upon arrival times. For an arrival time prior 6:00 a.m. a per diem will not be reimbursed; for an arrival time after 6:00 a.m. the per diem will be reduced by \$42; for an arrival time after 12:00 p.m., the per diem shall be reduced by \$23; and, if the arrival time is after 6:00 p.m., a full per diem can be reimbursed. If eligible for full day reimbursement, no limits on meals are required but reimbursement for meals will not exceed the maximum daily subsistence amount. The conference/meeting agenda and fully itemized receipts for meals are required. No alcoholic beverages are allowed for reimbursement. The employee is not eligible to receive any reimbursement for meals, if the conference/meetings include meals with their agenda. Pre-paid conference meals are assigned the following values in order to determine remaining per-diem for non-paid meals at the same conference/meeting: breakfast \$8; lunch \$15; Dinner \$27.

(D) *Lodging.*

(1) *In-state.* An employee may be reimbursed up to a single occupancy room rate of \$99.99 plus applicable tax per day or the presumed conference rate for lodging plus applicable tax for double occupancy. Employees of the same sex are encouraged to share a room when traveling to the same destination. Itemized receipts must still be submitted for lodging expenses.

(2) *Out-of-state.*

(a) An employee may be reimbursed for lodging at the presumed conference rate (for conferences or training) for lodging plus applicable tax or the rate established by the United States General Services Administration for other lodging (not inclusive of conferences or training). Whenever possible, employees of the same sex are encouraged to share a room when traveling to the same destination. Itemized receipts must still be submitted for lodging expenses.

(b) An employee is not entitled to lodging or a subsistence allowance the night before any conference, training seminar, and the like, within the County limits of Marion County, Indiana or within 50 miles from the place of work or home, whichever is the lesser amount.

(c) An employee is entitled to lodging or a subsistence allowance for over-night travel for a two-day or longer conference, training seminar, and the like, or more in Marion County, Indiana, in order to reduce the total cost of the travel expenses.

(3) *State called meetings.*

(a) State called meeting are meetings that attendance is required by the State Board of Accounts of certain county officials due to their employment or elected position. An employee

attending a “state called” meeting shall be reimbursed an allowance based upon the state directive specific to such meeting. Itemized receipts must still be submitted for all travel expenses.

(b) When state statutes govern the amounts of allowable travel reimbursements, those statutes supersede our travel policy. Itemized receipts must still be submitted for all travel expenses.

(E) *Return of fugitive.* A travel expense advance will be issued based upon an authorized claim form. All reasonable travel expenses will be paid at the rate listed on supported receipts. Completed travel expense reports and receipts for all related expenses must be submitted to the Auditor’s Office within 30 days after travel.

(F) *General.*

(1) Employees must submit, to the Auditor’s Office, completed Howard County Government Travel Expense Report Form, standard properly itemized receipts, and a Mileage Claim -General Form 101 (applicable to mileage expenses) for all individual expenses within 30 days after travel.

(2) In the instance of a reimbursement request that does not apply with the travel policy the Auditor’s Office may make immediate payments for all approved charges. A second payment for contested expenses will be reimbursed after review and approval by the Howard County Board of Commissioners.

(3) With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel; as long as time away from work is approved, non-business and family related expenses are the responsibility of the employee. Abuse of this business travel expense policy, including falsifying expense reports to reflect costs not incurred by the employee,

can be grounds for disciplinary action up to and including termination of employment. Employee pay for travel time shall be determined according to applicable provisions of the Fair Labor Standards Act.

(4) Exceptions to this travel policy may be approved by the Howard County Board of Commissioners.

(Res. 1998-CC-21, passed - -98; Am. Res. 2014-HCCR-12, passed - -)

§ 36.05 PRISONER REIMBURSEMENT OF INCARCERATION COSTS.

(A) Pursuant to I.C. 36-2-13-15, the Board hereby elects to implement the provisions of the Act, effective July 1, 1998.

(B) Pursuant to I.C. 35-50-5-4 and 36-2-13-15, a court may order persons meeting the qualifications set forth in the Act, to execute a reimbursement plan as directed by the court and make repayments under the plan to the county for the costs permitted by the Act.

(C) The County Council of the county shall fix a per diem payable by the prisoners which is reasonably related to the average daily cost of housing a prisoner in the county’s facilities. Pursuant to the Act, the amount of reimbursement shall be the sum of the lesser of such per diem determined by the Council or \$30 per day multiplied by each day or part of that such person is lawfully detained for more than six hours, the direct cost of investigating whether the person is indigent, and the cost of collecting the amount for which the person is liable.

(D) The Board of Commissioners hereby directs the Sheriff of Howard County to develop and implement a plan to collect and account for prisoner reimbursements pursuant to the Act. With respect to reimbursement payments which the Sheriff fails to collect, the Board of Commissioners hereby authorizes the County Attorney or the Assistant County Attorney

to institute legal proceedings to collect such reimbursements. As an alternative, the Board of Commissioners may enter into a contract for collection services under I.C. 5-22-6.5-1 et seq. In either event, costs of collection may be recovered pursuant to I.C. 36-2-13-15(d)(3).

(E) The Board of Commissioners hereby establish a separate, non-reverting fund for the placement of the funds collected pursuant to the Act, to be designated as the "Howard County Prisoner Reimbursement Fund." Such fund may be used for any purposes now or in the future permitted by law, which purposes currently include the operation, construction, repair, remodeling, enlarging, and equipment of a county jail or a juvenile detention center.

(Ord. 1998-BCC-30, passed 6-15-98; Am. Ord. 1998-CC-32, passed 7-21-98)

§ 36.06 PURCHASING PRACTICES.

(A) Designation of purchasing agency. The

Howard County Board of Commissioners is hereby designated as the “Purchasing Agency” for all boards, offices, commissions, councils, departments or other establishments of Howard County, Indiana.

(B) Powers of the purchasing agency. The purchasing agency designated in division (A) of this section shall:

(1) Assume the duties, powers and responsibilities assigned to purchasing agencies under the Act, I.C. 5-22-1-1 et seq.

(2) Establish procedures, not inconsistent with the Act or this section, for obtaining supplies or services in a manner which will obtain the greatest economic value for Howard County.

(3) Prepare specifications and notice to bidders and ascertain that required notices are published where bidding and publication of notices are required by law.

(4) Designate in writing a purchasing agent to carry out the purposes of this section. Such purchasing agent shall act as the agent for the purchasing agency in the administration of the duties of the purchasing agency under the Act. The purchasing agent may not make purchases except as provided in division (C) below.

(5) Designate in writing such “Limited Purchasing Agents” as the purchasing agency deems appropriate and define in writing the limitations of their authority consistent with division (C) below.

(6) To make or authorize all purchases pursuant to the Act not delegated to the purchasing agent or limited purchasing agents under subdivisions (4) and (5) of this division (B).

(C) Purchases under \$150,000.

(1) A **SMALL PURCHASE** is a purchase of supplies (as defined by I.C. 5-22-2-38) with an expected cost of less than \$50,000.

(2) The Purchasing Agency may make a small purchase without competitive bidding under I.C. 5-22-7-1 et seq. or quotes under I.C. 5-22-8-1 et seq. upon such terms and conditions as it shall in its sole discretion deem appropriate.

(3) A Purchasing Agent is hereby authorized to make a small purchase not to exceed an expected cost of \$10,000 without competitive bidding under I.C. 5-22-7-1 et seq. or quotes under I.C. 5-22-8-1 et seq. upon such terms and conditions as he shall in his sole discretion deem appropriate.

(4) A Limited Purchasing Agent is hereby authorized to make a small purchase not to exceed an expected cost of \$5,000 without competitive bidding under I.C. 5-22-7-1 et seq. or quotes under I.C. 5-22-8-1 et seq. upon such terms and conditions as he shall in his sole discretion deem appropriate.

(5) If a purchase of supplies is expected to be at least \$50,000 but not more than \$150,000, the Purchasing Agency may, in its sole discretion, opt to proceed with receiving quotes pursuant to I.C. 5-22-8-3 rather than competitive bidding under I.C. 5-22-7-1 et seq.

(D) Preference for supplies manufactured in the United States. Supplies manufactured in the United States shall be specified for all purchases by the purchasing agency and shall be purchased unless the purchasing agency determines in writing that:

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

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

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

(4) The purchase of supplies manufactured in the United States is not in the public interest.

(E) Purchase of services. As used in this division, the term **SERVICES** means the furnishing of labor, time, or effort by a person, not involving the delivery of specific supplies other than printed documents or other items that are merely incidental to the required performance, including (but not limited to) legal, medical, architectural, accounting, engineering, appraisal and insurance services. The purchasing agency may purchase services in whatever manner the purchasing agency determines to be reasonable and appropriate.

(Ord. 1998-BCC-29, passed 6-15-98; Am. Ord. 1998-BCC-44, passed 10-19-98; Am. Ord. 1998-BCC-53, passed 11-16-98; Am. Ord. 2008-BCC-09, passed 3-17-08)

§ 36.07 COMMERCIAL REPRODUCTION OF ELECTRONIC DATA RESTRICTED.

(A) Pursuant to the provisions of I.C. 5-14-3-3(e), a person who makes a request pursuant to I.C. 5-14-3-3 and receives information from the county on disk or tape may not use such information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods or services; or sell, loan, give away, or otherwise deliver such information obtained by the request to any other person for these purposes. For purposes of this section, the term **DISK** or **TAPE** shall include any form of electronic transmission of the information requested, where such information does not require manual re-entry by the recipient (e.g., emailing information on attached file).

(B) The prohibition contained in division (A) shall not apply to:

(1) A request for electronic data to be used in connection with the preparation or publication of

news, for nonprofit activities, or for academic research; or

(2) A request by title companies to obtain a disk from the County Recorder pursuant to § 36.08.

(C) Any person who violates the terms and conditions of this section:

(1) Is prohibited from obtaining any further electronic data from the county without specific approval by the Board of County Commissioners; and

(2) Is subject to a fine of not more than \$2,500, imposed in accordance with the procedures set forth in I.C. 36-1-6-3(b).

(Ord. BCC-1999-01, passed 1-6-99; Am. Ord. BCC-2005-52, passed 9-19-05; Am. Ord. BCC-2007-45, passed 12-3-07)

§ 36.08 FEES FOR COPIES OF DOCUMENTS AND COPIES OF ELECTRONICS FORMATTED DATA.

(A) The Howard County Recorder shall charge the following amount in addition to all filing fees mandated by statute. The County Recorder shall charge at the rate of \$2.35, per megabyte (payable on a monthly basis) for documents retrieved on magnetic disk, plus a \$5.00 handling fee per disk to compensate for personnel's time, plus 105% of the cost of the disk, if a disk has not been provided.

(B) The Howard County Recorder shall deposit all such fees received in the Recorder's perpetuation fund maintained by the Howard County Auditor to be used for perpetuation of records in the office. (Ord. HCC-1999-04, passed 1-26-99)

§ 36.09 FEES FOR AUDITOR'S MAPPING.

It is hereby ordained by the Board of Commissioners and County Council that the Auditor shall charge for mapping as follows:

(A) Map, orthophotos, and data sales.

- (1) \$25 per CD.
- (2) \$1 per 3.5" floppy disk.

(B) Electronic data reproduced on laser, ink jet printing, or any other copies shall be sold as follows:

- (1) 8½ x 11 - \$.50 per sheet per side.
- (2) 8½ x 14 - \$.50 per sheet per side.
- (3) 11 x 17 - \$1 per sheet one side.
- (4) 24 x 36 photocopy prints - \$3.
- (5) 32 x 36 photocopy prints - \$4.

(C) The following shall be charged for Inkjet Plotter Costs. These charges will be based on the width of the stock paper available at the department times the length used, and not the size of the original:

- (1) Film - \$3 per square foot.
- (2) Heavy coated bond - \$.90 per square foot.
- (3) Regular bond - \$.50 per square foot.

(D) Reimbursement for mailing costs: (not including copy costs)

- (1) Less than or equal to 4 oz. - \$.50 for envelope and postage;
- (2) First class greater than 4 oz., and less than or equal to 2 lbs. - \$5;
- (3) All other - cost plus \$5.

(E) Nothing herein shall be construed to require any employee of Howard 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.

(F) 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, requesting data shall be liable for the total charges for the request. Any person, or their designee, who fails to pay the charges shall be liable for the charges, plus interest, attorney's fees, and costs of collection.

(G) 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 charges established by state statute, the state statute shall apply.

(H) 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 data bases 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.

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

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

of division (H), each violation shall be deemed a separate offense.

(K) Pursuant to I.C. 5-14-3-8.5, the Howard County Council hereby establishes the Howard County Electronic Data Fund. All fees charged under this section shall be deposited in the fund. All funds in the Electronic Data Fund shall be used only for the purposes set out in I.C. 5-14-3-8.5 and shall be subject to appropriation by the Howard County Council.

(L) Any unit of government within Howard County which has provided electronic data used by Howard County to create the electronic data covered by this section shall receive copies of the data for that unit's exclusive use free of charge.

(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 of Howard County. (Ord. BCC 2000-17, passed 4-3-00; Am. Ord. BCC 2000-16, passed 5-1-00)

§ 36.10 FEES FOR PHOTOCOPIES AND FACSIMILE TRANSMISSIONS.

(A) *Definitions.* As used in this section:

COPY. A hard paper reproduction of a public record produced by a photocopy machine such as a Xerox or similar machine.

PUBLIC RECORD. Any writing, paper or document made public under I.C. 5-14-3-1, et seq. and which can be reproduced on a photocopy machine or transmitted on a facsimile machine.

(B) *Application.* This section shall apply to the furnishing of copies and facsimile transmission of public records in all Howard County offices, agencies, commissions and departments.

(C) *Copy fee.* The fee for providing a copy of a public record is hereby fixed at \$.20 per page.

(D) *Facsimile transmission fee.* The fee for providing facsimile transmission of a public record is hereby fixed at \$.00 per page.

(E) *Exception.* The fees fixed in divisions (C) and (D) hereof shall not apply where Indiana statutes establish or authorize a different fee. (Ord. CC 1999-29, passed 6-22-99)

§ 36.11 VETERANS' BURIAL ALLOWANCES.

Pursuant to I.C. 10-5-3-1, the maximum burial allowances provided for therein are fixed as follows:

(A) One-hundred dollars where the claim is for setting a Veterans' Administration-supplied marker only;

(B) One-hundred dollars where the claim is for burial expenses only;

(C) Two-hundred dollars where the claim is for both the setting of a marker and burial expenses. (Ord. BCC-2003-25, passed 7-7-03)

§ 36.12 RULES FOR USE OF GOVERNMENT CENTER MEETING ROOMS.

(A) Rooms are available for use by county officers or county employees for the conduct of county business. Any other informational or educational meeting use must have prior approval from the Building Superintendent and the use will be limited. County office use shall have scheduling priority. The current non-county organizations approved for use are as follows:

(1) Bankruptcy court: One day per month, Room 101, Government Center.

(2) Workers' compensation hearings: One day per month, Room 101, Government Center.

(3) AARP tax help training: Five days in January, Room 101, Government Center.

(4) AARP individual tax help: One day per week, February through April, Room 107, Government Center.

(B) A county employee will be responsible for the meeting held in the building.

(C) All meetings must be scheduled 48 hours in advance. The Howard county Extension Office, Room 105 of the Government Center, is responsible for scheduling meeting rooms in the government Center and shall maintain a calendar for such purpose. The Howard County Auditor, Room 222 in the Administration Center, is responsible for scheduling meeting rooms in the Administration Center and shall maintain a calendar for such purpose.

(D) Scheduling conflicts will be handled on a first scheduled, first served basis.

(E) Canceled meetings are to be removed from the calendar immediately, so someone else may use the room and doors are not unlocked unnecessarily.

(F) With respect to weekends and official holidays when county offices are closed:

(1) All entrance doors are to remain locked. At no time are the entrance doors to be left unlocked or propped open.

(2) The county employee using the building during these periods is responsible for the building's security. Meetings that require entry into the building, by anyone other than the employee(s) using the building, must have someone posted at the door to allow entry to authorized persons.

(G) It is the responsibility of the group using the meeting room to clean up. While food and drinks are allowed, it is the group using the room's responsibility to clean up any spills or food on the floor or tables. Cleaning supplies and sweepers are available in the kitchen area of the Government Center, and through the maintenance department at the Administration Center.

(H) Chairs, tables and other room arrangements will be the total responsibility of the office holding the meeting, and to return the room to its previous condition.

(I) Any item (i.e. TV, DVD player, books, papers, charts, maps and the like) brought into a meeting must be removed from the room at the conclusion of the meeting. Any item left in the room will be considered unwanted waste and will be discarded by the maintenance employees.

(J) Any meeting requiring the entrance door to be unlocked after 4:00 p.m. will be monitored. If any meeting concludes well ahead of the scheduled ending time, the night maintenance staff should be notified so that doors can be locked. The night maintenance supervisor's cell phone number is : 765-432-8260.

(K) Any proposed meeting that does not comply with these rules must receive special approval from the Extension Office or Auditor, as applicable, whose decision shall be final.

(L) No animals will be allowed in the meeting rooms with the exception of service animals.

(M) Use of the meeting room is a privilege and the County Board of Commissioners reserves the right to suspend the privilege for any group that does not adhere to these rules.

(Ord. 2005-BCC-34, passed 12-19-05; Am. Res. 2011-BCCR-11, passed 5-2-11; Am. Res. 2014-BCCR-3, passed 2-3-14)

**§ 36.13 ADVANCE PAYMENT OF CLAIMS
AND PAYMENT OF MEMBERSHIP DUES
AND SUBSCRIPTIONS.**

(A) Advance payment of claims.

(1) Pursuant to I.C. 36-2-6-4.5, the Auditor may make claim payments in advance of Board

allowance (under I.C. 36-2-6-4) for the following kinds of expenses (hereinafter referred to as “expenses”), so long as the requirements set forth hereafter are first met:

(a) Expenses for authorized county-related travel which are required to be paid in advance, including registration fees and transportation tickets.

(b) Insurance premiums, if necessary to procure or continue coverage.

(c) Expenses that must be paid because of emergency circumstances.

(2) Each payment of expenses under this division (A) must be supported by a fully itemized invoice or bill (i.e., claim) and certification by the County Auditor as required under I.C. 5-11-10-1.6(c)(1) through (4), inclusive.

(3) Before payment is made, the Board must give its prior written approval endorsed on the invoice or bill submitted. The Board hereby delegates to the President (or in his or her absence, the Vice-President) the authority to grant such approval on behalf of the Board.

(4) Payment of expenses under this section must be published in the manner specified in I.C. 36-2-6-3(d) (i.e., one publication in The Tribune and The Herald).

(5) The Board shall review and allow the claim at its next regular meeting following the preapproval made under division (A)(3) above.

(B) Payment of membership dues and subscriptions.

(1) County funds may be used to provide memberships and subscriptions to publications for the county and its elected and appointed officials in local, regional, state and national organizations of a civic, educational or governmental nature which have as their stated purpose the betterment and improvement of county government operations.

(2) Attached as Exhibit A to Ordinance BCC 2005-60 is the list of approved organizations and subscriptions designated by the County Council as meeting the criteria set forth in division (B)(1). The Council may appropriate funds to pay memberships and subscriptions for the county and its elected and appointed officials in these, and only these, organizations. Likewise, the Board may allow properly documented claims for such membership dues and subscriptions.

(3) Dues in legal professional associations, such as the Indiana State and American Bar Associations, as well as disciplinary fees payable to the Supreme Court Disciplinary Commission, shall not be paid from county funds.

(Ord. 2005-BCC-60, passed 11-7-05)

§ 36.14 COUNTY COURTHOUSE SECURITY RULES.

(A) Identification. All county employees shall be issued an identification badge that shall include the employee’s picture. State employees whose offices are located with in the County Courthouse shall also be issued Howard County ID badges. Employees are to wear their ID badge at all times while in the Courthouse. Employee shall not wear their ID badges outside the Courthouse. Lost or stolen badges must be reported to security immediately, and there is a \$10 fee for replacement of lost or stolen badges.

(B) Employee entrance to the Courthouse. All employees who have been provided with an ID badge,

properly coded for entrance to the Courthouse, who enter through the west employee door, must swipe their badge at the entrance card reader (ECR), even if the door is already open. Employees entering through the east door must follow the same process as frequent visitors, as described below, including swiping their ID badge at the ECR, and are subject to security screening.

(C) *Employee exit from the Courthouse.* All employees, when leaving for the day, using the west door, must swipe their ID badge at the exit card reader (XCR), even if the door is already open. Employees may leave through the east door during the day, swiping their ID badge at the XCR.

(D) *Visitor entrance to the Courthouse.* All visitors shall enter only through the east door and must pass through security.

(E) *Frequent visitor passes.* Certain frequent visitors may be issued frequent visitor passes (FVP). Frequent visitors must use the east entrance and swipe their FVP at the entrance card reader station. The card reader station shall be equipped with a green and red light system. Once the FVP is read and a green light is displayed, the visitor may bypass security. If the system displays a red light, the visitor must go through security, including X-Ray and magnetometer. Any person entering through the east door shall be subject to security screening, at the sole discretion of the security officers. Lost or stolen passes must be reported immediately to security.

(F) *Visitor exit from the Courthouse.* All visitors shall exit through the east door only. Frequent visitors shall swipe their FVP at the exit card reader when exiting.

(G) *Requirements for frequent visitors.* Individuals who wish to be considered a frequent visitor and obtain a FVP must apply at the Courthouse security office. The application for a FVP will be reviewed by the Security Committee prior to issuing a pass. The Security Committee may revoke a FVP at any time at its sole discretion. There shall be a \$50 fee for a FVP, payable to Howard County. There is a \$10 fee for replacing lost or stolen badges.

(H) *Restricted items, masks and disruptive conduct.*

(1) *Weapons.* Except as provided in division (I), weapons are prohibited in the

Courthouse. **WEAPONS** include firearms; knives; tasers and stun guns; clubs; explosives; hazardous materials; toxic chemicals; signs, posters or placards larger than ten inches by 15 inches excepting court exhibits; or any other item or instrument deemed by security officers to present an immediate threat to the safety and security of the Courthouse.

(2) *Masks.* Facial coverings that hide a person's identity (excepting medical devices used for bona fide medical reasons which can be removed to allow identification) are prohibited in the Courthouse.

(3) *Disruptive conduct.* Disruptive conduct is prohibited in the Courthouse; and any person engaging in disruptive conduct is subject to removal from the Courthouse by security officers. Disruptive conduct includes any actions, noises or sounds which, in the judgment of security officers, is disrupting or interfering with the normal course of judicial and administrative business conducted in the Courthouse. Provided, however, recognizing that the first floor rotunda is a public forum, security officers will make every reasonable effort to balance the public's right to assemble in the rotunda with the decorum necessary to effectively operate the Howard County judicial system.

(I) *Exceptions to restricted items.* On-duty law enforcement and Courthouse security officers shall be allowed to carry their weapons while on official business in the Courthouse. Law enforcement officers (Police Officer, Sheriff and deputies, Town Marshal and deputies, Conservation Officers, State Excise Officers, any Federal Enforcement Officer, as defined by I.C. 35-41-1-17(b)) must sign in at the security office. Law enforcement officers who are off-duty or involved in a civil case shall place their weapons in the weapons lockers in the security office.

(J) *Violations and sanctions.*

(1) *County employees.* These rules are hereby added to the work rule violations set forth in Section 6.12.2 of the Howard County Employee

Handbook. Thus, any county employee violating these rules shall be subject to discipline under Section 6.12.1 of the Handbook, up to and including termination from employment.

(2) *Non-county employees.* Any other person violating these rules shall be subject to fines of up to \$2,500 in accordance with § 10.99 of the Code of Howard County.

(3) *Confiscation of passes.* In addition to the sanctions set forth in (1) and (2) above, security officers are hereby empowered to confiscate and deactivate the pass of any employee or frequent visitor who has violated this section or any rules or procedures established by the Security Committee pursuant to this section.

(Ord. BCC-2007-30, passed 7-2-07; Am. Ord. BCC-2007-34, passed 8-6-07; Am. Ord. BCC-2009-14, passed 4-20-09; Am. Ord. 2013-BCCO-2, passed 2-4-13)

§ 36.15 UNIFORM CATEGORIES FOR TRAVEL EMERGENCIES.

(A) This section shall be known as the “Howard County all hazards travel section” and shall apply to all roads maintained by the Howard County Highway Department within the unincorporated areas of Howard County.

(B) Pursuant to I.C. 10-14-3-29.5(a), Howard County hereby adopts the following three uniform categories of travel advisories:

(1) “Advisory,” the lowest level of local travel advisory, means that routine travel or activities may be restricted in areas because of a hazardous situation, and individuals should use caution or avoid those areas.

(2) “Watch” means that conditions are threatening to the safety of the public. During a “watch” local travel advisory, only essential travel,

such as to and from work or in emergency situations, is recommended, and emergency action plans should be implemented by businesses, schools, government agencies, and other organizations.

(3) “Warning,” the highest level of local travel advisory, means that travel may be restricted to emergency management workers only.

(a) During a “warning” local travel advisory, individuals are directed to:

1. Refrain from all travel;
2. Comply with necessary emergency measures;
3. Cooperate with public officials and disaster services forces in executing emergency operations plans; and
4. Obey and comply with the lawful directions of properly identified officers.

(b) Further and more specific restrictions, including parking restrictions, may be included in a “warning” local travel advisory.

(C) Before issuing a local travel advisory, to the extent reasonably possible under existing conditions, the Commissioners shall consult with any one or more of the following county officials or their representatives: the Howard County Sheriff, the Howard County Highway Superintendent and/or the Howard County Emergency Management Director.

(D) If the Commissioners determine that a local travel advisory should be issued as part of an emergency declaration under I.C. 10-14-3-29, they shall designate such travel advisory as falling into one of the three categories specified in division (B) above.

(E) If the Commissioners or the Howard County Emergency Management Director, acting individually or jointly, determine that conditions within the

unincorporated areas of Howard County have created the need for travel advisory restrictions without an emergency declaration under I.C. 10-14-3-29, either the Commissioners or Howard County Emergency Management Director may issue an “advisory” or “watch level” travel advisory. However, a “warning” level travel advisory may be issued only after the Commissioners have declared a local disaster emergency under I.C. 10-14-3-29.

(F) Publication and broadcast of the issuance and cancellation of any local travel advisory shall be released to the media as soon as reasonably possible for the Commissioners or the Howard County Emergency Management Director.

(G) Pursuant to I.C. 10-14-3-34, any person who knowingly, intentionally or recklessly violates the restrictions imposed by the issuance of a “watch” or “warning” travel advisory under divisions (D) and (E) above commits a class B misdemeanor. (Ord. 2012-BCCO-4, passed 2-6-12)

§ 36.16 RESTRICTED ADDRESSES.

(A) *Scope.* This policy applies to, and only to, Howard County’s public property database website that (a) is available to the general public over the Internet; (b) does not require registration, subscription or the creation of a user name and password to search the website; and (c) connects a covered person’s home address to the covered person’s name, so that search of the website for the covered person’s name discloses the covered person’s address.

(B) *Persons covered.* This policy applies to the following “covered persons,” as more particularly defined in I.C. 36-1-8.5-3,4, 4.5 and 6, which definitions are incorporated herein by reference:

- (1) A judge;
- (2) A law enforcement officer;

- (3) A victim of domestic violence; or
- (4) A public official.

(C) *Responsible department.* The Howard County Auditor’s Office shall have the responsibility for receiving and processing requests for restricted addresses made by covered persons.

(D) *Application for restricted addresses.*

(1) *By an individual.* An individual covered person desiring to restrict his/her address shall complete and file with the Howard County Auditor the Application for Restricted Access form attached to the ordinance codified herein as Exhibit A. The Auditor will verify (with applicable agencies, if necessary) that the submission is valid and the applicant is a “covered person”. Victims of domestic violence must submit proof of program participation in the Indiana Attorney General’s address confidentiality program. If an application is denied by the Auditor, the applicant may appeal in writing to the Board of Commissioners.

(2) *By a cooperative agency.* The Kokomo Police Department, Howard County Sheriff’s Department, Prosecutor’s Office or similar agency (a “cooperative agency”) may agree to provide the Auditor’s Office an annual bulk request including all current covered persons within the department or agency. This list shall also include those individuals who have moved from their primary residence or are otherwise no longer a “covered person”. This list shall remain confidential pursuant to I.C. 36-1-8.5-11.

(3) *Post application requirements.* Should any changes to the title of a covered parcel occur, the Auditor will remove that parcel from the restricted address list and a new request must be made by a covered person to again include that parcel in the restricted list. If a covered person transfers title to or moves from a covered parcel, it is his/her responsibility to file a new application for a new covered parcel. This policy is in effect for requestor’s

primary residence only per I.C. 36-1-8.5-7. If the requestor owns or is involved in additional properties that utilize the primary home address as the mailing address, they will be displayed, if the applicant wishes to have those addresses removed as well, a new application is required for each.

(E) *Required system changes.* To further implement restricted addresses, the following changes will be made to the appropriate Howard County information systems or third party systems managed by Howard County:

(1) *GIS.* The search results for GIS will reflect the changes made to the MVP Database for those records marked as "Confidential". These records will display "Information withheld in accordance with I.C. 36-1-8.5-4" in place of the name information. It is the intention of Howard County to comply with the intent of the code to not make the property accessible by means of removing the link between name and parcel information.

(2) *Schneider beacon portal.* Once the option to suppress has been enabled for a specific parcel, it will not be returned in search results or display on the map.

(F) *Confidentiality.* All applications made to Howard County by a covered person are confidential records and not subject to public access.

(G) *Immunity.* Howard County may not be held liable for failure to timely restrict disclosure of an address under this chapter unless its act or omission constitutes gross negligence or willful or wanton misconduct.

(H) *Application fees.*

(1) *Exclusion.* Victims of domestic violence will be excluded from fees imposed under this section.

(2) *Initial request.* A fee of \$15 per parcel will be assessed for both bulk and individual requests.

(3) *Additional requests:* A \$15 per parcel fee will be assessed for any changes to the title of the parcel or relocation of the covered person.

(4) *Deposits.* All fees collected will be deposited to the County General Fund.

(I) *Amendment.* Howard County reserves the right to amend or revise the contents of this policy as deemed suitable. The revised policy will be available on the County website.

(Ord. 2015-BCCO-18, passed 7-6-15)

TITLE V: PUBLIC WORKS

Chapter

- 50. SOLID WASTE MANAGEMENT**
- 51. SEWER REGULATIONS**
- 52. WATER REGULATIONS**
- 53. ILLICIT DISCHARGES**

CHAPTER 50: SOLID WASTE MANAGEMENT

Section

General Provisions

- 50.01 Solid Waste Management District Designated
- 50.02 Dumping of solid wastes prohibited

Nuisance Solid Waste Accumulation, Illegal Dumping and Littering

- 50.10 Title
- 50.11 Purpose
- 50.12 Definitions
- 50.13 Acts prohibited
- 50.14 Investigation and enforcement authority
- 50.15 Abatement notice
- 50.16 When abatement notice is not required
- 50.17 Hearings
- 50.18 Compliance with abatement notice
- 50.19 Failure to comply with abatement notice
- 50.20 Abatement by district
- 50.21 Severability
- 50.22 Administrative rules and policies

50.99 Penalty

Cross-reference:

*Hazardous material spills: emergency action, clean-up and reimbursement, see § 92.01
Health Department service fees established, see §§ 92.15 et seq.*

GENERAL PROVISIONS

§ 50.01 SOLID WASTE MANAGEMENT DISTRICT DESIGNATED.

(A) The county is hereby designated as a county solid waste management district pursuant to the terms and within the meaning of I.C. 13-21-3.

(B) Pursuant to I.C. 13-21-3-2, the Howard County Solid Waste Management District includes all of the incorporated and unincorporated territory in the county.
(BCC Ord. 1990-36, passed 8-27-90)

§ 50.02 DUMPING OF SOLID WASTES PROHIBITED.

(A) *Purpose.* The purpose of this section is to define dumping, control the dumping of solid waste materials, and provide for the clean-up of an penalties for prohibited dumping.

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

CLEAN-UP COSTS. Include all costs incurred by Howard County in cleaning up solid waste dumped in violation of this Ordinance, including landfill fees and time expended by Howard County officials in effecting such clean up.

DUMPING or DUMP. The depositing or disposal, or the attempted depositing or disposal, of solid waste upon land.

PERSON. Any person, corporation, trust, organization, partnership, association or other legal entity.

SOLID WASTE. Garbage, used household goods, appliances, motor vehicles and motor vehicle parts, tires, trash, garbage, bags of trash or garbage, construction or demolition materials, and all other items commonly disposed of in sanitary landfills, including all items and materials defined in I.C. 13-7-1-22 as "solid waste." The term shall not include manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as a part of a total farm operation.

(C) *Prohibitions.* No person shall dump, cause or allow dumping at any location in the county unless such location shall be a licensed sanitary landfill site.

(D) *Clean-up and removal.*

(1) Anyone having knowledge of an dumping at any location in the county shall provide such information to any county law enforcement officer, the County Highway Department or the County Board of Health, who shall then investigate, with the assistance of such other county officials which are deemed necessary, to determine if a violation of division (C) has occurred.

(2) Upon determining the identity of any person violating division (C), the Board of County Commissioners, the County Highway Department, the County Board of Health or the County Solid Waste District, by any of its designated officers or employees, shall issue an order directed to the violator so identified to remove and clean-up such solid waste within a period of ten days after receipt of such order. Failing compliance with such order, the Board of County Commissioners, the County Highway Department, the County Board of Health, or the County Solid Waste District may in their sole discretion clean up the solid waste, utilizing such resources as are required, and all clean-up costs shall be chargeable to the violator; provided, however, in the event that the dumping presents a clear and immediate hazard to public health or safety, the Board

of County Commissioners, the County Highway Department, the County Board of Health, or the County Solid Waste District may proceed to clean up the solid waste without notice to the violator and thereafter charge the clean up expenses to the violator.

(3) In the event that a person violating division (C) does not pay clean-up costs after reasonable notice, the Board of County Commissioners, for and on behalf of the county, shall be entitled to recover such clean-up costs by action in the Howard Circuit or Superior Courts; provided, however, the total of such costs shall not exceed the sum of \$2,500 per violation. In addition, the Board of County Commissioners shall also be entitled to seek injunctive or other similar relief through the Howard Circuit or Superior Courts to obtain orders requiring persons violating division (C) to clean up a dumping area and prohibiting further or future dumping.

(4) In the event that more than one person is involved in an incident of dumping, it shall be the joint and several responsibility of each such person for the clean-up of the site and the clean-up costs.

(E) *Penalties.* In addition to the responsibility for clean-up costs as provided in division (D) any person who violates division (C) of this section shall be subject to the penalty provided in § 50.99.

(F) *Enforcement.* This section shall be enforced under and in accordance with the provisions of I.C. 34-4-32-1 et seq. (BCC Ord. 1993-24, passed 6-28-93) Penalty, see § 50.99

NUISANCE SOLID WASTE ACCUMULATION, ILLEGAL DUMPING AND LITTERING

§ 50.10 TITLE.

This chapter is titled, "Howard County Nuisance Solid Waste Accumulation, Illegal Dumping and Littering Chapter."
(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.11 PURPOSE.

The purpose of this chapter is to prohibit illegal clumping, nuisance solid waste accumulation and littering along roadways, and on public and private property in the county. This chapter establishes the County Recycling District as the entity that investigates, files reports and enforces this chapter in conjunction with the County Recycling District's Board of Directors.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.12 DEFINITIONS.

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

ABANDONED VEHICLE. Any, machinery, equipment, watercraft or trailer that has remained on private or public property without the consent of the owner or person in control of that property for more than 48 hours and is mechanically inoperable. Also, any vehicle, machinery, equipment, watercraft or trailer that is mechanically inoperable and continuously in a location visible from public property or public right-of-way, or visible from the immediate vicinity of private residences or businesses for more than 20 days.

ABATE. To end or eliminate nuisance solid waste accumulation, illegal dumping, littering, or any other violation of this chapter by removal, clean-up and proper disposal.

CONSTRUCTION/DEMOLITION WASTE. Any discarded construction or demolition materials, including but not limited to, lumber, wood, paneling, drywall, roofing material, siding, plumbing, electrical wiring, doors, windows, furniture, floor coverings, fixtures and cabinets.

CONTAMINATED. Un-rinsed containers with food or product residues, non-container glass

materials, materials with contained oils, pesticides, fertilizers, herbicides, poisons, or other hazardous materials, materials fouled with dirt or other substances foreign to their original contents or composition, wet or saturated newspapers, and any other condition which renders the materials un-recyclable.

DISCARD. To abandon, deposit, desert, discharge, dispose, drop, dump, eliminate, emit, leave, pitch, place, put, scrap, spill, leak, throw, or toss any item of solid waste or derivative thereof, or any inherent waste-like material in a manner such that the discarded substance remains upon the land as solid waste.

DUMPING/TO DUMP. The discarding of any items of solid waste commonly known as garbage, rubbish, refuse, construction and demolition debris, household trash, baby diapers, food wastes, appliances, tires, scrap metal, vehicles or parts, and all other items and materials defined as "solid waste" below.

ENFORCEMENT AUTHORITY. The Compliance Officer of the County Recycling District or some other person specifically designated by the Director of the County Recycling District, including but not limited to, a police officer, a sheriff's officer, a conservation officer, an appropriate representative of a state or local governmental department, or other "sworn" enforcement officer.

FILL MATERIAL. Any material that is used for fill, such as soil, clay, shale, gravel, sand or concrete.

GARBAGE. Any animal solid, vegetable solid, and semi-solid wastes from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

GENERATE. The act or process of producing solid waste. **GENERATOR** means the person whose actions or processes result in unwanted solid waste materials.

HAZARDOUS WASTE. Any waste, including but not limited to, household hazardous wastes, used automotive fluids or parts, solvents and chemicals that, because of their quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, handled, disposed of or otherwise mismanaged.

HOWARD COUNTY RECYCLING DISTRICT. Includes all of the incorporated and unincorporated territory in the county.

INERT SOLID WASTE. Includes but is not limited to, uncontaminated earth, rocks, rigid concrete, bricks, tiles, aged asphalt, uncontaminated natural wood, brush, leaves, grass clippings, wood chips, or sawdust.

INFECTIOUS WASTE. Any waste that is capable of transmitting a communicable disease, including but not limited to, pathological waste (human tissues, blood, excreta and secretions), medical and laboratory wastes, contaminated or fouled bedding, bandages, dressings, diapers, contaminated animal carcasses, offal, excreta, body parts.

JUNK. Any of the following items which are considered abandoned, dismantled, discarded or otherwise unusable, including but not limited to, vehicles, machinery, equipment, appliances or other household goods and furniture. The term shall also include but is not limited to, component parts, such as engines, transmissions, drive trains, suspension, fenders, doors, hoods, wheels, windshields and tires removed from vehicles or any other part of a motor vehicle.

LITTER. Any man-made or man-used waste, which, if deposited within the county otherwise than in a proper waste storage container, tends to create a danger to public health, safety, and welfare or tends to impair the environment or aesthetic well-being of

the community. **LITTER** shall include, but not be limited to, garbage, trash, refuse, debris, grass clippings, other lawn or garden waste, paper products, glass, metal, plastic or paper containers, or other waste material of an unsightly, unsanitary, nauseous or offensive nature. Littering may also include any item of waste material moved by wind, water or animals or any other combination of these items.

MECHANICALLY INOPERABLE. Any vehicle, machinery, equipment, watercraft or trailer which is in a condition that prevents it from being driven under its own power, or not able to be operated in its normal manner.

NUISANCE. Defined as set out in I.C. 34-1-52-1, to wit: whatever is injurious to health, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property. **NUISANCE** is any condition or thing existing or allowed to exist that injures or endangers the comfort, health or safety of others or the environment; unlawfully interferes with, obstructs or tends to destruct or renders dangerous for passage on any public or private property, or is likely to depreciate the value of other's property.

OF RECORD. Recorded in the records of the County Recorder, or in the records of the County Auditor.

OPEN DUMP. The consolidation of solid waste from one or more sources or the discarding of solid waste at any location that does not fulfill the requirements of a sanitary landfill, transfer station or other facility as prescribed by state law or regulations, and that exists without daily cover and without regard to the possibilities of contamination of surface or subsurface water resources, air, land or other hazard or threat of hazard to the environment or safety.

PERSON. An individual, partnership, firm., company, corporation, trust, estate, legal representative or agent.

PRIVATE PREMISES. All property, including, but not limited to, vacant land or any land upon which

is located one or more buildings or other structures designated or used for residential, commercial, business, industrial, institutional, or religious purposes, together with any yard, grounds, walks, driveways, fences, porches, or other structures or improvements appurtenant to the land, except any public place.

PUBLIC PLACE. Shall include but is not limited to, any and all streets and roads, curbs, gutters, sidewalks, alleys, or other public ways, any and all public parks, lakes, waterways, spaces, publicly owned rights-of-way, grounds, or buildings within the incorporated and unincorporated territory in the county pursuant to I.C. 13-21-3, except those areas excluded by each eligible entity as defined in an adopted ordinance related to this chapter.

RECYCLABLES. Materials segregated from the waste stream for the purpose of collection and reprocessing to recover and reuse as a material resource. This shall include, but is not limited to, glass containers, newspapers, office papers, corrugated cardboard, aluminum, steel containers and certain plastic containers.

SALVAGING. The controlled removal of reusable or recyclable waste material.

SCAVENGING. The uncontrolled and unauthorized removal of solid waste materials or recyclables at any point in the waste management system.

SOLID WASTE. Any garbage, refuse, sludge, or other discarded or disposed materials, including but not limited to, solid, liquid, or semi-solid or contained gaseous materials resulting from any operation, activity, or source.

SUBSTANTIAL PROPERTY INTEREST. Any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a present possessor interest, or an equitable interest of a contract purchaser, or a lease.

WASTE STORAGE. Proper temporary containment of waste materials in a waste storage container for a period not to exceed ten days or the standard interval of local commercial collection service, whichever is less.

WASTE STORAGE CONTAINER. A proper and suitable receptacle used for the temporary storage of solid waste, infectious or hazardous wastes while awaiting collection or proper disposal.

VECTOR. Any animal, insect, substance or any other solid waste object of transfer capable of harboring and/or transmitting micro-organisms and/or insects or disease from one animal to another or to a human.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.13 ACTS PROHIBITED.

(A) No owner, occupant, tenant, or any person having a substantial property interest in any real or personal property within the County Recycling District, shall maintain, create, cause, place, deposit, leave, or permit a nuisance to remain on such property, or upon any public place abutting such real estate or personal property.

(B) The following acts shall constitute a violation of this chapter:

(1) No person shall discard or dump litter, abandoned vehicles, junk, recyclables, garbage, construction/demolition waste, hazardous waste, infectious waste, inert solid waste along any public roadway or near any public or private river, lake, stream or ditch or on his or her property or the property of another person.

(2) No person shall conduct any activity on public or private land which results in the accumulation of litter, abandoned motor vehicles, junk, recyclables, garbage, fill materials, construction/demolition waste, hazardous waste, infectious, inert solid waste, or solid waste so as to

interfere with the public health, safety, peace and the comfortable enjoyment of life or property.

(3) No person owning real property shall cause or consent to final disposal upon said property of solid waste materials (other than inert solid waste or fill material) that is generated by said person or by any other person, unless otherwise licensed or permitted as a disposal facility by the State of Indiana.

(4) No person shall litter, nor permit any dependent minor or other person for whom he or she is legally responsible to litter, nor cause another person to litter.

(5) No person shall discard any materials, other than recyclables, at any facility or in any container intended for collecting recyclables.

(6) No person shall deposit any contaminated recyclable materials in or at any city, county or Recycling District facility or container intended for collecting recyclable materials.

(7) No person shall conduct scavenging of materials at any facility or in any container intended for collecting recyclable materials.

(8) No person, either knowingly or unknowingly, shall contract with another party to engage in any acts prohibited by divisions (B)(1) through (7) of this section. A violation of this provision shall be an offense of the same degree for the waste generator as the violation committed by the hired contractor.

(9) No person shall store, accumulate or allow to remain on any private property, any abandoned vehicles, automobile parts, disassembled automobiles, automobiles without engines, plumbing and piping materials and parts, scrap metal, unseaworthy or dilapidated boats, dilapidated, deteriorated, or non-operable jet skis, snowmobiles, bicycles, trailers, mopeds or junk, unless properly approved.

(10) No person shall store, accumulate or allow to remain on any private property appliances, household items and tires outside of any structure.

(11) No person shall have any waste water, filth, offal, garbage, rubbish, animal waste, human excrement, which is deposited, allowed or caused to be upon any public or private property, other than for the purpose of approved forms of composting.
(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.14 INVESTIGATION AND ENFORCEMENT AUTHORITY.

The Compliance Officer, or other specifically designated enforcement authority, shall have the right to enter onto any public or private property, excluding structures within the jurisdictional coverage of this chapter for the purpose of performing any duties imposed by the provisions of this resolution. The Compliance Officer is hereby authorized to issue warnings, citations, and abatement notices under this chapter.

(A) Upon receipt of any complaint, report, or personal sighting of an alleged violation of this chapter, the Compliance Officer shall conduct an investigation of such complaint, report or personal sighting.

(B) In the event that the Compliance Officer determines that there is not a violation of this chapter, but has reason to believe that the activity may constitute a violation of regulations enforced by other agencies, the Compliance Officer(s) or designee(s) may forward a copy of the report of investigation to another state, county or city agency for further review and investigation.

(C) Items contained in waste materials or recyclable materials, which bear information such as names and addresses, shall be considered as evidence for identifying the owner or generator of the discarded materials and shall constitute rebuttal and be evidence that the person whose name is found therein has violated this chapter.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.15 ABATEMENT NOTICE.

Where, upon inspection, reasonable cause is found that a violation of this chapter exists, the Compliance Officer shall issue a written abatement notice.

(A) An abatement notice shall be served upon all known holders of substantial property interests in the real estate upon which the violation is alleged to exist.

(B) The abatement notice under this chapter shall be on a form approved by the County Recycling District's Board of Directors.

(C) The abatement notice issued shall include the name of the person to whom the order is issued, a legal description or physical address of the location of the alleged violation, a brief description of the nature of the alleged violation together with the provision of the chapter alleged to have been violated, the date and time when the report was observed, occurred or was filed, the name of the person issuing the warning, the date the warning was issued, the action the notice requires and potential fines for noncompliance.

(D) The action that the abatement notice requires must be reasonably related to abatement of the conditions constituting the violation.

(E) The period of time within which the action ordered is required to be accomplished, measured from the time when the abatement notice is served. The time allowed must allow a sufficient time, of at least 48 hours from the time the abatement notice is served, to accomplish the required action. If the notice allows more than 30 days to accomplish the action, the notice may require that a substantial beginning be made in accomplishing the action within the initial 30-day period following service of the notice.

(F) A statement that the order becomes final ten calendar days after notice is served, unless a hearing is requested in writing by the owner of record, the tenant or occupant, or by a person holding a substantial property interest in the private premises upon which the nuisance is alleged to exist. The

request for a hearing must be served upon the enforcement authority prior to the expiration of the aforementioned ten calendar day period.

(G) A statement briefly indicating what action can be taken by the County Recycling District or enforcement authority if there is noncompliance with the orders contained in the abatement notice.

(H) The name, business address, and business telephone number of the enforcement authority.

(I) Service of abatement notices shall be made by any of the following means:

(1) Sending a copy of the notice by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested.

(2) Delivering a copy of the notice personally to the person to be notified.

(3) Leaving a copy of the notice at the dwelling or usual place of abode of the person to be notified.

(4) Posting a copy of the notice in a prominent place upon the premises where the nuisance is located.

(5) If, after a reasonable effort, service cannot be obtained by any of the means described in divisions (I)(1) through (4), service may be made by publishing the notice in a newspaper of general circulation in the county in which the property subject to the notice is located. Publication shall be made one time.

(J) The date when notice is considered given is:

(1) The date left at the dwelling, date of personal service or date signed by certified mail.

(2) Notice by publication is considered given on the date of publication.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.16 WHEN ABATEMENT NOTICE IS NOT REQUIRED.

Where, in the opinion of the enforcement authority, a nuisance exists which creates a substantial and imminent health or safety hazard requiring immediate abatement in order to protect health and safety, the enforcement authority, upon prior approval by the Director or County Recycling District's Board of Directors, shall abate the nuisance without the necessity of issuing an abatement notice.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.17 HEARINGS.

(A) Hearings.

(1) Any owner, tenant or occupant, or person holding a substantial property interest in private premises upon which a nuisance is alleged to exist who disputes the existence of a nuisance, or disputes the nature of the abatement action ordered in the abatement notice, may, within ten calendar days of service of the abatement notice, serve upon the enforcement authority a written request for a hearing. The written request does not need to be in any particular form, but shall clearly indicate that a hearing is requested, and shall set out the nature of the individual's disagreement with the content of the abatement notice.

(2) Upon receipt of the written request for a hearing, the enforcement authority shall place the matter on the agenda of the County Recycling District's Board of Directors for hearing. The County Recycling District's Board of Directors shall function as hearing body to adjudicate the matter.

(3) The Compliance Officer or designee shall give written notice to the party requesting the hearing of the date and time of the hearing. Such notice shall be given no less than five calendar days prior to the date set for hearing.

(4) At the hearing, which may be adjourned from time to time, it shall be the Compliance Officer's

burden to go forward with evidence sufficient to demonstrate that a nuisance exists, and that the actions required are reasonably calculated to abate the nuisance within a reasonable period of time. The party requesting the hearing shall have the right to dispute the existence of the nuisance, the reasonableness of the remedy, or the reasonableness of the time allowed to remedial action. The party requesting the hearing may propose alternative remedies or time periods for remedial action, or alternate remediation plans.

(5) All such hearings shall be open to the public pursuant to Indiana statutes on open meetings.

(6) Upon conclusion of the presentation of evidence and oral argument, if any, the County Recycling District's Board of Directors shall deliberate and render a decision either confirming, amending or rescinding the disputed content of the abatement notice.

(7) All time parameters set out in the abatement notice for completion of compliance actions shall be tolled, pending the outcome of the County Recycling District's Board of Directors decision. In cases where the actions of the enforcement authority are upheld, or are upheld as modified by the Board of Directors, it shall be the responsibility of the Board of Directors, in its decision, to establish time periods for completion of compliance activities held in abeyance during the hearing process.

(B) Appeal. Pursuant to I.C. 36-1-6-9(e), a person who received a penalty under this chapter may appeal the order imposing the penalty to a court of record in Howard County no later than 60 days after the day on which the order is entered.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.18 COMPLIANCE WITH ABATEMENT NOTICE.

No additional fines shall be imposed once the abatement order has been satisfactorily complied with. (BCC Ord. 2008-21, passed 6-16-08)

§ 50.19 FAILURE TO COMPLY WITH ABATEMENT NOTICE.

Failure to comply with the orders set out in the abatement notice within the time periods set out therein, or within any extended time periods agreed to by the Compliance Officer, shall constitute a violation of this chapter and shall render the individual upon whom the abatement notice was served liable to a fine as set forth by the County Recycling District's Board of Directors. Each day's failure, neglect or refusal to abate the nuisance during the time period allowed for compliance shall constitute a separate offense under this chapter. The record owner of the premises upon which the nuisance is found to exist, shall be held liable for the payment of fines assessed under this chapter.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.20 ABATEMENT BY DISTRICT.

In addition to fines imposed under this chapter, in non-emergency situations where abatement is not accomplished immediately by the county, failure, neglect, or refusal of any party to abate a violation as required by the abatement notice shall authorize the enforcement authority to obtain the permission of the District Director or County Recycling District's Board of Directors to abate the violation as set out in the abatement notice. Where such permission is sought, the Compliance Officer or designee shall file a copy of the abatement notice with the County Recorder to give constructive notice to subsequent purchasers that the real estate is subject to the costs associated with the abatement. Abatement may be accomplished by crews designated by the District if the work is within its capacity to accomplish, or the District may request quotes and award the job to the lowest responsible and responsive contractor. An accurate accounting shall be kept of all costs incurred in abating the nuisance. Upon completion of the abatement, a statement for costs incurred shall be forwarded to the record owner by certified mail. Should such costs remain unpaid 30 calendar days after receipt by the owner of record, or upon return of the certified mail as undeliverable, appropriate legal action may be taken to compel

payment of costs incurred. Any judgment for costs obtained shall be filed as a judgment lien against the real estate upon which the violation was abated.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.21 SEVERABILITY.

Each section, subsection, sentence, clause and phrase of this chapter is declared to be an independent section, subsection, sentence, clause or phrase and the finding or holding of any section, subsection, sentence, clause or phrase to be unconstitutional, void or ineffective for any cause shall not affect any other section, subsection, sentence, clause or phrase or part hereof. The County Recycling District may modify this chapter as deemed necessary.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.22 ADMINISTRATIVE RULES AND POLICIES.

The County Recycling District may establish written rules and policies, not inconsistent herewith to carry out the provisions thereof.

(Ord. 2008-BCC-21, passed 6-16-08)

§ 50.99 PENALTY.

(A) Any person who violates § 50.02 shall be subject to a fine not to exceed \$2,500 per violation; provided, that the total of any fines imposed under this division (A) and any clean-up costs imposed under § 50.02 shall not collectively exceed the sum of \$2,500 per violation.

(BCC Ord. 1993-24, passed 6-28-93)

(B) (1) In addition to any other costs imposed under this chapter, any person who is found to have violated this chapter, or willfully or negligently failed to comply with any provision of this chapter or with any orders issued hereunder, shall be fined not less than \$100, and no more than \$2,500 for each offense. Each day a violation shall occur or continue shall be deemed a separate and distinct offense.

(2) Citations for violations of this chapter may be issued by the Enforcement Authority. The Uniform Traffic Citation may be utilized for the purpose of evidencing violation of this chapter. Enforcement shall be in effect by the filing of a civil suit seeking judgment in the amount of the fine imposed, plus court costs.

(3) All expenses including fines and abatement costs incurred by the County Recycling District in enforcing this chapter or adopted ordinances by eligible entities related to this chapter shall become a lien on property owned by the person or persons as afforded by I.C. 36-1-6-2. The lien shall be placed and recorded on the property tax duplicated and collected from the owner as taxes are collected.

(4) A clean-up fund is hereby established in the operating budget of the County Recycling District. This fund shall be established for the purpose of accounting and paying for the costs of investigating, enforcing and cleaning up properties in violation of this chapter.

(5) In matters involving a health and/or vector hazard, the County Recycling District Director, Compliance Officer(s) or designees may conduct investigation and enforcement according to laws governing public health under the Director's supervision. The Director of the County Recycling District may designate some other person as the enforcement authority to conduct investigation and enforcement according to laws governing public health as needed.

(a) The County Recycling District's Board of Directors shall be empowered to order the abatement of nuisance solid waste accumulation, illegal dumping, and littering and to issue orders and fines as designated.

(b) Any person or persons identified violating this chapter, shall be subject to the following schedule for abatement: The Compliance Officer(s) or designee(s) shall notify the person of an alleged violation. Depending upon the extent of the violation, the notice will state that violation abatement must

occur within a reasonable length of time between ten days and 60 days from the date of notice. If abatement does not occur within the stated length of time, the County Recycling District Director reserves the right to abate the nuisance through the use of private contractors or the public work force.

(6) If a small amount of trash, litter or recycling is found on public land, designated county employees or other agents may search the material for identification evidence and then properly dispose or recycle the material. Evidence will be forwarded to the Enforcement Authority for further action.

(7) The owner of property on which improper disposal acts have occurred may be included as a party of an enforcement action against a person who committed the violation for the purposes of obtaining access to the land to clean up and properly dispose of the wastes.

(8) Either abatement of the violation or a request for appeal must be filed with the County Recycling District's Board of Directors within the time frame designated in the notice for the identified person or property owner to dispute fines, an order to appear, or other legal action.

(Ord. 2008-BCC-21, passed 6-16-08)

CHAPTER 51: SEWER REGULATIONS

Section

General Provisions

- 51.01 Title and purpose
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Cross-reference:

Subdivision sewer, water and drainage regulations, see §§ 152.63 et seq.

GENERAL PROVISIONS

§ 51.01 TITLE AND PURPOSE.

(A) This chapter regulates the location, installation, construction, maintenance and replacement of all residential sewage disposal systems in the county, provides for the administration and enforcement of the provisions contained herein, and fixes penalties for violation.

(B) This chapter shall be known and may be cited as the "Howard County Residential Sewage Ordinance."

(C) The general purpose of this chapter is to promote the public health, safety and welfare and to further the following related and specific objectives.

(1) To preserve and improve the environmental quality of the county.

(2) To minimize contamination of ground and surface water resources.

(3) To control the utilization of private sewage disposal systems based on the limitations of the soils for such use as determined by a soil profile analysis based on the criteria set forth by the Soil Conservation Service.

(D) The requirements found in rule 410 I.A.C. 6-8.1 are hereby incorporated by reference into this chapter and shall include any later amendments to those regulations the same are published in the Indiana Administrative Code with the effective dates as fixed herein.

(BCC Ord. 1993-34, passed 11-1-93)

§ 51.02 DEFINITIONS.

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

ABS. Acrylonitrile-butadiene-styrene.

APPROVED SEPTIC SYSTEM. A permitted septic system installed in accordance with state regulation and county ordinance which has been inspected and signed by the Health Officer or his or her designee.

ASTM. American Society for Testing and Materials.

BARRIER MATERIAL. A geotextile fabric with an effective opening size no smaller than 0.20 millimeters and no larger than 0.85 millimeters.

BOARD OF HEALTH. The Howard County Board of Health.

COUNTY. Howard County, Indiana.

DISTRIBUTION BOX. A structure designed to distribute effluent by gravity from a septic tank equally into the pipes of an absorption system connected thereto.

DOSING TANK. A concrete tank used in series behind a septic tank used to store liquids in amounts equivalent to the amount to be handled by the absorption field. The dosing chamber is served by a properly sized pump which will “dose” the effluent to the absorption field.

DRAINAGEWAY. The channel portion of the landscape in which surface water or rainwater runoff gathers intermittently to flow to a lower elevation.

DWELLING. Any house or place used or intended to be used as a place of seasonal or permanent human habitation or for sleeping for one or two families.

FILL. Soil transported and deposited by man as well as soil recently transported and deposited by natural erosion forces. Fill is evidenced by one or more of the following:

(1) No soil horizons or indistinct soil horizons.

(2) Depositional stratification.

(3) Presence of a soil horizon which has been covered.

(4) Materials in a horizon such as cinders or construction debris.

(5) Position in the landscape.

FOUNDATION DRAIN. That portion of a residential drainage system provided to drain only ground water from outside of the foundation of the house or from under the basement floor.

HEALTH OFFICER. The Howard County Health Officer, his or her assistant, or his or her designees, having responsibility for the enforcement of this chapter.

LIMITING LAYER. Any soil horizon with a loading rate less than 0.25 gallons per day per square foot, or greater than 0.75 gallons per day per square foot.

LOADING RATE. The allowable rate of application of septic tank effluent to the soil. It is expressed in gallons per day per square foot.

NEW SEPTIC SYSTEM. Any system proposed for new dwelling construction.

OWNER. The owner of a dwelling or his or her agent.

PERSON. The term includes any individual, partnership, copartnership, firm, company, corporation, association, trust, estate or any other legal entity, including but not limited to its or their successors or assigns or agents.

PVC. Polyvinyl chloride.

REPAIR. The term includes any alteration, addition or replacement of any portion of an existing septic system.

RESIDENTIAL DRAIN. The horizontal piping in a house drainage system which receives the discharge from soil, waste and drainage pipes inside the walls of the house and conveys the same to the residential sewer.

RESIDENTIAL SEWAGE DISPOSAL SYSTEM. All equipment and devices necessary for proper conduction, collection, storage, treatment and on-site disposal of sewage from a one or two family dwelling. Included within but not limited to the scope of this definition are residential sewers, septic tanks, soil absorption systems, temporary sewage holding tanks and sanitary vault privies.

RESIDENTIAL SEWAGE DISPOSAL SYSTEM FAILURE. A residential sewage disposal system which exhibits one or more of the following, and is therefore considered a health hazard:

(1) The system refuses to accept sewage at the rate of design application, thereby interfering with the normal use of residential plumbing fixtures.

(2) Effluent discharge exceeds the absorptive capacity of the soil, resulting in ponding, seepage or other discharge of the effluent to the ground surface or surface waters.

(3) Effluent is discharged from the system causing contamination of a potable water supply, ground water or surface waters.

SANITARY SEWER. A sewer or system of sewers which convey sewage away from the lot on which it originates to a waste water treatment facility owned and operated by an incorporated city or town, conservancy district, regional sewer district or private utility.

SDR. Means standard dimension ratio.

SEPTIC TANK. A water-tight structure into which sewage is discharged for settling and solids digestion.

SEWAGE. All water-carried waste derived from ordinary living processes.

SLOPING SITE. Any portion of the proposed area designated for the septic system with greater than a 2% slope.

SLUDGE. The digested or partially digested solid material accumulated in a septic tank.

SOIL ABSORPTION. A process which utilizes the soil to treat and dispose of effluent from a septic tank.

SOIL ABSORPTION SYSTEM. Pipes laid level in a system of trenches or elevated beds into which the effluent from the septic tank is discharged for soil absorption. The term may also be referred to as residential septic system, residential sewage disposal system, absorption system or leach field

SOIL HORIZON. A layer of soil or soil material approximately parallel to the land surface and differing from adjacent genetically related layers in physical, chemical and biological properties or characteristics such as color, structure, texture, consistency, kinds and numbers of organisms present, and degree of acidity or alkalinity.

SOIL MAPPING SYMBOLS. Those symbols used by the Soil Conservation Service in mapping the soil series in the county based on the limitations of the soil described as "slight, moderate, and severe."

SOIL PROFILE ANALYSIS. The observation and evaluation of the physical characteristics of the soil horizons or layers to a depth of at least five feet or, if shallower, to a layer which cannot be readily penetrated.

SOIL SCIENTIST. A registered professional in the field of soil science holding a baccalaureate degree with a major in agronomy, soils or a closely related field of science who is proficient in the application of the principles of pedology to soil classification, investigation, education and consultation and on the effect of measured, observed and inferred soil properties and their use.

UNSANITARY CONDITION. Any condition that may transmit, generate or promote disease.

WATER TABLE and **SEASONAL HIGH WATER TABLE.** Means the upper surface of the ground water or that level below which the soil is saturated with water.
(BCC Ord. 1993-34, passed 11-1-93)

§ 51.03 LICENSING OF INSTALLERS; REVOCATION OF LICENSE.

(A) *Licensing of installers.*

(1) A person engaged in the installation of private soil absorption systems shall file an application with the Board of Health. The application shall be accompanied by a certificate of insurance issued by a company registered in the state evidencing the existence of a liability policy sufficient

to indemnify persons for whom work is performed if faulty. The policy shall have such coverages and policy limits as may be set from time to time by the Board of Health. The Board of Health shall be the beneficiary of such policy.

(2) The applicant must complete an application, submit to an annual written examination which will cover the state and local regulations governing residential soil absorption systems, and must pass said examination prior to the issuance of an installers license. If the applicant fails to pass the examination, the applicant must re-apply for an installers license and examination no earlier than one month following the examination date. An application fee of \$10 must be paid prior to re-examination.

(3) Once the criteria in divisions (A)(1) and (A)(2) are met, the applicant shall be issued a license and will pay the set fee for such license.

(4) Such license shall be valid for one year and shall be non-transferable. The license shall bear the name and address of the licensee and the expiration date.

(5) The licensee shall maintain in his or her possession a copy of the license at all times when installing residential soil absorption systems.

(B) *Revocation of license.* The Board of Health shall have the authority to revoke a license issued under the provisions of division (A) for failure to observe the standards established by this chapter or upon conviction of a violation of this chapter.
(BCC Ord. 1993-34, passed 11-1-93) Penalty, see § 51.99

§ 51.04 PERMITS REQUIRED; REFUSAL OR REVOCATION OF PERMITS.

(A) *Residential sewage disposal systems.*

(1) The owner or agent of the owner shall obtain a written permit, signed by the Health Officer, for construction of a residential sewage disposal system prior to:

(a) Construction of a residence which will not be connected to a sanitary sewerage system.

(b) Any replacement, reconstruction of, expansion or remodeling of a residence which may increase the number of bedrooms.

(c) Any addition to, alteration of or repair of an existing residential sewage disposal system.

(2) The application for such a permit shall be made on a form provided by the Health Department and shall contain the following information: soil profile analysis, lot dimensions, number of bedrooms, location to drainage outlets and any other information deemed necessary by the Health Officer. Plans shall be to a suitable scale of one inch equal to ten feet and shall indicate the location of all existing and proposed buildings, property lines, septic tank and absorption fields, tile and open drains and wells on the property to be developed and on those properties immediately adjacent to it. Sufficient existing and proposed elevations shall be also be provided.

(3) If it is determined that the proposed system design does not meet the minimum requirements of this rule, the permit shall be denied and the owner shall be notified in writing of the basis for denial, and the notification shall state the appropriate procedure for registering any such appeal.

(4) The permittee shall notify the Health Officer or his or her designee when the work is ready for final inspection and at least 48 hours or two working days before any subsurface portions are to be covered. Soil absorption systems that require more than one inspection due to improper installation or improper scheduling, and the like, will be required to pay an additional fee for each additional inspection necessary.

(5) The Board of Health, its agent, or the Health Officer or his or her agent shall be permitted to enter upon all properties at the proper time for purposes of inspection, observation, measurement, sampling and testing necessary to assure compliance with this rule.

(6) The installation of the permitted soil absorption system must be completed to the exact design specifications. No portion of the permitted design is to be altered without first consulting with the Board of Health. Any alteration of an approved and permitted soil absorption system design without the consultation and issuance of an amended permit will result in an unapproved and non-compliant system. No certificate of occupancy will be granted for any construction or change of use until such time as the sewage disposal system has been certified approved.

(B) *Commercial permit.* The owner or agent of the owner shall obtain a written permit, signed by the Health Officer, for construction of a commercial sewage disposal system prior to construction of an establishment classified and rated as a business.

(1) The application for such a permit shall be made on a form provided by the Howard County Health Department specifically for commercial sites.

(2) The application shall include a copy of the permit issued from the State Department of Health, a copy of the soil profile analysis, and a blue print copy of the design submitted to the State Department of Health. The information shall include but not be limited to all pertinent information covered in division (A) of this section.

(C) *Refusal or revocation of permits.*

(1) If an applicant is refused a permit, the Board of Health shall, upon request, afford the applicants the opportunity for a fair hearing.

(2) The Health Department may revoke a permit which had been issued for construction of a residential sewage disposal system if it finds that the owner of the permit has failed to comply with this rule. Upon such notice, the Board of Health shall upon request afford the applicant the opportunity for a fair hearing.

(BCC Ord. 1993-34, passed 11-1-93) Penalty, see § 51.99

§ 51.05 FEE SCHEDULE.

The fee schedule for this chapter is as follows:

| | |
|---------------------------------------|--------------|
| Septic Installers License. | \$100 annual |
| Septic Permit (residential). | \$50 |
| Septic Permit (commercial). | \$50 |
| On-Site Evaluation. | \$25 |
| Additional Septic Inspection. | \$25* |

* Septic inspections for lots are provided in the amount of one per lot, and are scheduled by the applicant. In the event that the site needs more than one inspection due to improper planning, non-compliant installation, and the like, there will be a charge for each additional inspection performed by a representative of the County Health Department. (BCC Ord. 1993-34, passed 11-1-93)

§ 51.06 CONNECTION TO PUBLIC OR ENCLOSED SANITARY SEWER SYSTEM.

(A) *Proposed residential development.*

(1) Prior to preliminary plat approval, the developer of any proposed residential development shall be required to evaluate the feasibility of extending an existing public or enclosed sanitary sewer system. The feasibility of providing a direct connection shall be projected for the entire project area and shall be based upon the maximum gross density permitted in the zoning district in which the development is located. A direct connection shall be required when the total length of the sanitary sewer lines required from the existing sanitary sewer system to the nearest property line of the proposed project is less than 300 feet per lot in the total project, that is 300 feet times the number of lots in the total project.

(2) The County Board of Health will only consider the use of private individual absorption systems for residential development after the developer has shown that the use of collection sewers and central treatment is not feasible.

(B) *Proposed non-residential development.* Prior to approval, the developer of any proposed non-residential sewage development shall be required to evaluate the feasibility of extending an existing public or enclosed sanitary sewer system. A direct connection shall be required based upon the sewage per day, as set forth hereafter:

| <i>Sewage Flow Per Day</i> | <i>Distance from Public or Enclosed Sewer System</i> |
|--------------------------------|--|
| 0 - 499 | 250 feet |
| 500 - 1,499 | 500 feet |
| 1,500 - 2,999 | 2,000 feet |
| 3,000 + | 5,280 feet for each 3,000 gal. |

(BCC Ord. 1993-34, passed 11-1-93) Penalty, see § 51.99

§ 51.07 ABANDONMENT OF EXISTING PRIVATE SEWAGE SYSTEM.

All abandoned septic tanks shall be removed or filled in with soil or aggregate in a manner that will eliminate a health and safety hazard. This includes the disconnection of inlet and outlet lines of a septic tank that is not removed.

(BCC Ord. 1993-34, passed 11-1-93) Penalty, see § 51.99

§ 51.08 CONFLICT OF ORDINANCES.

In any case where a provision of this chapter is found to be in conflict with a provision of any code of the county existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of any other code of the county existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

(BCC Ord. 1993-34, passed 11-1-93)

ON-SITE SEWAGE REGULATIONS**§ 51.20 INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference as a part of this subchapter and shall include any later amendments to those regulations as the same are published in the Indiana Administrative Code with the effective dates as fixed therein.

(A) Rule 410 I.A.C. 6-8.1 et seq.

(B) Bulletin SE 11, the Sanitary Vault Privy, 1986 Edition.

(C) Rule 410 I.A.C. 6-10 et seq. Commercial On-Site Wastewater Disposal

(D) I.C. 16-41-25-3.
(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.21 DEFINITIONS.

In addition to or to otherwise supplement those definitions contained in 410 I.A.C. 6-8.1-1 et seq. which is incorporated herein by reference, this subchapter shall include the following definitions:

BEDROOM. A room within a dwelling that might reasonably and regularly be used as a sleeping room or which contains a closet or shares a common hallway with or adjoins a bathroom.

HEALTH OFFICER. A medical doctor serving as the executive officer for the County Health Department and secretary for the County Board of Health.

INSTALLER. Any person engaged in the construction and installation of residential or commercial on-site sewage disposal systems in the county.

INSTALLER LICENSE. A certificate issued to a person, for hire, who meets all the prerequisites for installing on-site sewage systems in the county.

IOWPA. Indiana Onsite Wastewater Professional's Association.

ONSITE SEWAGE SYSTEM(S) (OSS). All equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from a residence or commercial facility.

OUTLET FILTER. Devices designed to restrict solid matter from leaving the septic tank and to enhance the quality of effluent.
(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.22 LICENSING OF INSTALLERS.

(A) Any person engaged in the installation of an on-site sewage system shall obtain an installer license from the County Health Department, Division of Environmental Health.

(1) The person must complete an application (homeowner exception see division (B)(4) of this section).

(2) Submit to a written examination given by the County Health Department, which will cover state and local regulations governing OSS, and receive a score of 70% or greater. A person who has participated in IOWPA's training and testing and successfully passed their certification test will not be required to submit to a written examination given by the County Health Department.

(3) If the person fails to pass the examination, the person may re-apply for an installer's license and examination no earlier than one month following the examination date. A \$20 re-examination fee must be paid prior to reexamination.

(4) The person must submit a certificate of insurance to the Health Department.

(B) Once the criteria in divisions (A)(1) through (4) above are met, the applicant shall pay set fee for such license.

(1) Installer's license will be issued and shall be renewed within 30 days of expiration.

(2) Such license shall be valid for one year, and is non-transferable. The license shall bear the name and address of the company, the name of the licensee, and the expiration date.

(3) The licensed installer shall be present at the site during construction of the OSS and maintain in his or her possession a copy of the license.

(4) A homeowner that wishes to install an OSS on his or her property is exempt from license fees and insurance requirements. The homeowner must submit to an examination, which will cover state and local regulations of OSS. Any installation conducted by a homeowner shall not be for real estate development, or any other commercial interests.

(C) An installer's license, issued under this subchapter, may be revoked or suspended by the County Board of Health. Upon a fair hearing, if the licensee should fail to show cause, the Board may revoke the license and promptly give written notice of the action to the licensee. The Health Officer shall maintain a permanent record of the proceedings filed in the office of the Health Department. If the Board determines the license shall be revoked or suspended, the licensee shall be forbidden to install, repair, or otherwise work on OSS in the county for the time period fixed by the County Board of Health. (Ord. 2006-BCC-23, passed 5-9-06)

§ 51.23 OSS PERMIT REQUIREMENTS AND PLAN SUBMITTAL.

(A) The following requirements must be met before the issuance of a permit for an OSS.

(1) A completed application.

(2) A written site evaluation report, performed by a soil scientist, containing soil absorption field site characteristics, a soil profile

report, soil profile characteristics, and a fixed object from which the boring locations will be measured.

(3) A plat plan that includes:

(a) Legal description of the property.

(b) Property boundaries.

(c) Easements.

(d) Required setbacks.

(4) An OSS plan that includes but not limited to:

(a) A drawing of the OSS site to scale.

(b) Property boundaries.

(c) Footprint of all structures (existing and proposed).

(d) Utility services.

(e) Existing and proposed sewer outlets and OSS components.

(f) Setbacks and separation distances required herein.

(g) Identification of all existing and proposed private water supply wells within 100 feet of the OSS and 200 feet from any public water supply wells.

(h) Within the proposed soil absorption field site, all trees and shrubs that may affect the construction of the soil absorption field.

(I) Location of all soil sample sites measured from a fixed reference point.

(j) All topographic features affecting the soil absorption field, including:

1. Position (upland, terrace, or floodplain).

2. Percent slope, slope shape, and slope aspect.

3. Surface drainage characteristics, including:

a. Location of all lakes, ponds, reservoirs, rivers, streams, ditches, or swales.

b. Location of all surface topography where surface runoff may collect or pond,

(k) Type of vegetative cover at the site.

(l) One hundred-year flood elevations as determined by the Indiana Department of Natural Resources (IDNR) and identification of all portions of the property at and below the 100-year flood elevation.

(5) Detailed plan view of the OSS soil absorption field.

(6) Detailed plan view of the OSS surface and subsurface drainage system.

(7) Detailed cross-section of a typical trench of the OSS soil absorption field, to scale.

(8) Invert elevations of all piping, including all inlet and outlet piping to distribution boxes and tanks; elevations of original grade at the ends of each trench in the soil absorption field(s).

(9) The County Health Department may require any OSS to be designed by a registered professional engineer when deemed necessary.

(B) All septic tanks installed in the county must contain outlet filters and filter alarms.

(1) Use, sizing, installation, and service of outlet filters must be in accordance with

manufacturer's recommendations. Outlet filters must be designed to handle the design daily flow (DDF) of the OSS.

(2) Outlet filters must be maintained by the owner or agent of the owner and must remain in service for the life of the septic tank.

(3) The outlet filter must be placed in the last septic tank for septic tanks placed in series.

(4) The filter alarm must be accompanied by a laminated instruction sheet that shall be mounted near the alarm signal, detailing actions the property owner should take should the alarm be activated. This instruction sheet should also provide the suggested maintenance schedule for the filter.

(5) Outlet filters must be placed to allow accessibility for routine maintenance without entering the tank.

(6) Service should be performed as required and shall be performed each time the septic tank is pumped.

(C) All perimeter drains installed in the county must meet the following criteria:

(1) For trench OSS, the subsurface perimeter drain must be two inches into a soil horizon with a loading rate less than .25 gallons per day per square foot, or 36 inches deeper than the deepest trench bottom if a soil with a loading rate of less than .25 gallons per day per square foot is not present. Other means that are found to lower the water table at least 24 inches below trench bottom are also acceptable.

(2) For sand mound OSS, the subsurface perimeter drain must be two inches into a soil horizon with a loading rate less than .25 gallons per day per square foot or 32 inches deeper than the original ground surface.

(3) The subsurface drain tile shall be at least six inches in diameter.

(4) If an existing perimeter drain is available which services adjacent properties which are of the same soil type, elevation and surface grade, the existing perimeter drain may be used, providing that the adjacent properties have not experienced any OSS problems related to the perimeter drain in the past five years.

(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.24 ON-SITE SEWAGE SYSTEM PERMIT.

(A) The owner or agent of the owner shall obtain a written permit, from the County Health Department, signed by the Health Officer, for the construction of a residential or commercial OSS prior to the following:

(1) The start of construction or the placement of a residence or building that will not be connected to a publicly or privately-owned wastewater treatment plant at the time of initial occupancy.

(2) The start of any construction, installation, replacement, alteration or repair of any part of an OSS.

(3) The start of construction of any replacement, reconstruction, or expansion of a residence which may increase the number of bedrooms.

(4) The owner shall obtain all necessary federal, state, and local permits and approvals before construction begins on an OSS.

(C) Any proposed changes, alterations or additions to an OSS plan submittal for which a permit has already been issued shall be approved by the Health Department prior to the implementation of the changes.

(D) The Health Department shall issue, or deny in writing, to the owner an OSS permit as soon as possible but within 45 days of receipt of a complete application and complete plan submittal.

(E) An OSS permit shall expire upon compliance of the OSS installation, or within three years of the issue date, whichever comes first. This permit may be renewed prior to expiration for one additional three-year period. Provided, however, the renewal permit shall expire within one year of the effective date of change of the state's rules regarding OSS, unless the expiration date of the locally issued permit comes first, at which time the permit shall expire.

(F) The owner or agent shall request an inspection by the Health Department after the OSS is completed and before any portion of the OSS is covered. The Health Department shall have until the end of the second business day (4:00 p.m. local time) after the request to respond before any portion of the OSS is covered. If the Health Department has not responded within that time, the owner or agent may begin covering the OSS.

(G) The Health Department may modify or revoke a permit which it has issued. The reasons for modification or revocation include, but not limited to, any of the following:

(1) The soil absorption field site has been disturbed or altered after collection of information for the written site evaluation report. Disturbance or alteration of the site includes, but is not limited to the following:

(a) The addition of fill.

(b) The cutting, scraping, or removal of soil.

(c) The compaction of the site.

(2) False information has been submitted to obtain the permit.

(3) Information submitted in the written site evaluation report, plat plan, or OSS plan is found to be erroneous.

(4) Errors or omissions are discovered after the permit has been issued.

(5) The OSS does not comply with the requirements of 410 I.A.C. 6-8.1-1 et seq. and all of the provisions of this subchapter, or conditions of the permit.

(6) The owner or agent of the owner failed to notify the Health Department at least seven days prior to construction of a commercial facility OSS.

(7) The owner or agent of the owner failed to request an inspection by the Health Department at least two working days before any portion of the OSS was covered.

(H) If a permit is revoked or modified, the owner shall be advised in writing of the basis for the modification or revocation, the right for appeal, and the deadline for appeal.

(I) If a permit has been revoked, the following shall occur for a new permit to be issued:

(1) The owner shall provide, as necessary, a revised site evaluation, and a revised plat plan and OSS plan.

(2) The proposed OSS shall comply with the requirements of 410 I.A.C. 6-8.1-1 et seq. and all of the provisions of this subchapter.

(3) If a permit is revoked, construction may not proceed on the OSS until a new permit is issued. (Ord. 2006-BCC-23, passed 5-9-06)

§ 51.25 OSS OPERATING PERMIT.

(A) The owner may be required to obtain a written operating permit, signed by the Health Officer, for use, inspection, and maintenance of an OSS.

(B) An operating permit requiring scheduled inspection and maintenance shall contain the following:

(1) Name, address and telephone number of the service company contracted to perform inspection and maintenance.

(2) A copy of the inspection and maintenance contract, or reference to a standard inspection and maintenance contract having a unique reference number for each owner. Where a standard inspection and maintenance contract is used, a copy of the standard contract must be submitted, by the service company, to the department or local health department, whichever has authority.

(3) Reference to operation and maintenance document or documents used for scheduled inspection and maintenance, with a unique reference number for each document. A copy of each inspection and maintenance document must be submitted, by the service company, to the department or local health department, whichever has authority.

(C) An operating permit shall identify all components of an OSS requiring inspection and maintenance.

(D) An operating permit issued by the department or local health department, whichever has authority, shall be renewed:

(1) At least biennially for OSS having components requiring scheduled inspection and maintenance; and

(2) At least once every five years for OSS not having components requiring scheduled inspection and maintenance.

(E) The owner, or service company contracted to perform inspection and maintenance, shall provide the department, whichever has authority, with the following:

(1) Written documentation of all scheduled inspection and maintenance within one month of the date the scheduled inspection and maintenance was performed.

(2) For all unscheduled maintenance, the owner, or service company contracted to perform unscheduled maintenance, shall provide:

(a) Notification, by telephone or electronic mail, within 48 hours after performing unscheduled maintenance.

(b) Written documentation of all unscheduled maintenance within one month of the date the unscheduled maintenance was performed.

(F) If inspection of an OSS reveals that any of its components must be repaired or replaced, the owner, or the owner's agent, must comply with the requirements of § 51.23.

(G) If the owner fails to comply with this section, after notice of violation and said time limit, the owner may be held to § 51.99, Penalty. (Ord. 2006-BCC-23, passed 5-9-06)

§ 51.26 CONNECTION TO EXISTING SYSTEM.

Connection to an existing onsite sewage system shall be permitted if the following conditions are met.

(A) The connection will not exceed the daily design flow for the OSS.

(B) The existing system has not met the definition of an "OSS failure".

(C) The existing system has been permitted and approved for use by the Health Department, and the applicant has possession of a record of the permitted and approved system, which shows all system dimensions.

(D) If the existing system should fail, there is sufficient space for system replacement.

(E) In the event that a system enlargement is proposed, the enlargement must bring the existing

system into compliance with the minimum standards of this subchapter.

(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.27 OSS INSPECTION.

(A) The Health Officer or the officer's designee may enter upon and inspect private property, at proper times and after due notice, to evaluate compliance with this subchapter.

(B) The Health Officer or designee shall inspect each OSS for which a permit is required under the provisions of this subchapter.

(C) The permit shall be signed in-compliance prior to the utilization of the OSS.

(D) Persons violating this section may be subject to § 51.99, penalty. (Ord. 2006-BCC-23, passed 5-9-06)

§ 51.28 VIOLATION.

(A) Any person found to be violating this subchapter may be served by the Health Officer or his or her designee with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.

(B) After receiving an order in writing from the Health Officer or his or her designee, the owner of the property shall comply with the provisions of this subchapter as set forth in said order and within the time limit specified therein. Said order shall be served on the owner or the agent of the owner, but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of an order.

(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.29 PROCEDURE FOR APPEAL.

(A) The County Board of Health shall hear appeals incidental to the issuance and revocation of

OSS permits, and installers' license if, within 15 days following the date of receipt of an issued OSS permit, OSS permit modification, notice of OSS permit denial, notice of OSS permit revocation or notice of issued and revocation of installer licenses, any person aggrieved by such action files a petition for review concerning such action with the County Board of Health.

(B) A petition for review shall state:

(1) The name, address and telephone number of the person making the request;

(2) Identify the interests of the petitioner which is affected by the OSS permit issuance, denial, modification, or revocation;

(3) Identify any persons whom the petitioner represents;

(4) State with particularity the reasons for the request;

(5) State with particularity the issues proposed to be considered;

(6) Include proposed terms or conditions which, in the judgment of the petitioner, would be appropriate to carry out the requirements of law, governed by this subchapter, or 410 I.A.C. 6-8.1-1 et seq.

(C) The procedures established in I.C. 4-21.5, the administrative procedure and orders act, may apply to the conduct of the hearing.

(D) After the Board of Health hearing, the petitioner may appeal the Board of Health ruling to the County Board of Commissioners, who will determine if proper process was followed. This appeal must be filed within 30 days after the date of the Board of Health's decision.

(E) After the Board of Commissioners hearing, the petitioner may appeal to the Circuit Court of Howard County. This appeal must be filed within 30

days after the date of the Board of Commissioners' decision.

(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.30 REMEDIES.

Upon refusal or neglect of any person to correct an unlawful or unsanitary condition when the abatement of the condition has been ordered in writing by the Health Officer or designee, or an appeal against the order has been sustained by the Health Officer, the Health Officer or designee may, through the office of the County Attorney, or an attorney representing the Health Department, institute proceedings in the judicial court district wherein the offense occurs for enforcement by prohibitory or mandatory injunction to restrain any person from violating the provisions of this subchapter.

(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.31 FEE SCHEDULE.

As set forth in the County Health Department Fee Collection Ordinance and any amendments or revisions hereafter.

(Ord. 2006-BCC-23, passed 5-9-06)

§ 51.32 CONFLICT OF ORDINANCES.

(A) In any case where a provision of this subchapter is found to be in conflict with a provision of any code of the county existing on the effective date of this subchapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of any other code of the county existing on the effective date of this subchapter which establishes a lower standard for the promotion and protection of the health and safety of the people, are hereby declared to be repealed to the extent that they may be found in conflict with this subchapter.

(B) If any section, subsection, paragraph, sentence, clause, or phrase of this subchapter should

be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this subchapter, which shall remain in full force and effect, and to the end the provisions of this subchapter are hereby declared to be severable.
(Ord. 2006-BCC-23, passed 5-9-06)

the expiration of the time limit for correction, the installer shall be fined not more than \$2,500 and revocation of license.

(Ord. 2006-BCC-23, passed 5-9-06)

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§ 51.99 PENALTY.

(A) Any person found to be in violation of this chapter shall be fined for the first offense not more than \$500; for the second and each subsequent offense not more than \$1000. Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the County Board of Health shall constitute a distinct and separate offense. Further, any person found to be in violation of this chapter shall be liable to the County Board of Health for any expense, loss or damage occasioned the Board of Health by reason of violation.

(BCC Ord. 1993-34, passed 11-1-93)

(B) (1) Any person found to be in violation of §§ 51.20 through 51.32 shall be fined for the first offense not more than \$2,000; for the second and each subsequent offense not more than \$2,500. Any person constructing, installing, replacing, altering, or repairing any OSS who is not certified in Howard County shall be deemed to be in violation of §§ 51.20 through 51.32. Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the County Health Department shall constitute a distinct and separate offense.

(2) In the event that any on-site sewage system installed does not meet compliance with §§ 51.20 through 51.32, after the expiration of the time limit for correction, the installer shall be fined for the first offense not more than \$1,000 and suspension of license. For the second offense, after

CHAPTER 52: WATER REGULATIONS

Section

Private Water Wells

(C) *Declaration of purpose.*

- 52.01 Title and purpose
- 52.02 Definitions
- 52.03 Water wells; location and construction
- 52.04 Pump installation
- 52.05 Use of wells for drainage or waste disposal
- 52.06 Abandonment of wells
- 52.07 Disinfection and samples
- 52.08 Licensing, permits and inspections
- 52.09 Appeals
- 52.10 Violations
- 52.11 Remedies
- 52.12 Wellhead protection areas

Appendix A: Tables

Cross-reference:

Subdivision sewer, water and drainage regulations, see §§ 152.63 et seq.

PRIVATE WATER WELLS

§ 52.01 TITLE AND PURPOSE.

(A) *Title.* This chapter regulates the location, construction, installation, maintenance and repair of all private water wells and pumps in the county, provides for the administration and enforcement of the provisions contained herein, and fixes penalties for violation.

(B) *Short title.* This chapter shall be known and may be cited as the “County Private Water Well Ordinance.”

(1) The general purpose of this chapter is to promote the public health, safety and welfare and to further the following related and specific objectives.

(a) To preserve and improve the environmental quality of the county.

(b) To minimize contamination of ground and water resources.

(2) Nothing in this chapter shall prohibit development under a permit issued prior to the date of this chapter under any previous laws or ordinances.

(3) All private water wells and pumps within the county shall be installed, constructed and maintained in an approved manner, in conformity with the provisions of this chapter and if not specifically described herein, as described in Bulletins S.E. 13 and 15 of the State Board of Health, which are included by reference as part of this chapter and copies of which are on file in the offices of the County Auditor and the County Health Officer for public inspection.

(`83 Code, § 51.01) (Ord. 1977-39, passed 12-19-77) Penalty, see § 10.99

§ 52.02 DEFINITIONS.

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

AQUICLUDE. A formation or stratum that is impermeable to water.

AQUIFER. A water-bearing formation or stratum.

CASING. Steel or wrought iron pipe, type K copper, or other material approved by the Health Officer, to exclude unwanted solids or liquids from the interior of the well.

CEMENT GROUT. A thorough mixture consisting of one bag of portland cement (94 pounds) with five or six gallons of clean water. When such mixture cannot be placed effectively, additives may be used; provided, shrinkage is held to a minimum and the mixture will form a water-tight seal throughout the entire depth required to prevent objectionable waters from entering the hole.

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 DEPARTMENT. The Kokomo-Howard County Health Department.

HEALTH OFFICER. The County Health Officer or his or her deputy or assistant having the responsibility for the administration and enforcement of this chapter.

NON-RESIDENTIAL 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 non-residential use.

PERSON. Any individual, partnership, firm, corporation, institution, school, unit of government, or officer or employee of any of the foregoing.

POLLUTION. Contamination or other alteration of the physical, chemical or biological properties of water as to render the water harmful, detrimental or injurious to public health or safety.

POTABLE WATER. Water suitable for drinking or culinary purposes in its natural state or through conditioning.

PRIVATE WATER SUPPLY. One or more sources of ground water, including facilities for conveyance thereof, 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 Public Service Commission.

PUMP INSTALLER. Any 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.

STUFFING BOX. An approved receptacle in which packing may be compressed to form a water-tight or air-tight junction between two objects.

TUBING. Metal, fibre 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 or returning water to the ground or for the purpose of testing the quantity or quality of such water or for lowering (either temporarily or permanently) the ground water level or water table.

WELL DRILLER. Any individual, partnership, firm or corporation that produces or contracts to construct a well.

WELL DRILLING. Any operation which produces a well.

WELL OWNER. The legal owner of the real estate containing a 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 therein so as to prevent unwanted water or other contaminating material from entering the well at the upper terminal.

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 a well when water level has remained stabilized for one hour or longer.
(`83 Code, § 51.02) (Ord. 1977-39, passed 12-19-77)

§ 52.03 WATER WELLS; LOCATION AND CONSTRUCTION.

(A) *Location of water supply wells.* The location of water supply wells or buried suction lines shall conform to the minimum separation requirements of Table I, as set forth in Appendix A.

(1) Private water supply wells shall be located at a high point on the premises and shall be protected from surface drainage and flooding.

(2) Each single-family residence constructed after the adoption of this chapter shall have its own separate well on the lot whereon it is located except where such residence is connected to and using a public water supply.

(3) No well shall be located within the basement of any building or under a building that has no basement.

(B) *Construction of wells.* All wells shall be constructed in accordance with the requirements below. Water supply wells for other than single-family residential use shall have sufficient stabilized yield to produce a minimum pressure of 20 psi for all uses.

(1) *Casing.*

(a) All wells shall be cased to a depth of at least 25 feet below ground surface.

(b) The casings of wells developed in sand or gravel shall extend water-tight to or into the aquifer.

(c) The minimum casing diameter for a well to be used as a source of potable water shall be four inches or greater. Under no conditions shall it be less than two inches inside diameter.

(d) Every drive pipe shall be fitted at its lower end with a standard drive shoe, threaded or welded onto the pipe so that the pipe rests on the internal shoulder of the shoe. The shoe shall have a beveled and tempered cutting edge of metal alloyed for this special purpose.

(e) The casing of the well shall be wrought iron, steel, or type K copper and shall be of sufficient thickness and quality to protect the well against structural deficiencies during construction and against contamination by surface water or other undesirable materials during the expected life of the well. Only recessed couplings may be used on threaded pipe or casing. Ferrous casing shall be new, first-class material meeting American Society for Testing Materials (ASTM) Standards A-120 or A-53, or American Petroleum Institute (API) Standards API-5A or API-5L. No thin-walled, sheet metal, used, reclaimed, rejected or contaminated pipe or casing shall be used in a water well. New pipe or casing, when salvaged from water well test holes only, shall not be considered as used or contaminated. Where corrosive water or soil is likely to be encountered, thicker walls in pipe or casing than those which appear in Tables II through V, as set forth in Appendix A, should be used.

(f) Other types of casing may be used in dug or bored wells if the annular space between the casing and the soil is completely filled by a monolithic pour of dense, water-tight, puddled or vibrated concrete measuring at least six inches thick,

especially at the bells or joints. This casing shall be new material and shall extend to a depth of at least 25 feet below ground surface. For special construction required to prevent surface contamination at the top of large diameter dug or bored well casings, the State Board of Health should be consulted. Approval of the Health Officer is required for this type of construction.

(g) The casing pipe of any well shall project not less than 12 inches above the pumphouse floor or finished ground surface, and at least 24 inches above the highest flood level of record. No casing shall be cut off below ground surface except to install a basement offset or a pitless adapter. The adapter shall project not less than 12 inches above ground surface.

(h) There shall be no opening in the casing wall below its top except by the use of a properly installed pitless adapter designed to, and fabricated of such materials that will, keep soil and water from entering the well during the life of the casing. The pitless adapter shall be of such design that the tubing or drop pipe cannot be dropped into the well by misalignment in assembling the internal parts. The upper terminal of the pitless adapter shall meet the requirements of the preceding paragraph. Due to the difficulty of making strong and water-tight welds under field conditions, adapters threaded onto the casing shall be used. A heavy-weight transition fitting, welded water-tight both internally and externally (full double weld) to the casing and terminating in a full-sized 8-thread per inch connection may be used instead of cutting threads on the casing pipe. The adapter fitting itself shall be a commercially-produced casting or shop-welded fitting, pressure tested to at least 300 psi with no weeping or leakage. Saddle-type fittings with heavy corrosion-resistant U bolts and rubber gaskets under system pressure at all times also may be used.

(I) The outside casing wall shall not be used as a suction pipe.

(2) *Sealing.*

(a) The casings of wells developed in rock shall be firmly seated in sound rock. If broken

or creviced rock is encountered above the aquifer, the hole shall be reamed through the broken or creviced rock and the casing seated in sound rock or an aquiclude. In areas where rock wells can be developed only in the upper fractured rock, casing may terminate in this formation if there are at least 25 feet of unconsolidated material above the rock. When there is less overburden and deeper strata will not produce potable water, the substandard quality of the well must be recognized. The State Board of Health should be consulted for the treatment necessary to provide a safe supply. Approval of the Health Officer shall be required in this case.

(b) In a rock well, the annular space between the casing and the drill hole shall be sealed to a sufficient depth to prevent surface drainage water, or shallow subsurface drainage, from entering the hole. If rock is encountered within 25 feet of the surface, the hole shall be reamed at least four inches greater diameter than the casing so that a minimum two-inch annular space can be filled with cement grout. The casing shall be extended at least ten feet into the rock, or to a point at least 25 feet below the surface, and cement grout shall be used to seal the annular space.

(c) Cement grout that is used to seal a hole diameter larger than the casing shall be composed of a thorough mixture of portland cement and clean water at a rate of one bag (94 pounds) of cement to five to six gallons of water so that it can be pumped or puddled into the annular space to seal it. If such a cement grout cannot be placed effectively, additives may be used provided shrinkage is held to a minimum and the mixture will form a water-tight seal throughout the entire depth required to prevent objectionable waters from entering the hole.

(d) Where pipe is driven through clay, silt, sand or gravel into a hole of smaller diameter than the casing, and where such unconsolidated clays, silts, sand or gravel are present to a depth greater than 25 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.

(e) Whenever a casing is placed in a hole of larger diameter than the casing, the annular space between the casing and the wall of the hole shall be sealed from the rock or screen setting to the surface with either thick bentonitic clay, mud or cement grout in the manner described above.

(f) Dug or bored wells constructed with a screen threaded or welded to metallic casing, and with a concrete cut-off seal at least 30 inches thick poured and puddled to fill the excavation 25 or more feet below ground surface, may be back-filled above the seal with compacted drillings or clay in such a manner that the resulting fill will be as resistant to seepage as the undisturbed earth around it. The screen used in this construction shall be bronze or stainless steel to permit acidizing since it cannot be removed.

(3) *Screens.* Casings of wells drawing from unconsolidated water-bearing formations, except those described in divisions (B)(1)(f) and (B)(2)(f) above, shall be fitted with strainers or screens which are set through the casing in a manner that will permit removal and replacement without adverse effect on the water-tight construction of the well. Slotted pipe is not acceptable. The screen shall have openings properly sized to exclude the granular material of the developed aquifer.

(4) *Temporary caps.* Temporary caps placed on a well until pumping equipment can be installed shall be such that no contamination can enter the casing. A properly fitted and firmly driven solid wooden plug or equally watertight closure is the minimum acceptable.

(5) *Yield.*

(a) Wells constructed as a source of water for a residence shall have a stabilized yield of at least 300 gallons per hour (gph). If a lesser yield is the maximum amount of water obtainable from the aquifer, the Health Officer shall be informed and his or her approval obtained.

(b) Before it is put into use, every well shall be tested by pumping for yield and drawdown. The test pump shall have a capacity at least equal to the pumping rate that is expected of the well during its usage. The test pump shall be installed to operate continuously until the water level has become stabilized and, at this point, the yield and drawdown determined. Bailing may be used to give a rough estimate of the yield of the well, and may be the only practical way to test very weak wells, but it is not to be considered a reliable substitute for a pumping test for yields over 150 gph.

(6) *Records.* The well driller shall furnish the Health Officer and the well owner with duplicate copies of the information he supplies to the Department of Natural Resources in compliance with the provisions of I.C. 25-39-4-1. The record shall include a log of the materials penetrated and their depth or thickness.
(`83 Code, § 51.03) (Ord. 1977-39, passed 12-19-77) Penalty, see § 10.99

§ 52.04 PUMP INSTALLATION.

(A) Pump installation shall be in accordance with the following regulations.

(1) *Hand pumps.* 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 spout 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 at least one inch above the face of the flange.

(2) *Power-driven pumps.* 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; provided, the pump is mounted on a base plate or foundation in such a manner as to exclude dust and insects, and the top of well casing is at an elevation at least two feet above any known flood water level.

(a) Where the pump unit is not located over the well and the pump delivery or suction pipe emerges from the top thereof, a water-tight expanding gasket or equivalent well seal shall be provided between the well casing and piping. A similar water-tight seal shall be provided at the terminal for a conduit containing a cable for a submersible pump. See § 52.03(B)(1)(g) for casing top above ground surface.

(b) All submersible pumps shall 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) Pitless adapters with below-ground discharge may be used. See § 52.03(B)(1)(h) for details of construction. The covered top of the adapter casing section shall extend 12 inches or more above the ground surface or 24 inches above maximum high water. There shall be no openings through the walls of the well or adapter casing for vents, wires, air lines or the like.

(3) *Pumphouses.* Unless the power-driven pump installation is of weather-proof and frost-proof construction, it shall be protected by a structure which permits access to the pump for maintenance and repair work. The pumphouse floor shall be constructed of impervious material and shall slope away in all directions from the well or suction pipe.

(4) *Protection against freezing.* Discharge lines and vacuum lines from the well to the foundation of heated buildings shall be protected against freezing.

(5) *Well vents.* All well vent openings shall be piped water-tight to a point not less than 24 inches above any known flood water level and, in any event, at least six inches above the well casing. See § 52.03(B)(1)(g). Such vent opening and piping shall be of sufficient size to prevent clogging by hoarfrost and in no case less than ¼-inch in diameter. The terminals of vent pipes shall be shielded and screened 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 water-tight.

(6) *Sampling faucets.* In all pressure water systems, provision shall be made for collection of water samples ahead of chlorination, or any other treatment, by installation of a faucet on the discharge side of and as close as possible to the pump. The sampling faucet shall have a smooth turned-down nozzle. A hose bib shall not be used. All-brass pet cocks with 90-degree turned-down spigots may be acceptable as sampling taps.

(7) *Suction pipes connecting pump and well.* All buried suction pipes, unless deeper than ten feet below the ground surface, shall be enclosed in a pipe conduit having a minimum wall thickness equivalent to a casing of same size. They shall be located from sources of contamination in accordance with the distances specified in § 52.03(A). No suction line shall be located beneath a sewer. An exposed suction pipe, as in a basement room, shall be 18 inches or greater practicable distance above the floor but need not be kept any specified distance horizontally from a cast iron sewer.

(8) *Materials prohibited.* No material may be used in the well or pump installation that will result in the delivered water being toxic or having an objectionable taste or odor. Flexible or nonrigid plastic pipe shall not be used for suspending submersible pumps. Plastic pipe shall not be used unless bearing the approval of the National Sanitation Foundation and unless having the physical properties required to withstand the torque and load to which it is subjected.

(9) *Offset pumps.* Offset pumps or pressure tanks 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 means of a sump pump, and a minimum of four feet of clear working space is provided between the floor of the crawl space and the floor joist overhead. If

located in a crawl space, the pump or pressure tank 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.

(B) All buried suction pipe shall be located from sources of pollution in accordance with the distances specified under § 52.03(A).

(C) Hand pumps shall be provided with a pump platform at least 48 inches square and four inches thick and reinforced with wire mesh. The upper surface of the platform shall be above grade and shall have a one-inch crown for drainage.

(D) A pressure tank with a minimum storage capacity of 42 gallons per dwelling unit shall be installed for each well. Storage capacity for buildings other than dwellings shall be approved by the Health Department on the basis of the use of the property.

(E) Pump bearing lubrication shall be designed to prevent contamination of either the water supply or the lubricating medium.
(`83 Code, § 51.04) (Ord. 1977-39, passed 12-19-77)
Penalty, see § 10.99

§ 52.05 USE OF WELLS FOR DRAINAGE OR WASTE DISPOSAL.

(A) No well may be used for the disposal of sewage or other material that may contaminate potable water horizons.

(B) If a well is to be constructed or used for the purpose of returning uncontaminated water to the ground, consideration shall extend to thermal as well as bacterial factors, and the plans for the well and system shall be submitted to and approved by the Health Officer and the State Stream Pollution Control Board. To prevent aeration of the returned water, and subsequent adverse changes in its quality, the return pipe shall discharge at least five feet below water level in the return well.
(`83 Code, § 51.05) (Ord. 1977-39, passed 12-19-77)
Penalty, see § 10.99

§ 52.06 ABANDONMENT OF WELLS.

(A) A well to be abandoned temporarily but which the owner intends to equip and use at some future time shall be sealed at the surface by a welded or threaded cap, or in the case of a dug well, in a manner satisfactory to the Health Officer.

(B) A well that is to be abandoned permanently shall be filled with cement grout opposite each water-bearing formation and in the top 40 feet of the hole. The remainder of the hole may be filled with puddled clay or other impermeable material that will permanently prevent migration of fluids in the hole. Sand, gravel, slag and crushed limestone are not desirable materials to use in filling a hole because they are permeable, but they may be used opposite aquicludes to bridge between zones of cement grout. If saltwater is entering or may enter the well, the entire hole shall be filled with cement grout.

(C) Dewatering wells, temporary service wells, construction water wells, process wells or other structures for withdrawing ground water or lowering of water levels or water tables regardless of location, length of intended service, or original use or intent shall be constructed to the identical standards and minimums as water supply wells covered by this chapter.

(D) The abandonment of dewatering wells, construction wells and temporary wells shall be accomplished by the identical procedure prescribed herein for permanent abandonment.
(`83 Code, § 51.06) (Ord. 1977-39, passed 12-19-77)
Penalty, see § 10.99

§ 52.07 DISINFECTION AND SAMPLES.

(A) To prevent contamination of the well or aquifer, a chlorine residual of 200 parts per million, or other disinfectant of comparable anti-bacterial quality and strength, shall be maintained in the well hole throughout the drilling process. Under these conditions the well need not be disinfected until the pump is set. 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. Such treatment shall be performed both when the well work is finished and when the pump is installed or reinstalled. 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. The well or other ground water development equipment, including the pumping 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) Before the water supply system is approved for use, it shall be disinfected in accordance with division (A) above, pumped to remove disinfectant, and tested. Sterile bottles for water samples and bacteriological tests will be obtained from the State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206, water sample returned to the State Laboratory, and certification received from the State Laboratory that the quality of the water is satisfactory for its intended use. A nominal charge is made by the State Board of Health for this service. (¹ 83 Code, § 51.07) (Ord. 1977-39, passed 12-19-77) Penalty, see § 10.99

§ 52.08 LICENSING, PERMITS AND INSPECTIONS.

(A) *Licensing of installer.* After the effective date of this chapter, no person shall offer or contract to install any portion of a private water well or pump without first having obtained a license from the Health Officer.

(1) *Application for license.* Application for the license shall be on the form prescribed by the Health Officer and shall be accompanied by a fee of \$25.

(2) *Issuance of license.* The license shall be valid for a period of one year from the date of issuance and shall be renewable each year thereafter. An application for renewal shall be filed not later than five working days before the expiration date. The license shall bear the name and address of the licensee, the date of issuance, and the expiration date of the license. A license issued under the provisions of this section shall be nontransferable.

(3) *Revocation of license.* The Health Officer shall have the authority to revoke a license issued under the provisions of this section for repeated failure to observe the standards established by this chapter or on conviction of a violation of this chapter.

(B) *Permits.* After the effective date of this chapter, no improvement location permit shall be issued where a private water well or pump is to be installed or where any alteration or major repair to an existing private water well or pump is planned unless a permit for the system has been issued by the Health Officer.

(1) *Emergency repair.* Emergency repair of an existing private water well or pump may be made on weekends or holidays when the Health Department office is closed without first obtaining a permit; provided, the repair shall be in conformance with the provisions of this chapter. A permit for such emergency repair shall be obtained within five working days thereafter.

(2) *Application for permit.*

(a) The application for a permit for installation, alteration or repair of a private water well or pump shall be made by a licensed installer on a form provided by the Health Officer, which application shall be supplemented by plans, specifications and other information as is deemed necessary by the Health Officer. Plans shall be to a suitable scale and shall indicate the location of all existing and proposed buildings, property lines, septic tank and absorption fields, and wells on the property

to be developed and on those properties immediately adjacent to it. Sufficient elevations shall be provided, to USC and GS datum to indicate the drainage characteristics of the property involved. The soil information, required for the permit, shall be provided either by the Soil Conservation Service, USDA, or by an engineer registered in the state and competent in soil mechanics. The soil information shall include soil identification using the soil mapping symbols. A permit and inspection fee of \$10 shall be paid to the Health Department at the time the application is filed.

(b) The Health Officer shall review each application for a new or enlarged private water well. He or she shall make an estimate of the reasonable and probable effects of the proposed new or enlarged well on existing wells in the vicinity. If the Health Officer determines, from information available to him or her at the time of the application, that the proposed new or enlarged well will deny an adequate supply of water to the owners of existing wells in the vicinity, he or she shall deny the application.

(3) *Issuance of permit.*

(a) A permit to install any private water well or pump shall be issued only for lots of record in the county, and for lots in subdivisions given preliminary or final approval by the Plan Commission; provided, however, that not more than two such permits shall be issued in any one subdivision given only preliminary approval.

(b) Permits for repair may be issued for existing dwellings not located on lots of record.

(c) A permit for a private water well or pump shall not become final until the installation is completed to the satisfaction of the Health Officer and is certified in writing as being approved.

(d) The permit shall be prominently displayed at the construction site for the duration of construction.

(e) No certificate of occupancy will be granted for new construction until such time as the water supply system has been certified approved.

(C) *Inspection.* The Health Officer, or his or her agent, bearing proper credentials and identification, shall be permitted to enter upon all properties at any reasonable time and at any state of construction for purposes of inspection, observation, measurement, sampling and testing necessary to administer and enforce the provisions of this chapter, and further, the applicant shall notify the Health Officer when the work is ready for inspection. The inspection shall take place within two working days following the day of receipt of the notice by the Health Officer. The installation shall not be placed in service until its acceptance by the Health Officer.

(`83 Code, § 51.08) (Ord. 1977-39, passed 12-19-77)
Penalty, see § 10.99

§ 52.09 APPEALS.

(A) Any person who objects to a decision, ruling, regulation, determination or order made by the Health Officer under this chapter, or his or her attorney, may file with the Health Officer an appeal directed to the Board of Health.

(B) An appeal filed in such a manner shall stay the decision, ruling, regulation, determination or order appealed from, as the same applies to the appellant, until the Board of Health has taken final action on the appeal, except that an order to abate a hazard to the public health shall not be stayed by such an appeal.

(C) All decisions and findings shall be final administrative decisions and shall be subject to judicial review as provided by law.

(`83 Code, § 51.09) (Ord. 1977-39, passed 12-19-77)

§ 52.10 VIOLATIONS.

(A) It shall be considered a violation of this chapter for any person to refuse to allow a representative of the Health Officer to inspect any

water well or pump when he or she requests to make such an inspection during reasonable hours.

(B) When the Health Officer shall have found an insanitary condition to exist or shall have found a violation of the technical standards of this chapter which could reasonably be expected to lead to an insanitary condition, that officer shall give written notice of such finding to the person who is responsible for the correction of the condition, and the officer shall set a time limit for the correction to be completed. The “notice of violation” is to be posted conspicuously on the premises.

(C) Time limits as set by the Health Officer shall be reasonable and shall be consistent with the nature of the condition which brought about the notice of finding and shall be consistent with the amount of time which shall reasonably be expected to be required for the correction to be made under ordinary circumstances. Extensions of time may be granted under extraordinary circumstances or conditions.

(D) If such an insanitary condition shall not be corrected within the time limit set by the notice of finding or extension, the person shall be liable for maintaining a hazard to the public health and, upon conviction thereof, shall be guilty of a misdemeanor.

(E) It shall be a violation of this chapter for any person except the Health Officer to remove or allow to be removed a “notice of violation” posted on any property for a violation of this chapter.
(`83 Code, § 51.10) (Ord. 1977-39, passed 12-19-77)
Penalty, see § 10.99

§ 52.11 REMEDIES.

(A) The Health Officer or the Appeals Board may institute a suit for injunction in any court of competent jurisdiction to restrain any person, firm or corporation from violating the provisions of this chapter.

(B) The Health Officer or the Appeals Board may institute a suit for a mandatory injunction in any

court of competent jurisdiction directing a person, firm or corporation to remove any component of a water well or pump installed in violation of the provisions of this chapter or to eliminate a hazard to the public health.

(`83 Code, § 51.98) (Ord. 1977-39, passed 12-19-77)

§ 52.12 WELLHEAD PROTECTION AREAS.

(A) *Introduction.*

(1) In response to requirements set forth in the 1986 Federal Clean Water Act, the Indiana Wellhead Protection Rule, 327 IAC 8-4.1, was signed into law on March 28, 1997. The Rule established requirements for the development of a wellhead protection plan by all community public water supply systems located in the state. The program, regulated by the Indiana Department of Environmental Management (IDEM), recognizes that groundwater quality can be threatened by specific land uses and activities that occur in areas adjacent to public water supply system production wells. The Town of Greentown developed a wellhead protection plan (approved by IDEM in February 2006) that delineated the town’s wellhead protection areas and established management strategies that focus on education and prevention as a means to protect the community’s drinking water quality.

(2) Wellhead protection areas are the surface and subsurface areas that contribute water to a community public water supply system production well and through which contaminants are likely to move through and reach the well within a one-, five- or ten-year time of travel. Wellhead protection areas shall be shown as an overlay on the Official Zoning Map.

(B) *Sanitary setback.* A **SANITARY SETBACK** is an area within the wellhead protection area and established around a community public water supply system production well to protect ground water from direct contamination. The sanitary setback radius is 100 feet. Within the sanitary setback, it is prohibited to use, apply, store, mix, load or transport chemicals (other than those used for drinking water treatment).

(C) *One-, five- and ten-year time of travel.* The time of travel is the calculated length of time a particle of water takes to reach a production well from a certain point within the wellhead protection area. These areas shall be managed as the wellhead protection areas.

(D) *Development plan review.* Refer to division (E) below for development plan requirements. During the plan review process, the Zoning Commissioner or Plan Commission shall:

(1) Assess whether the proposed development will prevent potential ground water contaminants from entering a public water supply system production well;

(2) Ensure that the proposed development will not unreasonably endanger the quality of groundwater within the wellhead protection area; and

(3) Ensure development standards are implemented and prohibit those uses described in division (E).

(E) *Development standards and prohibited uses within the wellhead protection areas.*

(1) All aboveground storage tanks of liquids shall be equipped with secondary containment to capture spills or leaks. Containment must effectively contain at least 110% of the volume of the tank.

(2) Landfills and hazardous waste disposal sites shall be prohibited.

(3) Infiltration basins, dry wells, cesspools, waste disposal wells, or other injection-type wells shall be prohibited.

(4) Underground storage tanks shall be double walled and be equipped with leak detection. Underground storage tanks shall also be in compliance with all state and federal regulations.

(5) Construction of new sanitary or storm sewer lines within the sanitary setbacks (within 200 feet of any production well) shall be prohibited. (Ord. 2013-BCCO-32, passed 11-18-13)

APPENDIX A: TABLES

TABLE I
LOCATION OF WATER SUPPLY WELLS

| <i>From</i> | <i>To</i> | | | |
|---|-------------------------------|--------------|-------------|---------------|
| | <i>Single-Family Dwelling</i> | <i>Other</i> | <i>Feet</i> | <i>Meters</i> |
| Extra heavy C.I. sewers with mechanical joints | 10 | 3.00 | 25 | 7.60 |
| Other sewers and drains | 50 | 15.25 | 100 | 30.50 |
| Septic tanks and privies | 50 | 15.25 | 100 | 30.50 |
| Absorption fields, cesspools, dry wells and seepage pits | 100 | 30.50 | 100 | 30.50 |
| Aerobic digestion plant | 100 | 30.50 | 100 | 30.50 |
| Waste stabilization pond or terminal lagoon | 100 | 30.50 | 100 | 30.50 |
| Barns, stables, manure piles, feeding pens, livestock runs and the like | 50 | 15.25 | 100 | 30.50 |
| Streams, lakes, ponds, ditches | 25 | 7.60 | 25 | 7.60 |
| Ditches or streams polluted with sewage | 100 | 30.50 | 100 | 30.50 |
| Property lines | 15 | 4.60 | 100 | 30.50 |
| Road, utility, drainage easement | 10 | 3.00 | 10 | 3.00 |
| Pumphouse floor drain with discharge to ground | 2 | 0.60 | 2 | 0.60 |
| Building overhang | 3 | 0.90 | 3 | 0.90 |

TABLE II
MINIMUM STANDARDS OF DIMENSIONS AND WEIGHTS
STANDARD LINE PIPE *

| <i>Nominal Size in Inches</i> | <i>Diameters in inches</i> | | <i>Wall Thicknesses in Inches</i> | <i>Weights in Pounds per Foot</i> | |
|-----------------------------------|----------------------------|-----------------|---------------------------------------|-----------------------------------|------------------|
| | <i>External</i> | <i>Internal</i> | | <i>Plain Ends</i> | <i>T. and C.</i> |
| 2 | 2.375 | 2.067 | 0.154 | 3.56 | 3.71 |
| 2½ | 2.875 | 2.469 | 0.203 | 5.79 | 5.88 |
| 3 | 3.500 | 3.068 | 0.216 | 7.58 | 7.67 |
| 3½ | 4.000 | 3.548 | 0.226 | 9.11 | 9.27 |
| 4 | 4.500 | 4.026 | 0.237 | 10.79 | 11.01 |
| 5 | 5.563 | 5.047 | 0.258 | 14.62 | 14.90 |
| 6 | 6.625 | 6.065 | 0.280 | 18.97 | 19.33 |
| 8 | 8.625 | 8.071 | 0.277 | 24.70 | 25.44 |
| 10 | 10.750 | 10.192 | 0.279 | 31.20 | 32.20 |
| 12 | 12.750 | 12.090 | 0.330 | 43.77 | 45.40 |
| 14 OD | 14.000 | 13.250 | 0.375 | 54.57 | 55.80 |
| 16 OD | 16.000 | 15.250 | 0.375 | 62.58 | 64.08 |
| 18 OD | 18.000 | 17.250 | 0.375 | 70.59 | 72.37 |
| 20 OD | 20.000 | 19.250 | 0.375 | 78.60 | 80.70 |

* These wall thicknesses in Standard Line Pipe may be threaded and coupled or welded.

TABLE III
MINIMUM STANDARDS OF DIMENSIONS AND WEIGHTS
STANDARD PIPE AND LINE PIPE *

| <i>Nominal Size in Inches</i> | <i>Diameters in inches</i> | | <i>Wall Thicknesses in Inches</i> | <i>Weights in Pounds per Foot Plain Ends Only</i> |
|-----------------------------------|----------------------------|-----------------|---------------------------------------|---|
| | <i>External</i> | <i>Internal</i> | | |
| 4 | 4.500 | 4.188 | 0.156 | 7.25 |
| 5 | 5.563 | 5.187 | 0.188 | 10.76 |
| 6 | 6.625 | 6.249 | 0.188 | 12.89 |
| 8 | 8.625 | 8.249 | 0.188 | 16.90 |
| 10 | 10.750 | 10.374 | 0.188 | 21.15 |
| 12 | 12.750 | 12.250 | 0.250 | 33.38 |
| 14 OD | 14.000 | 13.438 | 0.281 | 41.21 |
| 16 OD | 16.000 | 15.438 | 0.281 | 47.22 |
| 18 OD | 18.000 | 17.438 | 0.281 | 53.22 |
| 20 OD | 20.000 | 19.438 | 0.281 | 59.23 |

* This lighter weight pipe, meeting ASTM Standards A-53 or A-120 and API Standard API-5L, is suitable for welding only.

TABLE IV
MINIMUM STANDARDS OF DIMENSIONS AND WEIGHTS
STANDARD WATER WELL CASING *

| <i>Nominal Size in Inches</i> | <i>Diameters in inches</i> | | <i>Wall Thicknesses in Inches</i> | <i>Weights in Pounds per Foot</i> | |
|-----------------------------------|----------------------------|-----------------|---------------------------------------|-----------------------------------|------------------|
| | <i>External</i> | <i>Internal</i> | | <i>Plain Ends</i> | <i>T. and C.</i> |
| 3½ | 3.500 | 3.250 | 0.125 | 4.51 | 4.60 |
| 4 | 4.000 | 3.732 | 0.134 | 5.53 | 5.65 |
| 4½ | 4.500 | 4.216 | 0.142 | 6.61 | 6.75 |
| 5½ | 5.500 | 5.192 | 0.154 | 8.79 | 9.00 |
| 6 | 6.000 | 5.672 | 0.164 | 10.22 | 10.50 |
| 6⅝ | 6.625 | 6.255 | 0.185 | 12.72 | 13.00 |
| 8⅝ | 8.625 | 8.249 | 0.188 | 16.90 | 17.50 |

* Standard water well casing may not be used as an outer casing unless backed with cement grout at least two inches thick. A welded 8-thread transition fitting must be used to attach a pitless adapter to this type of casing.

TABLE V
MINIMUM STANDARDS OF DIMENSIONS AND WEIGHTS
STANDARD API CASING *

| <i>Nominal Size in Inches</i> | <i>Diameters in inches</i> | | <i>Wall Thicknesses in Inches</i> | <i>Weights in Pounds per Foot</i> | |
|-----------------------------------|----------------------------|-----------------|---------------------------------------|-----------------------------------|------------------|
| | <i>External</i> | <i>Internal</i> | | <i>Plain Ends</i> | <i>T. and C.</i> |
| 4½ | 4.500 | 4.090 | 0.205 | 9.40 | 9.50 |
| 5 | 5.000 | 4.560 | 0.220 | 11.23 | 11.50 |
| 5½ | 5.500 | 5.044 | 0.228 | 12.84 | 13.00 |
| 6 | 6.000 | 5.524 | 0.238 | 14.65 | 15.00 |
| 6⅝ | 6.625 | 6.135 | 0.245 | 16.69 | 17.00 |
| 7 | 7.000 | 6.538 | 0.231 | 16.70 | 17.00 |
| 7⅝ | 7.625 | 7.125 | 0.250 | 19.69 | 20.00 |
| 8⅝ | 8.625 | 8.097 | 0.264 | 23.57 | 24.00 |
| 9⅝ | 9.625 | 9.063 | 0.281 | 28.04 | 29.30 |
| 10¾ | 10.750 | 10.192 | 0.279 | 31.20 | 32.75 |
| 11¾ | 11.750 | 11.150 | 0.300 | 36.69 | 38.00 |
| 13⅜ | 13.375 | 12.715 | 0.330 | 45.98 | 48.00 |
| 16 | 16.000 | 15.375 | 0.312 | 52.36 | 55.00 |
| 20 | 20.000 | 19.124 | 0.438 | 91.41 | 94.00 |

* Because of the type of steel used in fabricating API casing, it should always be threaded and not welded.

CHAPTER 53: ILLICIT DISCHARGES

Section

General Provisions

| | |
|-------|-------------------------------|
| 53.01 | Title |
| 53.02 | Effective date |
| 53.03 | Definitions |
| 53.04 | Illicit discharges prohibited |
| 53.05 | Exclusions |

Administration and Enforcement

| | |
|-------|------------------------|
| 53.15 | Inspections |
| 53.16 | Notice |
| 53.17 | Violation |
| 53.18 | Appeals |
| 53.19 | Remedies not exclusive |
| 53.20 | Enforcement |

Cross-reference:

Storm water drainage, see Chapter 154

Storm water erosion and sediment control, see

Chapter 156

GENERAL PROVISIONS

§ 53.01 TITLE.

This chapter shall be known and may be cited as the “County Municipal Separate Storm Sewer System (MS4) Illicit Discharge Ordinance.”

(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.02 EFFECTIVE DATE.

This chapter shall take effect on January 1, 2006.
(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.03 DEFINITIONS.

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

ADMINISTRATOR. The Executive Director of the Department, appointed by the Board.

BOARD. The Board of Directors of the Department, as defined in I.C. 8-1.5-5-2 and exercising the powers granted under I.C. 8-1.5-5-6.

CONVEYANCE. Any structural process for transferring storm water between at least two points. This term includes, but is not limited to: piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains and roadways.

DEPARTMENT. The County Department of Stormwater Management created by § 31.09.

HOUSEHOLD HAZARDOUS WASTE. Solid waste generated by households that:

- (1) Is ignitable;
- (2) Is toxic;
- (3) Is reactive;
- (4) Is corrosive; or
- (5) Otherwise poses a threat to human health or the environment.

ILLICIT DISCHARGE. Any discharge, deposit, injection, spilling, leaking or placing into the MS4 System, by direct connection or otherwise, that

is not composed entirely of storm water, except naturally occurring floatables, such as leaves or tree limbs. Sources of **ILLICIT DISCHARGES** include, but are not limited to: sanitary wastewater, septic tank effluent, car wash wastewater, oil disposal, radiator flushing disposal, laundry wastewater, roadway accident spillage, yard waste, animal bedding, and household hazardous wastes.

- (1) Is owned, operated or regulated by the county;
- (2) Discharges into the waters of the state;
- (3) Is designed or used for collecting or conveying storm water;
- (4) Is not a combined sewer; and
- (5) Is not part of a publicly owned treatment works (POTW), as defined by 40 C.F.R. § 122.2

MUTUAL DRAIN. A drainage system that:

- (1) Is located on two or more tracts of land that are under different ownership;
- (2) Was established by the mutual consent of all the owners; and
- (3) Was not established under or made subject to any drainage statute.

PRIVATE DRAIN. A drainage system that:

- (1) Is located on land owned by one person or by two or more persons jointly; and
- (2) Was not established under or made subject to any drainage statute.

RESPONSIBLE PERSON. The person who is responsible for any violation of this chapter.

STORMWATER. Water resulting from rain, melting or melted snow, hail or sleet.

STORMWATER DISTRICT MS4 AREA. That area of the county described in the NPDES permit issued by the Indiana Department of Environmental Management.

STORMWATER DISTRICT MS4 SYSTEM. A conveyance or system of conveyances, other than a mutual drain or a private drain, located within the Stormwater District MS4 Area:

- (1) owned, operated or regulated by the county;
- (2) That discharges into the waters of the state;
- (3) Designed or used for collecting or conveying stormwater;
- (4) Not a combined sewer; and
- (5) Not part of a publicly-owned treatment works (POTW) as defined by 40 C.F.R. 122.2. (Ord. 2004-BCC-37, passed 11-1-04; Am. Ord. 2010-BCC-12, passed 4-19-10)

§ 53.04 ILLICIT DISCHARGES PROHIBITED.

Except as provided in § 53.05 below, the commencement or continuance of any illicit discharge into the Stormwater District MS4 System is hereby prohibited and declared to be illegal.

(Ord. 2004-BCC-37, passed 11-1-04; Am. Ord. 2010-BCC-12, passed 4-19-10)

§ 53.05 EXCLUSIONS.

Section 53.04 above shall not apply to the following (reference: 327 I.A.C. 15-13-14 d):

- (A) Water line flushing;
- (B) Landscape irrigation;
- (C) Diverted stream flows;

- (D) Rising ground waters;
- (E) Uncontaminated ground water infiltration;
- (F) Uncontaminated pumped ground water;
- (G) Discharges from potable water sources;
- (H) Foundation drains;
- (I) Air conditioning condensation;
- (J) Irrigation water;
- (K) Springs;
- (L) Water from crawl space pumps;
- (M) Footing drains;
- (N) Lawn watering;
- (O) Individual residential car washing;
- (P) Flows from riparian habitats and wetlands;
- (Q) Dechlorinated swimming pool discharges;
- (R) Street wash water; and
- (S) Discharges from firefighting activities.
(Ord. 2004-BCC-37, passed 11-1-04; Am. Ord. 2010-BCC-12, passed 4-19-10)

inspect real estate and facilities subject to regulation under this chapter, as often as necessary to determine compliance or noncompliance with this chapter.
(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.16 NOTICE.

(A) The County Surveyor shall issue a notice of violation letter by certified mail to any responsible person committing a violation of this chapter.

(B) The notice of violation letter will:

(1) Describe the violation that has been committed; and

(2) State that such violation must be corrected within 15 days of the date of notice or further action may be taken, including possible fines.
(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.17 VIOLATION.

(A) If the violation is corrected within the 15 days from the postmarked date of notice, no further action will be taken.

(B) If the violation is not so corrected, the Surveyor shall, after determining which course of action will best result in a correction of the violation:

(1) File the notice of violation with the County Drainage Board, which shall conduct a hearing, with notice to the responsible person, within 30 days of such filing.

(a) If the Drainage Board finds by a preponderance of the evidence that a violation of this chapter has occurred, it may:

1. Impose fines upon the responsible person in an amount not to exceed \$2,500, all in accordance with I.C. 36-1-6-9(d); and/or

ADMINISTRATION AND ENFORCEMENT

§ 53.15 INSPECTIONS.

(A) The County Drainage Board and the County Surveyor shall administer, implement and enforce the provisions of this chapter.

(B) For this purpose, the County Surveyor and his or her agents shall have the right to enter upon and

2. Issue orders to correct violations.

(b) In the event the responsible person does not pay any fine imposed by the Drainage Board or correct the violation as ordered by the Drainage Board, the Drainage Board may commence a court action to enforce any fine or to obtain compliance with any order under I.C. 34-28-1-5(b); or

(2) Commence a court action under I.C. 34-28-5-1(b) to enforce this chapter.

(a) Such action may be for injunctive relief, restraining the responsible person from activities causing a violation, or compelling such person to perform abatement or remediation of the violation.

(b) In addition or in the alternative, the court, at its discretion, may impose fines not exceeding \$2,500.
(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.18 APPEALS.

Any appeal by a responsible person of an order or fine issued by the Drainage Board must be filed with the court not more than 60 days after the day on which the Drainage Board order was entered, all in accordance with I.C. 36-1-6-9(e) and (f).
(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.19 REMEDIES NOT EXCLUSIVE.

The remedies listed in this chapter are not exclusive of any other remedies available under any federal, state or local laws or regulations.
(Ord. 2004-BCC-37, passed 11-1-04)

§ 53.20 ENFORCEMENT.

(A) The Board shall administer, implement and enforce the provisions of this chapter. For this

purpose, the Administrator and other agents duly authorized by the Board shall have the right to enter upon and inspect real estate and facilities subject to regulation under this chapter as often as necessary to determine compliance or noncompliance with this chapter.

(B) (1) The Administrator shall issue a notice of violation letter by certified mail to any responsible person committing a violation of this chapter. The notice of violation letter will describe the violation which has been committed and state such violation must be corrected within 15 days of the date of receipt, unless otherwise stated in the notice of violation letter, or further action may be taken, including possible fines.

(2) If the violation is corrected within the allotted time from the date of receipt, no further action will be taken. If the violation is not so corrected, the Administrator shall, after determining which course of action will best result in a correction of the violation:

(a) File the notice of violation with the Board, which shall conduct a hearing, with notice to the responsible person, within 30 days of such filing. If the Board finds by a preponderance of the evidence that a violation of this chapter has occurred, it may impose fines upon the responsible person in an amount not to exceed \$2,500, all in accordance with I.C. 36-1-6-9(d), and/or issue orders to correct violations. In the event the responsible person does not pay any fine imposed by the Board or correct the violation as ordered by the Board, the Board may commence a court action to enforce any fine or to obtain compliance with any order under I.C. 34-28-1-5(b); or

(b) With the prior approval of the Board first being given, commence a court action under I.C. 34-28-5-1(b) to enforce this chapter. Such action may be for injunctive relief restraining the responsible person from activities causing a violation or compelling such person to perform abatement or remediation of the violation. In addition or in the alternative, the court, in its discretion, may impose fines not exceeding \$2,500.

(C) Any appeal by a responsible person of an order or fine issued by the Board must be filed with the court not more than 60 days after the day on which the Board Order is entered, all in accordance with I.C. 36-1-6-9(e) and (f).

(D) The remedies listed in this chapter are not exclusive of any other remedies available under any federal, state or local laws or regulations.
(Am. Ord. 2010-BCC-12, passed 4-19-10)

TITLE VII: TRAFFIC CODE

Chapter

70. TRAFFIC RULES

71. TRAFFIC SCHEDULES

72. PARKING SCHEDULES

CHAPTER 70: TRAFFIC RULES

Section

- 70.01 Emergency regulations
- 70.02 Placement of traffic signs
- 70.03 Damaging signs, markers or roads
- 70.04 Compliance with stop signs
- 70.05 Emerging from private road or driveway
- 70.06 Visibility at intersections
- 70.07 Snowmobiles prohibited on certain highways
- 70.08 Parking not to obstruct traffic

Cross-reference:

Diving and jumping from bridges, see § 130.01

Operation of vehicles in parks, see § 93.03

Police Force, see § 32.01

Streets and sidewalks, see Chapter 94

Traffic Commission, see § 31.05

Vehicle excise tax and wheel tax, see § 33.46

§ 70.01 EMERGENCY REGULATIONS.

(A) *Authority of Traffic Commission.* The County Traffic Commission is hereby authorized to make temporary rules regulating traffic along all county roads and highways under the jurisdiction of the Commission, including the placing of stop signs and yield right-of-way signs at highway or road intersections.

(`83 Code, § 70.10)

(B) *Duration of temporary regulations.* No temporary rule or regulation adopted by the County Traffic Commission nor any traffic regulation sign adopted pursuant to division (A) shall remain in force and effect for more than 30 days from its adoption.

(`83 Code, § 70.11) (Ord. 1977-26, passed 8-1-77)

§ 70.02 PLACEMENT OF TRAFFIC SIGNS.

The County Highway Department is hereby authorized to post traffic signs at or upon all entrances or intersections of any county road or part thereof as may be appropriate.

(`83 Code, § 70.01(A)) (Ord. 1971-8, passed 7-19-71)

§ 70.03 DAMAGING SIGNS, MARKERS OR ROADS.

It shall be unlawful for any person to willfully or maliciously damage, disfigure, displace, deface, obliterate, mar, remove, injure or destroy any sign, road marker or other road in the county.

(`83 Code, § 70.03) (Ord. 1971-8, passed 7-19-71)
Penalty, see § 10.99

§ 70.04 COMPLIANCE WITH STOP SIGNS.

The driver of a vehicle shall stop in obedience to a stop sign at all intersections where a stop sign is erected and shall proceed cautiously, yielding the right-of-way to vehicles approaching on the county roads and not so obliged to stop.

(`83 Code, § 70.01(B)) (Ord. 1971-8, passed 7-19-71)
Penalty, see § 10.99

§ 70.05 EMERGING FROM PRIVATE ROAD OR DRIVEWAY.

The driver of a vehicle about to enter or cross a county road from a private road or driveway shall

bring his or her vehicle to a stop before entering or crossing the county road.

(`83 Code, § 70.02) (Ord. 1971-8, passed 7-19-71) Penalty, see § 10.99

§ 70.06 VISIBILITY AT INTERSECTIONS.

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

COMMERCIAL EXIT. Any vehicular exit from any automobile service station, shopping center, store, medical or professional center, or other similar public place.

CRITICAL VISIBILITY ZONE. The area within which the presence of obstructions to vision such as trees, vegetation and signs could prevent the driver of a motor vehicle which is stopped behind the stop line of any road, highway or commercial exit at its intersection with any other road or highway from seeing any other vehicle which is approaching on the intersecting road or highway and is within 200 feet of the intersection.

SIGN. Any temporary or permanent structure, banner, pennant or string of pennants used for advertising or decorative purposes.

STOP LINE. The actual obedience line if there be one. If there is none, one shall be assumed to exist four feet before the nearest edge of the intersecting road or highway.

TREE. A large, woody perennial plant having a clearly recognizable trunk.

VEGETATION. Any bush, hedge, flowering or ornamental plant, weed growth, low-growing evergreen, standing agricultural field crops, or other form of vegetation.
(`83 Code, § 93.01)

(B) *Regulation of signs.* It shall be unlawful for any person to place or cause to be placed in any critical visibility zone within the county any sign of which any part thereof is higher than 36 inches above grade level, unless the lowest portion of the sign exclusive of a supporting structure is no wider than 12 inches in its greatest dimension and is at least eight feet above grade level.

(`83 Code, § 93.02)

(C) *Regulation of trees and vegetation.*

(1) It shall be unlawful for any person owning or controlling property within the county to cause or permit any tree within any critical visibility zone to remain untrimmed below a height of eight feet above the ground, or to permit any shrubbery within any critical visibility zone to grow to a height greater than 36 inches above ground.

(2) It shall be unlawful for any person owning or controlling property within the county to permit the foliage of any tree or vegetation growing on the property or obscure any driver's view of any lawfully-placed stop sign or traffic-control signal or sign during any part of the last 200 feet of his or her approach to the sign or traffic-control device.

(`83 Code, § 93.03)

(D) *Notice.* Any person violating any provision of this section shall, upon receipt of official notification from the Traffic Commission that a violation has taken place, correct the cause of the violation within 14 days from the date of notification or be subject to the penalties provided in § 10.99.

(`83 Code, § 93.04) (Ord. passed 10-17-77) Penalty, see 10.99

§ 70.07 SNOWMOBILES PROHIBITED ON CERTAIN HIGHWAYS.

(A) Snowmobiles, as that term is defined under state law, shall be prohibited from traveling within the right-of-way of 250S, also known as Alto Road, from its intersection with U.S. 31 and continuing in a westerly direction to and including the intersection of 750W.

(B) Such prohibition shall be suspended and held in abeyance during the time that any validly declared snow emergency effecting the county is in effect.

(C) Nothing in this section shall be construed to endorse or designate any other property or highway rights-of-way in the county as snowmobile routes, or to imply that snowmobiles may be ridden safely in any other areas within the boundaries of the county, or to otherwise recommend or maintain areas for the purpose of snowmobile riding or operation.

(BCC Ord. 1988-24, passed 9-12-88) Penalty, see § 10.99

§ 70.08 PARKING NOT TO OBSTRUCT TRAFFIC.

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

BUS. A motor vehicle designed for carrying more than ten passengers exclusive of the driver.

INTERSECTION. The area embraced within:

(1) The prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two streets that join at, or approximately at, right angles; or

(2) The area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

RECREATIONAL VEHICLE. A vehicle with or without motive power equipped exclusively for living quarters for persons traveling on public streets.

SEMITRAILER. A vehicle without motive power, designed for carrying property and for being drawn by a motor vehicle, and so constructed that some part of the weight of the semitrailer and the semitrailer's load rests upon, or is carried by another vehicle.

STREET. The entire width between the boundary lines of every way publicly maintained when any part of the way is open to the use of the public for the purposes of vehicular travel. The term includes an "alley".

TRACTOR. A motor vehicle designed and used primarily for drawing or propelling trailers, semitrailers, or vehicles of any kind.

TRAILER. A vehicle without motive power, designed for carrying persons or property; designed for being drawn by a motor vehicle; and, so constructed that no part of the weight of the trailer rests upon the towing vehicle.

TRUCK. A motor vehicle designed, used, or maintained primarily for the transportation of property.

VEHICLE. Except as otherwise provided, a device in or upon, or by which a person or property is, or may be, transported or drawn upon a street, alley, or highway. The term includes an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle.

(B) *Parking not to obstruct traffic.*

(1) No person shall park any vehicle on the street or alley in such a manner or under such conditions as would leave available less than 10 feet of the width of the roadway for free movement of traffic.

(2) No person shall park a truck that is wider than 8 feet or higher than 10 feet or longer than 28 feet, which dimensions shall include any load carried thereon on any street, except when loading or unloading as provided by this chapter or other ordinances of the county.

(3) No person shall park a semitrailer, either alone or coupled to a tractor on any street, that is when alone or coupled to a tractor, wider than 8 feet or higher than 10 feet or longer than 36 feet, which dimensions shall include any load carried

thereon, except when loading or unloading as provided by this chapter or other ordinances of the county.

(4) No person shall park a bus that is wider than 8 feet or higher than 10 feet or longer than 26 feet on any street, except when loading or unloading as provided by this chapter or other ordinances of the county.

(5) No person shall park any vehicle whose gross weight, including any load, exceeds 7,000 pounds on any street, except when loading or unloading as provided by this chapter or other ordinances of the county.

(6) No person shall park any vehicle over 7 feet high within 80 feet of any intersection except when loading or unloading as provided by this chapter or other ordinances of the county.

(7) The provisions of divisions (2), (3), (4), and (5) above shall not apply to any state highway within the county, nor to any vehicle which incurs mechanical failure when the person in charge of the disabled vehicle has placed at least one lighted flare or other illuminated or reflective warning device at least 100 feet in front of such vehicle, and a similar warning device 100 feet to the rear of such vehicle.

(8) No person shall park a recreational vehicle, or trailer of any kind or type on any street for a continuous period in excess of 72 hours.

(9) The Sheriff or the Howard Traffic Commission may for specific purposes, and for a limited time, grant approval for parking of vehicles not in compliance with this section.

(C) *Penalties.* Violations of this section shall be subject to the penalties set out at § 10.99. Each day a violation is permitted to continue in violation of the terms of this section shall be considered a separate offense.

(BCC Ord. 2001-59, passed 12-3-01) Penalty, see § 10.99

CHAPTER 71: TRAFFIC SCHEDULES

Schedule

- I. No passing zones
- II. Speed limits
- III. Stop intersections
- IV. Vehicle loads
- V. Yield intersections
- VI. Traffic control signals

SCHEDULE I: NO PASSING ZONES

(A) *No passing zones.* It shall be unlawful for the operator of a motor vehicle on 300S between 200W and 350W to operate a motor vehicle across the center line of such road except in conformance with passing permitted under the following schedule.

| <i>NO PASSING ZONES</i> | |
|--|--------------------------|
| <i>300S Between 200W and 350W</i> (beginning at 200W going west) | |
| 0000' | 200W (Dixon Rd.) |
| 0050' | No passing both ways |
| 1892' | Pass right only |
| 2792' | Pass both ways |
| 3072' | Pass left only |
| 3919' | No passing both ways |
| 7900' | End no passing both ways |
| 7942' | 350W |

(B) Any person violating the terms of this schedule shall, upon conviction, be punished as provided in § 10.99.

(`83 Code, Ch. 73, Sched. I) (BCC Ord. 1994-6, passed 2-7-94)

Howard County - Traffic Code

SCHEDULE II: SPEED LIMITS.

(A) *Generally.* No person shall drive a motor vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or other conveyance on or near or entering a highway in compliance with legal requirements and with the duty of all persons to use due care. Except when a special hazard exists that requires lower speed, in compliance with this schedule, the limits specified in this schedule as determined by an engineering and traffic investigation shall be maximum lawful speeds, and no person shall drive a vehicle on a highway, street or road at a speed in excess of the maximum limits. These speed limits shall become effective upon the erection or establishment of appropriate signs giving notice of the limits.

(B) *Speed limits on streets in certain subdivisions.* Whoever violates any of the following speed limits shall, upon conviction, be subject to a fine of not more than \$2,500:

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|---|----------------------|--|---------------------------------|------------------------|---------------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Alto | Dixon Rd. | From Westdale Ct. to terminus at town limits | 40 | 2004-B CC-43 | 12-6-04 |
| | Liberty St. | From Main St. to terminus at town limits | 30 | 1973-8 | 8-13-73 |
| | Main St. (250S) | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Meridan St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Mill St. | — | 30 | 1973-8 | 8-13-73 |
| | Water St. | From Main St. to terminus at town limits | 30 | 1973-8 | 8-13-73 |
| Breezy Hills | Breeze Ln. | Sycamore Rd. (approx. 80N) to Sycamore Rd. | 30 | 1973-8 | 8-13-73 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|-------------------|--|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Boulders West | Red Rock Court | — | 30 | 1999-B CC-06 | 2-1-99 |
| | Grey Rock Lane | From Boulder Way to Granite Drive | 30 | 1999-B CC-06 | 2-1-99 |
| | Boulder Way | From 100 South to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Kody Court | — | 30 | 1999-B CC-06 | 2-1-99 |
| | Granite Drive | From 100 South to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Breezy Woods | Breezy Way Dr. | From 400W to 100S | 30 | 1973-8 | 8-13-73 |
| Brookhaven | Brookhaven Dr. | From Crescent Dr. to Brookhaven Dr. | 30 | 1973-8 | 8-13-73 |
| | Crescent Dr. | From Ridge Rd. to Brookhaven Dr. | 30 | 1973-8 | 8-13-73 |
| | Pavalion Dr. | From Ridge Rd. to Brookhaven Dr. | 30 | 1973-8 | 8-13-73 |
| | Ridge Rd. | Sycamore Rd. (120N) to County Road 350E | 30 | 1973-8 | 8-13-73 |
| Brookshire | Christopher Drive | From McKibben Drive to Rolland Drive | 30 | 1999-B CC-06 | 2-1-99 |
| | Lyons Drive | From Christopher Drive to McKibben Drive | 30 | 1999-B CC-06 | 2-1-99 |
| | McKibben Drive | From 300S to Christopher Drive | 30 | 1999-B CC-06 | 2-1-99 |
| | Rolland Drive | From McKibben Drive to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Oliene Drive | From McKibben Drive to terminus | 30 | 1999-B CC-06 | 2-1-99 |

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| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|------------------|---|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Brookshire Estates | Brookshire Drive | From 250S to Woodfield Dr. | 30 | 1999-B CC-06 | 2-1-99 |
| | Woodfield Drive | From Brookshire Drive to Brookshire Drive | 30 | 1999-B CC-06 | 2-1-99 |
| Cardinal Point | Quince Lane | From 300E to 344E | 30 | 1999-B CC-06 | 2-1-99 |
| Cassville | Cass St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| Center | Chestnut St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Cleveland St. | From Jefferson St. to terminus at town limits | 30 | 1973-8 | 8-13-73 |
| | Elm St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Harrison St. | From Jefferson St. to terminus at town limits | 30 | 1973-8 | 8-13-73 |
| | Jefferson St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Main St. (300S) | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | North St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Oklahoma St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Race St. | From Harrison St. to terminus at town limits | 30 | 1973-8 | 8-13-73 |
| | Walnut St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Washington St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|--------------------|---|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Champagne Shores | Lake Shore Drive | From 440W to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Champagne Court | — | 30 | 1999-B CC-06 | 2-1-99 |
| | Sandy Court | — | 30 | 1999-B CC-06 | 2-1-99 |
| Cloverdale | Scarlet Ct. | From Scarlet Dr. to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Scarlet Dr. | From Shamrock Ave. to Shamrock Ave. | 30 | 1999-B CC-06 | 2-1-99 |
| | Shamrock Ave. | From 600E to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Cobblestone Village | Cobblestone Drive | From 100S to Waterstone Circle | 30 | 1999-B CC-06 | 2-1-99 |
| | Fieldstone Way | From Waterstone Circle to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Waterstone Circle | From Cobblestone Drive to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Cobblestone Villas | Bridgestone Circle | — | 30 | 2004- BCC-44 | 12-6-04 |
| Cook | Alameda Blvd. | From subdivision limits to subdivision limits | 30 | 1973-8 | 8-13-73 |
| | Janice Dr. | From Orleans Dr. to Alameda Blvd. | 30 | 1973-8 | 8-13-73 |
| | Orleans Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Orleans Dr. | From subdivision limits to Alameda Blvd. | 30 | 1973-8 | 8-13-73 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|---------------------|--|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Cotswold Hills | Northampton Drive | From 200W to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Sheffield Circle | From Northampton Drive to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Coventry Drive | From Northampton Drive to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Lake Windemere Lane | From Northampton to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Country Lane | Country Ln. | From U.S. 31 to Patricia Dr. | 30 | 1973-8 | 8-13-73 |
| | Patricia Dr. | From County Lane to Country Lane | 30 | 1973-8 | 8-13-73 |
| Darrough Chapel (Kenwood Gardens) (Bellaire Gardens) | Arnold St. | From Emery Ave. to terminus of subdivision | 30 | 1973-8 | 8-13-73 |
| | Clark St. | From Arnold St. to terminus of subdivision | 30 | 1973-8 | 8-13-73 |
| | Emery St. | From Arnold St. to terminus of subdivision | 30 | 1973-8 | 8-13-73 |
| | Foster St. | Goyer Rd. (150E) to terminus of subdivision | 30 | 1973-8 | 8-13-73 |
| | Harrison St. | From Emery Ave. to terminus of subdivision | 30 | 1973-8 | 8-13-73 |
| | Lewis St. | From Arnold St. to terminus of subdivision | 30 | 1973-8 | 8-13-73 |
| | Markland Ave. | (S.R. 22) from beginning to end of subdivision | 45 | 1973-8 | 8-13-73 |
| | Miller St. | From Foster St. to terminus of subdivision | 30 | 1973-8 | 8-13-73 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|-----------------|---|------------------------------|---------------------|------------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Davis Manor | Lynn Drive | From 200E to Edwards Drive | 30 | 1999-B CC-06 | 2-1-99 |
| | Nicole Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Carol Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Emily Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Edwards Drive | From Lynn Drive to Lynn Drive | 30 | 1999-B CC-06 | 2-1-99 |
| Dear Knoll | Buck Run Ln. | - | 30 | 1996-51 | 9-3-96 |
| | Deer Creek Rd. | - | 30 | 1996-51 | 9-3-96 |
| | Knollwood Ln. | - | 30 | 1996-51 | 9-3-96 |
| | White Tail Ct. | - | 30 | 1996-51 | 9-3-96 |
| Derbyshire | Riva Ridge | From 600W to Venetianway | 30 | 1986-21 | 12-1-86 |
| | Secretariat | From Riva Ridge to its terminus | 30 | 1986-21 | 12-1-86 |
| | Venetianway | From Sycamore Road (00NS) to Riva Ridge | 30 | 1986-21 | 12-1-86 |
| | Venetianway Ct. | From Riva Ridge to its terminus | 30 | 1986-21 | 12-1-86 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|-------------------|-------------------------------------|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Devon Woods | Arundel Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Arundel Dr. | From North Parkway to North Parkway | 30 | 1973-8 | 8-13-73 |
| | Bellevue Pl. | From North Parkway to North Parkway | 30 | 1973-8 | 8-13-73 |
| | Devon Ct. | — | 30 | 1973-8 | 8-13-73 |
| | North Parkway | From 350W to subdivision limits | 30 | 1973-8 | 8-13-73 |
| | North Parkway Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Stratford Dr. | From Arundel Dr. to Arundel Dr. | 30 | 1973-8 | 8-13-73 |
| Echo Acres | Echo Lane | From 100S to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Emerald Lake | Emerald Blvd. | - | 30 | 1996-64 | 11-1-96 |
| | Emerald Ct. | - | 30 | 1996-64 | 11-1-96 |
| | Emerald Ln. | - | 30 | 1996-64 | 11-1-96 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|-----------------|--|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Fairview | Bradley Rd. | From Deffenbaugh (50S) to Harrison Dr. | 30 | 1973-8 | 8-13-73 |
| | Brynmar Dr. | From Boulevard (100S) to Pleasant Dr. | 30 | 1973-8 | 8-13-73 |
| | Fairlane | From Harrison to terminus | 30 | 1973-8 | 8-13-73 |
| | Lyndenwood Lane | From Pleasant Drive to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Harrison Dr. | From Bradley Rd. to Fairlane | 30 | 1973-8 | 8-13-73 |
| | Pleasant Dr. | From Brynmar Dr. to Fairlane | 30 | 1973-8 | 8-13-73 |
| Farwick Acres | Pauley Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Pauley Court | From 460S to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Four Mile Hill | Four Mile Hill | From beginning to terminus | 30 | 1973-8 | 8-13-73 |
| | Rudgate Ln. | From Spring Hill to terminus | 30 | 1973-8 | 8-13-73 |
| | Spring Hill Ln. | From Four Mile Dr. to S.R. 22 | 30 | 1973-8 | 8-13-73 |
| Gerber's Ceramic | Ida Dr. | From U.S. 31 to Ida Dr. | 30 | 1973-8 | 8-13-73 |
| | Nancy Dr. | From U.S. 31 to Ida Dr. | 30 | 1973-8 | 8-13-73 |
| Green Acres | Calcutta Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Crestview Blvd. | Beginning to end (at Green Acres Dr.) | 30 | 1973-8 | 8-13-73 |
| | Crestview Ct. | - | 30 | 1973-8 | 8-13-73 |
| | Eagle Ct. | - | 30 | 1973-8 | 8-13-73 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|---------------------|---|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Green Acres (Cont'd) | Eagle Dr. | From Crestview Blvd. to Crestview Blvd. | 30 | 1973-8 | 8-13-73 |
| | Fairway Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Fairway Dr. | From Crestview Blvd. to terminus | 30 | 1973-8 | 8-13-73 |
| | Green Acres Dr. | From Sycamore Rd. (00NS) to terminus | 30 | 1973-8 | 8-13-73 |
| | Lakeview Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Simmons Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Wedge Ct. | — | 30 | 1973-8 | 8-13-73 |
| Green Hills | Green Hills Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Wildcat Parkway | From U.S. 35 (00NS) to terminus | 30 | 1973-8 | 8-13-73 |
| Greens of the Wildcat | Crooked Stick Drive | From 300S to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Hemlock | Main St. | (S.R. 26) beginning to end of town limits | 35 | 1973-8 | 8-13-73 |
| | Meridian St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Millard St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Mulberry St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| Hickory Estates | Becky Court | From Christy Lane to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Christy Lane | From 80N to Becky Court | 30 | 1999-B CC-06 | 2-1-99 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|-----------------|--|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Hidden Acres | Bloom Dr. | From Stone Dr. to Cassell Dr. | 30 | 1973-8 | 8-13-73 |
| | Cassell Dr. | From Stone Dr. to 50N | 30 | 1973-8 | 8-13-73 |
| | Stone Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Stone Dr. | From 50N to Cassell Dr. | 30 | 1973-8 | 8-13-73 |
| High Acres | Doud Dr. | From 50S to 300W | 30 | 1973-8 | 8-13-73 |
| Hillcrest | Hillcrest Ct. | From Hillcrest Dr. to terminus | 30 | 1973-8 | 8-13-73 |
| | Hillcrest Dr. | From Sycamore Rd. to Sycamore Rd. | 30 | 1973-8 | 8-13-73 |
| Hillsdale | Hillsdale Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Hillsdale Dr. | From Sycamore Rd. (125N) to Pavalion Dr. | 30 | 1973-8 | 8-13-73 |
| | Pavalion Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Pavalion Dr. | From Sycamore Rd. (125N) to terminus | 30 | 1973-8 | 8-13-73 |
| | Ridge Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Ridge Rd. | From Sycamore Rd. (125N) to Sycamore Rd. | 30 | 1973-8 | 8-13-73 |
| Holiday Hills | Bryan St. | From Carmelita Blvd. to Holiday St. | 30 | 1973-8 | 8-13-73 |
| | Blue Spruce | From Mill Street to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Carmelita Blvd. | From 250S (Alto Rd.) to terminus | 30 | 1973-8 | 8-13-73 |
| | Chris Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Holiday St. | From Oxford St. to terminus | 30 | 1973-8 | 8-13-73 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|--------------------|---|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Holiday Hills (Cont'd) | Mill Street | From Carmelita Boulevard to Libery Street | 30 | 1999-B CC-06 | 2-1-99 |
| | Mill Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Oxford St. | From Carmelita Blvd. to Holiday St. | 30 | 1973-8 | 8-13-73 |
| | Revere St. | From Carmelita Blvd. to Holiday St. | 30 | 1973-8 | 8-13-73 |
| Indian Heights | Algonquin Trail | From Mohawk Dr. to Wea Dr. | 30 | 1973-8 | 8-13-73 |
| | Arrowhead Blvd. | From 300S to Council Ring Blvd. | 30 | 1973-8 | 8-13-73 |
| | Arrow St. | From Arrowhead Blvd. to terminus | 30 | 1973-8 | 8-13-73 |
| | Birch Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Brave Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Buckskin Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Buckskin Dr. | From Miami Blvd. to Tomahawk Blvd. | 30 | 1973-8 | 8-13-73 |
| | Canoe St. | From Miami Blvd. to Tomahawk Blvd. | 30 | 1973-8 | 8-13-73 |
| | Chippawa Ln. | From Wea Dr. to Council Ring Blvd. | 30 | 1973-8 | 8-13-73 |
| | Council Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Council Ring Blvd. | From S.R. 26 (400S) to Arrowhead Blvd. | 30 | 1973-8 | 8-13-73 |
| | Flint Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Flintway | From Arrowhead Blvd. to terminus | 30 | 1973-8 | 8-13-73 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|----------------|---|------------------------------|---------------------|------------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Indian Heights (Cont'd) | Kickapoo Dr. | Council Ring Blvd. to Council Ring Blvd. | 30 | 1973-8 | 8-13-73 |
| | Kiowa St. | From Arrowhead Blvd. to Seneca Blvd. | 30 | 1973-8 | 8-13-73 |
| | Lance Dr. | From Wea Dr. to Council Ring Blvd. | 30 | 1973-8 | 8-13-73 |
| | Long Bow Dr. | From Miami Blvd. to Tomahawk Blvd. | 30 | 1973-8 | 8-13-73 |
| | Maumee Dr. | From Arrowhead Blvd. to Tomahawk Blvd. | 30 | 1973-8 | 8-13-73 |
| | Mendota Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Mendota Dr. | From Maumee Dr. to Monona Dr. | 30 | 1973-8 | 8-13-73 |
| | Menomonee Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Menomonee Dr. | From Miami Blvd. to Tomahawk Blvd. | 30 | 1973-8 | 8-13-73 |
| | Miami Blvd. | From Arrowhead Blvd. to Council Ring Blvd. | 30 | 1973-8 | 8-13-73 |
| | Miami Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Moccasin Trail | From Chippawa Ln. to Peace Pipe Dr. | 30 | 1973-8 | 8-13-73 |
| | Mohawk Dr. | From Wea Dr. to Algonquin Trail | 30 | 1973-8 | 8-13-73 |
| | Monona Dr. | From Seneca Trail to Maumee Dr. | 30 | 1973-8 | 8-13-73 |
| | Ojibway Dr. | From Mohawk Dr. to Mohawk Dr. | 30 | 1973-8 | 8-13-73 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|--------------------------------------|--|------------------------------|---------------------|------------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Indian Heights (Cont'd) | Oswego St. | — | 30 | 1973-8 | 8-13-73 |
| | Papoose St. | From Arrowhead Blvd. to Algonquin Trail | 30 | 1973-8 | 8-13-73 |
| | Peace Pipe Dr. | From Council Ring Blvd. to Tepee Dr. | 30 | 1973-8 | 8-13-73 |
| | Peshewa Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Ring Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Scout St. | From Council Ring Blvd. to terminus | 30 | 1973-8 | 8-13-73 |
| | Seneca Trail | From Maumee Dr. to Monona Dr. | 30 | 1973-8 | 8-13-73 |
| | Tepee Dr. | From Chippawa Ln. to Council Ring Blvd. | 30 | 1973-8 | 8-13-73 |
| | Tomahawk Blvd. | From 00EW - U.S. 31 - to Council Ring Blvd. | 30 | 1973-8 | 8-13-73 |
| | Treaty Ln. | From Wigwam Dr. to Council Ring Blvd. | 30 | 1973-8 | 8-13-73 |
| | Tribal St. | From Wea Dr. to Council Ring Blvd. | 30 | 1973-8 | 8-13-73 |
| | Wampum Dr. | From Treaty Ln. to Wigwam Dr. | 30 | 1973-8 | 8-13-73 |
| | Waubesa Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Waubesa Way | Council Ring Blvd. to Council Ring Blvd. | 30 | 1973-8 | 8-13-73 |
| Wea Dr. | From Mohawk Dr. to Tomahawk Blvd. | 30 | 1973-8 | 8-13-73 | |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|---------------|------------------------------------|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Indian Heights (Cont'd) | Wigwam Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Wigwam Dr. | Lance Dr. to Council Ring Blvd. | 30 | 1973-8 | 8-13-73 |
| | Wingra Ct. | — | 30 | 1973-8 | 8-13-73 |
| Ivy Hills | Brown Ave. | From Princeton Dr. to Webster St. | 30 | 1973-8 | 8-13-73 |
| | Dartmouth Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Duke Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Duke Dr. | From Princeton Dr. to Webster St. | 30 | 1973-8 | 8-13-73 |
| | Harvard Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Harvard Dr. | From Yale Blvd. to Yale Blvd. | 30 | 1973-8 | 8-13-73 |
| | Ivy Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Ivy Dr. | From Princeton Dr. to Webster St. | 30 | 1973-8 | 8-13-73 |
| | Princeton Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Princeton Dr. | From Yale Blvd. to terminus | 30 | 1973-8 | 8-13-73 |
| | Webster St. | From subdivision limit | 30 | 1973-8 | 8-13-73 |
| | Yale Blvd. | From S.R. 26 (400S) to Webster St. | 30 | 1973-8 | 8-13-73 |
| | Yale Ct. | — | 30 | 1973-8 | 8-13-73 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|------------------|---|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Jerome | Bridge St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | First St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Locus St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Main St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Second St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Third St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Walnut St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| Judson West | Gladstone Avenue | From 200N to Sandstone Avenue | 30 | 1999-B CC-06 | 2-1-99 |
| | Sandstone Avenue | From Gladstone Avenue to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Lakeside | Lakeside Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| Lakewood | Lakewood Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Lakewood Drive | From 50N to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Lawndale | Elva Dr. | From subdivision limits to Boulevard (100S) | 30 | 1973-8 | 8-13-73 |
| | Fennie Lee Dr. | From Dixon Rd. (200W) to Elva Dr. | 30 | 1973-8 | 8-13-73 |
| Lonestar | Lone Star Ct. | — | 30 | 1973-8 | 8-13-73 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|------------------|--------------------------------------|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Majestic | Camenich Court | From 200E to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Regal Run Court | From 200E to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Mayfield Rolling Acres | Clay Ln. | From Mayfield Dr. to terminus | 30 | 1973-8 | 8-13-73 |
| | Mayfield Dr. | From 350W to North Parkway | 30 | 1973-8 | 8-13-73 |
| | North Parkway | From subdivision limits to terminus | 30 | 1973-8 | 8-13-73 |
| Moors of Chippendale | Glenmoor Way | From Wexmoor Drive to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Chippendale Lane | From 200W to Glenmoor Way | 30 | 1999-B CC-06 | 2-1-99 |
| | Glenmoor Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Bramoor Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Bramoor Drive | From Wexmoor Drive to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Wexmoor Drive | From Bramoor Drive to Glenmoor Drive | 30 | 1999-B CC-06 | 2-1-99 |
| | Nottingham Lane | From 100W to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Golf Course Lane | From 100W to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| New London | Church St. | From High St. to town limits | 30 | 1973-8 | 8-13-73 |
| | High St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|--------------------|--|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| New London (Cont'd) | London St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Main St. (750W) | From High St. to town limits | 30 | 1973-8 | 8-13-73 |
| | Market St. | From High St. to terminus at town limits | 30 | 1973-8 | 8-13-73 |
| | Mill St. | From Market St. to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Peru St. | From High St. to terminus at town limits | 30 | 1973-8 | 8-13-73 |
| | Walnut St. | From Market St. to end of town limits | 30 | 1973-8 | 8-13-73 |
| Oakford | First St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Main St. (S.R. 26) | From beginning to end of town limits | 35 | 1973-8 | 8-13-73 |
| | North St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Second St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Sycamore St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| Orleans Southwest - First Edition | Berwick Dr. | From Dixon Rd. (200W) to Elva Dr. | 30 | 1973-8 | 8-13-73 |
| | Chateau Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Dauphine Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Elva Dr. | From Boulevard (100S) to Berwick Dr. | 30 | 1973-8 | 8-13-73 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|--------------------|--|------------------------------|---------------------|------------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Orleans Southwest - First Edition (Cont'd) | St. Louis Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Versailles Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Versailles Dr. | From Boulevard (100S) to Elva Dr. | 30 | 1973-8 | 8-13-73 |
| | Westover Ct. | — | 30 | 1973-8 | 8-13-73 |
| | West St. Louis Dr. | From Boulevard (100S) to Berwick Dr. | 30 | 1973-8 | 8-13-73 |
| Orleans Southwest - Second Addition | Anjou Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Baton Rouge Dr. | From Elva Dr. to Versailles Dr. | 30 | 1973-8 | 8-13-73 |
| | Beauvoir Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Burgundy Dr. | From Rouge Dr. to terminus | 30 | 1973-8 | 8-13-73 |
| | Carmelita Blvd. | From Boulevard (100S) to terminus | 30 | 1973-8 | 8-13-73 |
| | Elva Dr. | From Burgundy Dr. to subdivision limits | 30 | 1973-8 | 8-13-73 |
| | Marne Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Renoir Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Rouge Dr. | From Baton Rouge Dr. to terminus | 30 | 1973-8 | 8-13-73 |
| | St. Dennis Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Versailles Dr. | From Elva Dr. to Boulevard (100S) | 30 | 1973-8 | 8-13-73 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|--------------------|---|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Pumpkin Vine Meadows | Great Pumpkin Ln. | From 100S to its terminus | 30 | 1973-8 | 8-13-73 |
| | Pumpkin Leaf Dr. | From Great Pumpkin Ln. to Ruhl Rd. | 30 | 1973-8 | 8-13-73 |
| | Pumpkin Vine Dr. | From Great Pumpkin Ln. to Ruhl Rd. | 30 | 1973-8 | 8-13-73 |
| | Ruhl Rd. | From 100S to its terminus | 30 | 1973-8 | 8-13-73 |
| Ruhl Garden | Ruhl Garden Drive | From 400E to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Rulh Garden Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Ruhl Meadow Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Melanie Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| Sonesta Bay | Bay Shore Drive | From 50N to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Southdowns | Southdowns Dr. | From S.R. 26 (400S) to U.S. 31 (00EW) | 30 | 1973-8 | 8-13-73 |
| Southwood | Orleans Dr. | From 300S to terminus | 30 | 1973-8 | 8-13-73 |
| Spice Run | Ginger Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Nutmeg Lane | From Cinnamon Trace to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Cinnamon Trace | From Hickory Lane to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Springdale | Springdale Drive | From 300S to 300S | 30 | 1999-B CC-06 | 2-1-99 |
| | Spring Grove Drive | From Springdale Drive to Springdale Drive | 30 | 1999-B CC-06 | 2-1-99 |
| | Springdale Court | - | 30 | 1999-B CC-06 | 2-1-99 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|--------------------|--|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Stonybrook | Beechwood Ln. | From Southway Blvd. (200S) to Grey Twig Dr. | 30 | 1973-8 | 8-13-73 |
| | Bittersweet Ln. | From Eastbrook Dr. to terminus | 30 | 1973-8 | 8-13-73 |
| | Briarwood Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Eastbrook Dr. | From Grey Twig Dr. to Bittersweet Ln. | 30 | 1973-8 | 8-13-73 |
| | Grey Twig Dr. | From Willow Springs Rd. to terminus | 30 | 1973-8 | 8-13-73 |
| | Hawthorne Ln. | From Grey Twig Dr. to Eastbrook Dr. | 30 | 1973-8 | 8-13-73 |
| | Willow Springs Rd. | From Grey Twig Dr. to Bittersweet Ln. | 30 | 1973-8 | 8-13-73 |
| Sugar Maple Hills | Sugar Maple Dr. | From 100N to 400W | 30 | 1973-8 | 8-13-73 |
| Sugar Mill | Sugar Mill Road | From 550W to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Sugar Mill Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| Sugar Mill Farms | Meadow Run Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Meadow Run Drive | From 100S to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Windy Hill Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Windy Hill Road | From 100S to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Sycamore | Garfield St. | From Main St. to terminus at town limits | 30 | 1973-8 | 8-13-73 |
| | Main St. | From Railroad St. to terminus at town limits | 30 | 1973-8 | 8-13-73 |
| | North St. | From Main St. to terminus at town limits | 30 | 1973-8 | 8-13-73 |

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| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|---------------------|--|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Sycamore (Cont'd) | Perry St. | From Railroad St. to terminus at town limits | 30 | 1973-8 | 8-13-73 |
| | Railroad St. | From Main St. to Perry St. | 30 | 1973-8 | 8-13-73 |
| | Washington St. | From Main St. to terminus at town limits | 30 | 1973-8 | 8-13-73 |
| Tall Oaks | Tall Oaks Boulevard | From 300W to Tall Oaks Drive | 30 | 1999-B CC-06 | 2-1-99 |
| | Tall Oaks Drive | From White Oaks Court to Red Oaks Court | 30 | 1999-B CC-06 | 2-1-99 |
| | White Oaks Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Red Oaks Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| Tarrytown Estates | Barnett Ave. | From 500S to terminus | 30 | 1973-8 | 8-13-73 |
| | Elizabeth Ln. | From Barnett Ave. to terminus | 30 | 1973-8 | 8-13-73 |
| | Zelpha Ln. | From 500S to terminus | 30 | 1973-8 | 8-13-73 |
| Terrace Gardens | Dellwood Dr. | From Terrace Dr. to Westmoor Dr. | 30 | 1973-8 | 8-13-73 |
| | Field Dr. | From Mayfield Dr. to Mayfield Dr. | 30 | 1973-8 | 8-13-73 |
| | Garden Pl. | From Mayfair Dr. to Mayfair Dr. | 30 | 1973-8 | 8-13-73 |
| | Mayfair Dr. | From Garden Pl. to Garden Pl. | 30 | 1973-8 | 8-13-73 |
| | Reed Rd. | From Terrace Dr. to subdivision limits | 30 | 1973-8 | 8-13-73 |
| | Terrace Dr. | From Reynolds Dr. to U.S. 31 By-Pass | 30 | 1973-8 | 8-13-73 |
| | Westmoor Dr. | From Terrace Dr. to Dellwood Dr. | 30 | 1973-8 | 8-13-73 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|---------------|--|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Terrace Meadows | Alameda Blvd. | From Alto Rd. (250S) to subdivision limits | 30 | 1973-8 | 8-13-73 |
| | Canyon Dr. | From Southway Blvd. to Melody Ln. | 30 | 1973-8 | 8-13-73 |
| | Carson Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Honey Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Honey Ln. | From Susan Dr. to Kirk's Row | 30 | 1973-8 | 8-13-73 |
| | Kirk's Row | From Albright Rd. (100E) to Honey Ln. | 30 | 1973-8 | 8-13-73 |
| | Linda Dr. | From Orleans Dr. to Tulip Ln. | 30 | 1973-8 | 8-13-73 |
| | Marsha Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Marsha Dr. | From Orleans Dr. to Alto Rd. (250S) | 30 | 1973-8 | 8-13-73 |
| | Melody Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Melody Ln. | From Orleans Dr. to Melody Ln. (circles back and intersects) | 30 | 1973-8 | 8-13-73 |
| | Orleans Dr. | From Alto Rd. (250S) to subdivision limits | 30 | 1973-8 | 8-13-73 |
| | Pamela Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Red Bud Ln. | From Linda Dr. to Alameda Blvd. | 30 | 1973-8 | 8-13-73 |
| | Susan Ct. | - | 30 | 1973-8 | 8-13-73 |
| | Susan Dr. | From Southway Blvd. to Kirk's Row | 30 | 1973-8 | 8-13-73 |
| Tally Ho Ct. | - | 30 | 1973-8 | 8-13-73 | |

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| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|---------------------|--|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Terrace Meadows (Cont'd) | Tally Ho Dr. | From Albright Rd. (100E) to Williams Dr. | 30 | 1973-8 | 8-13-73 |
| | Terrace Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Tulip Ln. | From Alto Rd. (250S) to Alameda Blvd. | 30 | 1973-8 | 8-13-73 |
| | Williams Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Williams Dr. | From Southway Blvd. to Tally Ho Dr. | 30 | 1973-8 | 8-13-73 |
| Timber Valley | Timber Valley Dr. | — | 30 | 1995-5 | 1-30-95 |
| Timber Valley of Woodhaven | Foxfire Lane | From Timber Valley Drive to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Timber Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Timber Ridge Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Timber Valley Court | - | 30 | 1999-B CC-06 | 2-1-99 |
| | Timber Valley Drive | From 300S to 400S (SR 26) | 30 | 1999-B CC-06 | 2-1-99 |
| Titus | Alta Ln. | From Yale Blvd. to Webster St. | 30 | 1973-8 | 8-13-73 |
| | Hillsdale Dr. | From S.R. 26 (400S) to Alta Ln. | 30 | 1973-8 | 8-13-73 |
| Urbandale | Carolyn Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Covey Ln. | From 300W to terminus | 30 | 1973-8 | 8-13-73 |
| | Ginny Dr. | From 50S to Stoneview Dr. | 30 | 1973-8 | 8-13-73 |
| | Gordon Ct. | — | 30 | 1973-8 | 8-13-73 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|---------------|--|------------------------------|---------------------|------------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Urbandale (Cont'd) | Gordon Dr. | From Covey Ln. to Stoneview Dr. | 30 | 1973-8 | 8-13-73 |
| | Stoneview Dr. | From Covey Ln. to 300W | 30 | 1973-8 | 8-13-73 |
| Vineyard | Branch Court | From 200E to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Vinton Woods | Bruce Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Cedar Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Cypress Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Oak Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Oakhurst Dr. | From Webster St. to Southlea Dr. | 30 | 1973-8 | 8-13-73 |
| | Oakmont Dr. | From Southway Blvd. to Oakhurst Dr. | 30 | 1973-8 | 8-13-73 |
| | Maple Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Redwood Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Redwood Dr. | From Southlea Dr. to Webster St. | 30 | 1973-8 | 8-13-73 |
| | Southlea Dr. | From Southway Blvd. to terminus | 30 | 1973-8 | 8-13-73 |
| | Victor Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Webster Ct. | — | 30 | 1973-8 | 8-13-73 |
| | Webster St. | From Southway Blvd. to terminus | 30 | 1973-8 | 8-13-73 |

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| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|---------------------|------------------------------------|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Walnut Estates (Hunter's Cove) | Hunter's Cove Drive | From 200W to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Valley View Drive | From 200W to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Meadow View Drive | From Valley View Drive to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Walnut Estates (Section 18) | Foxfire Lane | — | 30 | 2004- BCC-44 | 12-6-04 |
| | Foxhaven Drive | — | 30 | 2004- BCC-44 | 12-6-04 |
| Walton Lake | Cameron Drive | From 200S to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Kerri Lynn Lane | From Cameron Drive to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Walton Lake Drive | From Kerri Lynn Lane to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Walton Woods | Walton Way | From 200E to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| | Lance Court | — | 30 | 1999-B CC-06 | 2-1-99 |
| | Kelly Court | — | 30 | 1999-B CC-06 | 2-1-99 |
| | Kristin Lane | From Walton Way to terminus | 30 | 1999-B CC-06 | 2-1-99 |
| Water's Edge | Artesian Dr. | — | 30 | 1997-39 | 9-15-97 |
| | Enclave Ct. | — | 30 | 1997-39 | 9-15-97 |
| | Lamplighter Ln. | — | 30 | 1997-39 | 9-15-97 |
| | Pine Ridge Dr. | — | 30 | 1997-39 | 9-15-97 |
| | Waterview Way | — | 30 | 1997-39 | 9-15-97 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|-----------------|---------------------------------------|------------------------------|---------------------|------------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| West Middleton | High St. (250S) | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Hobson St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| | Rabbit St. | From beginning to end of town limits | 30 | 1973-8 | 8-13-73 |
| Westpoint | Birchwood Dr. | From Columbus Blvd. to Hickory Ln. | 30 | 1973-8 | 8-13-73 |
| | Columbus Blvd. | From beginning to terminus | 30 | 1973-8 | 8-13-73 |
| | Hickory Ln. | From Jefferson Rd. (100N) to terminus | 30 | 1973-8 | 8-13-73 |
| | Parkwood Dr. | From beginning to terminus | 30 | 1973-8 | 8-13-73 |
| | Pinoak Dr. | From Columbus Blvd. to terminus | 30 | 1973-8 | 8-13-73 |
| | Rosewood Dr. | From Pinoak Dr. to Hickory Ln. | 30 | 1973-8 | 8-13-73 |
| | Willow Dr. | From Hickory Ln. to terminus | 30 | 1973-8 | 8-13-73 |

| <i>SPEED LIMITS ON STREETS IN CERTAIN SUBDIVISIONS</i> | | | | | |
|--|----------------|---------------------------------------|--------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Windwood Park | Cottonwood Dr. | From beginning to terminus | 30 | 1973-8 | 8-13-73 |
| | Jeff Ct. | - | 30 | 1973-8 | 8-13-73 |
| | Jeff Dr. | From Cottonwood Dr. to Cottonwood Dr. | 30 | 1973-8 | 8-13-73 |
| | Windwood Dr. | From 480W to Cottonwood Dr. | 30 | 1973-8 | 8-13-73 |
| | Windy Ct. | - | 30 | 1973-8 | 8-13-73 |
| | Woodcliff Ct. | - | 30 | 1973-8 | 8-13-73 |
| | Woodcliff Dr. | From Windwood Dr. to Jeff Dr. | 30 | 1973-8 | 8-13-73 |

Howard County - Traffic Code

(C) *Speed limits on other county roads.* Whoever violates any of the following speed limits shall, upon conviction, be subject to a fine of not more than \$2,500.

| <i>SPEED LIMITS ON OTHER COUNTY ROADS</i> | | | | |
|--|---|---------------------------------|------------------------|---------------------------|
| <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Albright Rd. | Between its intersection with Lincoln Rd. and 250S | 40 | 1975-7 | 3-10-75 |
| Alto Rd. (250S) | From its intersection with 100W to its intersection with 400W | 50 | 1974-2 | 1-14-74 |
| | From its intersection with 500W to its intersection with 750W | 50 | 1974-2 | 1-14-74 |
| Amber Ln. | From Gary Lee Ln. to Brookside Dr. | 30 | 1992-36 | 10-26-92 |
| Anna Ln. | From Jeffrey Ln. to the end of Anna Ln. | 30 | 1992-36 | 10-26-92 |
| Apperson Way | Southbound lane - from 640 feet south of 300N south to Kokomo city limits | 30 | 1974-2 | 1-14-74 |
| | From U.S. 31 to North Washington St. | 50 | 1974-2 | 1-14-74 |
| | From North Washington St. south to a point 640 feet south of 300N | 50 | 1974-2 | 1-14-74 |
| | Boulevard St. - From the Kokomo city limits to 600E | 55 | 1974-2 | 1-14-74 |
| Bramoor Ct. | From Bramoor Dr. to the end of Bramoor Ct. | 30 | 1992-36 | 10-26-92 |
| Brookshire Dr. | From 250S to Woodfield Dr. | 30 | 1992-36 | 10-26-92 |
| Brookside Dr. | From 350W to Michael Dr. | 30 | 1992-36 | 10-26-92 |
| Cameron Dr. | From 200S to the end of Cameron Dr. | 30 | 1992-36 | 10-26-92 |
| Carol Rd. | From Lynn Dr. to the end of Carol Rd. | 30 | 1992-36 | 10-26-92 |

| <i>SPEED LIMITS ON OTHER COUNTY ROADS</i> | | | | |
|---|--|-------------------------------|---------------------|------------------------|
| <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Chippendale Ln. | From 200W to Glen Moor Way | 30 | 1992-36 | 10-26-92 |
| Chippawa | From its intersection with Teepee Dr. and Wea Dr. (Indian Heights School Zone) | 25 (when children present) | 1996-14 | 3-4-96 |
| Christopher Dr. | From Lyons Dr. to Rolland Dr. | 30 | 1992-36 | 10-26-92 |
| Cinnamon Trace | From 350W to the end of Cinnamon Trace | 30 | 1992-36 | 10-26-92 |
| Colored Pike (300N) | Between its intersection with 300N and 350N (250W) | 45 | 1977-88 | 1-31-77 |
| Davis Rd. | From its intersection with 300N to the Kokomo city limits | 45 | 1997-30 | 7-7-97 |
| Deanna Dr. | From Michael Dr. to the end of Deanna Dr. | 30 | 1992-36 | 10-26-92 |
| East Sycamore St. | From the Kokomo city limits to U.S. 31 By-Pass | 30 (25 when children present) | 1973-8 | 8-13-73 |
| Edward Dr. | From Lynn Dr. to the end of Edward Dr. | 30 | 1992-36 | 10-26-92 |
| Emily Ct. | From Edward Dr. to the end of Emily Ct. | 30 | 1992-36 | 10-26-92 |
| Gary Lee Dr. | From 350W to Brookside Dr. | 30 | 1992-36 | 10-26-92 |
| Glen Moor Ct. | From Glen Moor Dr. to the end of Glen Moor Ct. | 30 | 1992-36 | 10-26-92 |
| Glen Moor Way | From Bramoor Dr. to the end of Glen Moor Way | 30 | 1992-36 | 10-26-92 |
| Golf Course Ln. | From 100W to the end of Golf Course Ln. | 30 | 1992-36 | 10-26-92 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON OTHER COUNTY ROADS</i> | | | | |
|--|--|-------------------------------------|----------------------------|-------------------------------|
| <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Goyer Rd. | From Southway Blvd. to 1,000 feet south of Markland Ave. (S.R. 22) | 45 | 1973-8 | 8-13-73 |
| | From Boulevard St. to Water Works Rd. (50N) | 35 (25 when children present) | 1973-8 | 8-13-73 |
| | From Southway Blvd. to Boulevard St. | 45 | 1973-8 | 8-13-73 |
| | From Markland Ave. north to Arnold St. | 25 (when children present) | 1989-28 | 11-27-89 |
| Hidden Valley Rd. | Entire length of Hidden Valley Rd. | 30 | 2002-53 | 11-4-02 |
| Jefferson Rd. | From Kokomo city limits west to S.R. 22 | 45 | 1975-7 | 3-10-75 |
| Jeffrey Ln. | From 250S to the end of Jeffrey Ln. | 30 | 1992-36 | 10-26-92 |
| Kerri Lynn Ln. | From Cameron Dr. to the end of Kerri Lynn Ln. | 30 | 1992-36 | 10-26-92 |
| Lisa Ct. | From Michael Dr. to the end of Lisa Ct. | 30 | 1992-36 | 10-26-92 |
| Lynn Ct. | From Lynn Dr. to the end of Lynn Ct. | 30 | 1992-36 | 10-26-92 |
| Lynn Dr. | From 200E to the end of Lynn Dr. | 30 | 1992-36 | 10-26-92 |
| Lyons Dr. | From McKibben Dr. to Christopher Dr. | 30 | 1992-36 | 10-26-92 |
| McKibben Dr. | From 300S to Christopher Dr. | 30 | 1992-36 | 10-26-92 |
| Michael Dr. | From 300S to the end of Michael Dr. | 30 | 1992-36 | 10-26-92 |
| Nottingham Dr. | From 100W to the end of Nottingham Dr. | 30 | 1992-36 | 10-26-92 |

| SPEED LIMITS ON OTHER COUNTY ROADS | | | | |
|---|---|--------------------------|-----------------|--------------------|
| <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Nutmeg Ln. | From Cinnamon Trace to the end of Nutmeg Ln. | 30 | 1992-36 | 10-26-92 |
| Oliene Dr. | From McKibben Dr. to the end of Oliene Dr. | 30 | 1992-36 | 10-26-92 |
| Opal Ct. | From Rolland Dr. to the end of Opal Ct. | 30 | 1992-36 | 10-26-92 |
| Park Rd. | From its intersection of Lincoln Rd. to Alto Rd. (250S) | 40 | 1974-2 | 1-14-74 |
| Pond View Ct. | From Timber Valley Dr. to the end of Pond View Ct. | 30 | 1992-36 | 10-26-92 |
| Pond View Dr. | From Timber Valley Dr. to the end of Pond View Dr. | 30 | 1992-36 | 10-26-92 |
| Rolland Dr. | From McKibben Dr. to Christopher Dr. | 30 | 1992-36 | 10-26-92 |
| Southway Blvd. East | Between Albright Rd. and the eastern Kokomo city limits | 35 | 1980-17 | 8-18-80 |
| Springdale Ct. | From Springdale Dr. to the end of Springdale Ct. | 30 | 1992-36 | 10-26-92 |
| Springdale Dr. | Entire length of Springdale Dr. | 30 | 1992-36 | 10-26-92 |
| Spring Grove Dr. | Entire length of Spring Grove Dr. | 30 | 1992-36 | 10-26-92 |
| Sugar Mill Ct. | From Sugar Mill Rd. to the end of Sugar Mill Ct. | 30 | 1992-36 | 10-26-92 |
| Sugar Mill Rd. | From 560W to the end of Sugar Mill Rd. | 30 | 1992-36 | 10-26-92 |
| Sycamore Rd. | Between its intersection with Kokomo city limits and 200E | 45 | 1975-27 | 12-22-75 |
| | Between its intersection with 200E and 400E | 50 | 1975-27 | 12-22-75 |
| | Between its intersection with 400E and 500E | 50 | 1975-27 | 12-22-75 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON OTHER COUNTY ROADS</i> | | | | |
|---|--|----------------------------|-----------------|--------------------|
| <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Sycamore Rd. (Cont'd) | Between its intersection with 500E and 600E | 50 | 1975-27 | 12-22-75 |
| | From S.R. 22 (west) to Sycamore Rd. (00NS) and 600W | 40 | 1977-88 | 1-31-77 |
| | Between its intersection with 600W and 800W | 45 | 1977-88 | 1-31-77 |
| | Between its intersection with 800W and 900W | 50 | 1977-88 | 1-31-77 |
| Tepee Dr. | Between its intersection with Peace Pipe Dr. and Chippawa (Indian Heights School Zone) | 25 (when children present) | 1996-14 | 3-4-96 |
| Timber Ridge Ct. | From Timber Valley Dr. to the end of Timber Ridge Ct. | 30 | 1992-36 | 10-26-92 |
| Timber Valley Dr. | From 300S to the end of Timber Valley Dr. | 30 | 1992-36 | 10-26-92 |
| Walton Lake Dr. | From Kerri Lynn Ln. to the end of Walton Lake Dr. | 30 | 1992-36 | 10-26-92 |
| Washington St. | Between Apperson Way and the Kokomo city limits | 50 | 1974-2 | 1-14-74 |
| | From the intersection of Gerhart St. to 500 feet north of 300N (Smith Road) | 40 | 2001-54 | 12-3-01 |
| | From the intersection of 300N to 00EW | 45 | 2001-54 | 12-3-01 |
| West Markland Ave. | From Berkley Rd. (150W) to Dixon Rd. (200W) | 35 | 1973-8 | 8-13-73 |
| Wexmoor Dr. | From Bramoor Dr. to the end of Bramoor Ct. | 30 | 1992-36 | 10-26-92 |
| Wigwam Dr. | From its intersection with Treaty Ln. and Lance Dr. | 25 (when children present) | 1996-14 | 3-4-96 |
| Woodfield Dr. | Entire length of Woodfield Dr. | 30 | 1992-36 | 10-26-92 |
| Zartman Rd. | Between Dixon Rd. and Berkley Rd. | 40 | 2004-BCC-43 | 12-6-04 |

| <i>SPEED LIMITS ON OTHER COUNTY ROADS</i> | | | | |
|---|---|--------------------------|-----------------|--------------------|
| <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| 00EW | Between its intersection with Washington Street and U.S. 31 | 45 | 2001-54 | 12-3-01 |
| 00NS | Between its intersection with 750W and 900W | 45 | 1989-22 | 10-16-89 |
| 50E | Between its intersection with 300N and 450N | 55 | 1977-88 | 1-31-77 |
| | Between its intersection with 450N and 600N | 50 | 1977-88 | 1-31-77 |
| | Between its intersection with S.R. 26 and 500S | 40 | — | 9-25-89 |
| | Between its intersection with U.S. 31 South and 600N | 45 | 1996-22 | 4-15-96 |
| 50N | Between 125E Kokomo city limits and 300E | 45 | 1975-27 | 12-22-75 |
| | Between its intersection with 300E and 800E | 50 | 1975-27 | 12-22-75 |
| 50S | 850E and the Wildcat Bridge | 20 | 1999-BC C-05 | 2-1-99 |
| 80W | Between its intersection with 300N and 450N | 55 | 1977-88 | 1-31-77 |
| 100E | Between its intersection with 300N to 200N | 40 | 1977-88 | 1-31-77 |
| | Between its intersection with 550N to 600N | 45 | 1977-88 | 1-31-77 |
| | Between its intersection with 500S and 400S | 50 | 1977-88 | 1-31-77 |
| 100N | Between the town limits of Sycamore East and 1400E | 50 | 1975-27 | 12-22-75 |
| | Between 600E and the town limits of Sycamore West | 55 | 1975-27 | 12-22-75 |
| | Between U.S. 31 By-Pass to western-most intersection of Hillcrest Dr. | 40 | 1990-12 | 4-2-90 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON OTHER COUNTY ROADS</i> | | | | |
|---|---|--------------------------|-----------------|--------------------|
| <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| 100S | Between its intersection with 200W and 300W | 45 | 1977-88 | 1-31-77 |
| | Between its intersection with 300W and 500W | 50 | 1977-88 | 1-31-77 |
| | Between its intersection with 750W and 680W | 50 | 1977-88 | 1-31-77 |
| 100W | Between its intersection with north city limits of Kokomo and 300N | 45 | 1977-88 | 1-31-77 |
| | Between its intersection with 450N and 600N | 55 | 1977-88 | 1-31-77 |
| | Between its intersection with 500S and 300S | 50 | 1977-88 | 1-31-77 |
| | Between its intersection with 300S and 250S | 45 | 1977-88 | 1-31-77 |
| 120E | Between its intersection with 400S and 300S (90E) | 45 | 1977-88 | 1-31-77 |
| | Between its intersection with 300S and 250S (115E) | 45 | 1977-88 | 1-31-77 |
| 130E | Between its intersection with north city limits of Kokomo and 400N (185E) | 50 | 1977-88 | 1-31-77 |
| 150E (500S) | Between its intersection with 500S and 400S (120E) | 45 | 1977-88 | 1-31-77 |
| 150N | Between its intersection with 310N and 600N | 50 | 1977-88 | 1-31-77 |
| | Between its intersection with 250E and 400E | 45 | 1990-13 | 4-2-90 |
| 160E (400S) | Between its intersection with 400S and 300S (120E) | 50 | 1977-88 | 1-31-77 |
| 200E | Between its intersection with 300S and 00NS | 50 | 1977-88 | 1-31-77 |

| <i>SPEED LIMITS ON OTHER COUNTY ROADS</i> | | | | |
|---|--|-------------------------------|-----------------|--------------------|
| <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| 200W (Dixon Rd.) | Between 2005 (Zartman Rd.) and Westdale Ct. | 45 | 1983-13 | 3-21-83 |
| 250S | Between its intersection with 100W and the city limits of Kokomo | 35 | 2001-52 | 11-5-01 |
| | Between its intersection with 115E and east city limits of Kokomo | 40 | 1977-88 | 1-31-77 |
| | From the intersection of Cartwright Dr. and 250S to the intersection at Alameda Dr. and 250S | 35 | 1999-44 | 11-1-99 |
| 300E | Between 1,750 feet south of 400N to 3,250 feet south of 400N | 25 (when children present) | 1989-25 | 10-30-89 |
| | Between its intersection with 600N and 00NS | 55 | 1977-88 | 1-31-77 |
| | Between its intersection with 00NS and 200S | 50 | 1977-88 | 1-31-77 |
| | Between its intersection with 200S and north town limits of Center | 45 | 1977-88 | 1-31-77 |
| 300N | Between its intersection with 150E and U.S. 31 By-Pass | 50 | 1977-88 | 1-31-77 |
| | Between its intersection with U.S. 31 By-Pass and Washington St. | 45 | 1977-88 | 1-31-77 |
| | Between its intersection with Washington St and 100W (U.S. 35) | 50 | 1977-88 | 1-31-77 |
| | Between its intersection with 100W (U.S. 35) and 140W | 45 | 1977-88 | 1-31-77 |
| | Between its intersection with 300W and 800W | 50 | 1977-88 | 1-31-77 |
| | Between its intersection with 800W and 900W | 50 (25 when children present) | 1977-88 | 1-31-77 |
| | Between its intersection with 900W and 1000W | 50 | 1977-88 | 1-31-77 |
| | From its intersection with 50W (Webster) and Touby Pike | 45 | 1996-23 | 4-15-96 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON OTHER COUNTY ROADS</i> | | | | |
|---|---|----------------------------|-----------------|--------------------|
| <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| 300N (Cont'd) | From its intersection with 200W and 50W | 50 | 1996-52 | 9-3-96 |
| | From its intersection with 250W and 200W | 50 | 1996-53 | 9-3-96 |
| | Between its intersection with 50W and 00EW | 40 | 2002-11 | 3-4-02 |
| 300S | Between its intersection with 00EW (U.S. 31) and 50E | 40 | 1977-88 | 1-31-77 |
| | Between its intersection with 50E and 200E | 45 | 1977-88 | 1-31-77 |
| | Between its intersection with 100W and 00EW | 45 | 2001-52 | 11-5-01 |
| | Between its intersection with 200E and west city limits of Center | 55 | 1977-88 | 1-31-77 |
| | Between its intersection with 400E and 500E | 55 | 1977-88 | 1-31-77 |
| | Between its intersection with 100W and 200W | 45 | 1992-34 | 10-26-92 |
| | Between its intersection with 200W and 350W | 50 | 1992-30 | 10-19-92 |
| | Between its intersection with 350W and 00EW (U.S. 31) | 50 | 1977-88 | 1-31-77 |
| 300W | Between its intersection with 80N and 50S | 50 | 2001-37 | 7-16-01 |
| 330S | To the railroad track south of State Road 26 | 30 | BCC 2009-07 | 3-6-06 |
| 350N | Northwestern school zone - from 400W to 1,396 feet west on 350N | 25 (when children present) | 1988-9 | 6-20-88 |
| 350W | Between its intersection with 250S and 400S | 45 | 1992-31 | 10-19-92 |
| 400N | Between the town limits of Plevna East and 1350E | 55 | 1975-27 | 12-22-75 |
| | Between its intersection with 50E and 180E | 55 | 1975-27 | 12-22-75 |

| <i>SPEED LIMITS ON OTHER COUNTY ROADS</i> | | | | |
|--|--|-------------------------------------|----------------------------|-------------------------------|
| <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| 400N (Cont'd) | Between its intersection with 180E and 400E | 50 | 1975-27 | 12-22-75 |
| | Between 400E and the town limits of Plevna West | 55 | 1975-27 | 12-22-75 |
| | Between its intersection with 1000W and 480W | 50 | 1975-27 | 12-22-75 |
| | Between its intersection with 1300W and 1000W | 45 | 1975-27 | 12-22-75 |
| | Between its intersection with 1350E and 1400E | 50 | 1975-27 | 12-22-75 |
| | From the point 1,860 feet south of C.R. 400 North to that point 3,120 feet south of C.R. 400 North | 35 | 2015-BCCO-25 | 8-17-15 |
| 400E | Between 00NS (S.R. 22 and 35) and Sycamore Rd. (120N) | 40 | 1975-27 | 12-22-75 |
| | Between its intersection with 120N (Sycamore Rd.) and 300N | 45 | 1975-27 | 12-22-75 |
| | Between its intersection with 300N and 400N | 45 | 1975-27 | 12-22-75 |
| | Between 400S (S.R. 26) and 00NS (S.R. 22 and 35) | 50 | 1975-27 | 12-22-75 |
| | Between its intersection with 500S and 400S (S.R. 26) | 50 | 1975-27 | 12-22-75 |
| 400W | Between 350N to 900 feet south of 350N | 25 (when children present) | 1989-24 | 10-30-89 |
| | Between 350N to 2,175 feet north of 350N | 35 (when children present) | 1989-24 | 10-30-89 |
| | Between its intersection with 600N and 300N | 50 | 1977-88 | 1-31-77 |
| | Between its intersection with 300N and 100N | 55 | 1977-88 | 1-31-77 |
| | Between its intersection with 50S and 200S | 50 | 1977-88 | 1-31-77 |

Howard County - Traffic Code

| <i>SPEED LIMITS ON OTHER COUNTY ROADS</i> | | | | |
|---|--|-------------------------------|-----------------|--------------------|
| <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| 400W (Cont'd) | Between its intersection with 250S and 500S | 50 | 1977-88 | 1-31-77 |
| 450N | From its intersection with U.S. 31 and 200E | 45 | 1996-21 | 4-15-96 |
| 450W | Between its intersection with 350N and 400N (480W) | 45 | 1977-88 | 1-31-77 |
| 500E | Between its intersection with 50N and 120N | 50 | 1975-27 | 12-22-75 |
| | Between its intersection with 120N and 500N | 50 | 1975-27 | 12-22-75 |
| | Between its intersection with 500N and 600N | 55 | 1975-27 | 12-22-75 |
| 500 N | From that point 475 feet orth of C.R. 500 North to that point 1,365 feet north of C.R. 500 North | 35 | 2015-BCCO-25 | 8-17-15 |
| 500W | Between its intersection with 80S and 50S | 35 | 1977-88 | 1-31-77 |
| 580W | Between 400S/State Road 26 and 500S | 50 | BCC 2007-21 | 6-4-07 |
| 590W | Between its intersection with 200S and 250S | 45 | 1977-88 | 1-31-77 |
| 600W | Between its intersection with 140S and 200s | 45 | 1977-88 | 1-31-77 |
| | Between its intersection with 250S and 350S | 40 (25 when children present) | 1977-88 | 1-31-77 |
| 680W | Between its intersection with 80S and 175S | 45 | 1977-88 | 1-31-77 |
| 750W | From Russiaville city limits to New London town limits | 50 | 1975-27 | 12-22-75 |
| | From New London town limits to 120N (S.R. 22) | 55 | 1975-27 | 12-22-75 |
| | Between its intersection with 100N (S.R. 22) and 400N | 55 | 1975-27 | 12-22-75 |

| <i>SPEED LIMITS ON OTHER COUNTY ROADS</i> | | | | |
|---|---|--------------------------|-----------------|--------------------|
| <i>Street</i> | <i>Location</i> | <i>Speed Limit (mph)</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| 750W (Cont'd) | Between its intersection with 700S to Russiaville city limits | 55 | 1975-27 | 12-22-75 |
| 775E | Between 100N and Greentown city limits (50N - 800E) | 35 | 1975-27 | 12-22-75 |
| 800E | Between Plevna South town limits and 100N | 50 | 1975-27 | 12-22-75 |
| | Between its intersection with 50S and 400S | 55 | 1975-27 | 12-22-75 |
| | Between its intersection with 400S and 500S | 45 | 1975-27 | 12-22-75 |
| | Between its intersection with 600N and Plevna North town limits | 55 | 1975-27 | 12-22-75 |
| 850E | Between its intersection with 400N and north city limits of Greentown | 55 | 1977-88 | 1-31-77 |
| | Between its intersection with south city limits of Greentown and 110S | 50 | 1977-88 | 1-31-77 |
| 900E | Between Greentown North city limits and 600N | 50 | 1975-27 | 12-22-75 |
| 1350E | Between its intersection with 00NS and 600N | 55 | 1975-27 | 12-22-75 |

(^ 83 Code, Ch. 71, Sched. I)

SCHEDULE III: STOP INTERSECTIONS.

(A) *Stop intersections.* Stop signs shall be erected as appropriate at the following intersections:

| <i>STOP INTERSECTIONS</i> | | | |
|---------------------------|---|-----------------|--------------------|
| <i>Street</i> | <i>Description</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Bradley Rd. | Stop before entering West Deffenbaugh Rd. | 1964-1 | 3-2-64 |
| Buck Lane Rd. | Stop before entering Deer Creek Rd. | 1996-51 | 9-3-96 |
| Doud Dr. | Stop before entering West Deffenbaugh Rd. | 1964-1 | 3-2-64 |
| | Stop at Malfalfa | 1964-1 | 3-2-64 |
| Rudgate Ln. | Stop for Spring Hill Rd. | 1969-9 | 8-11-69 |
| Spring Hill Ln. | Stop for Four Mile Dr. | 1969-9 | 8-11-69 |
| | Stop for S.R. 22 | 1969-9 | 8-11-69 |

Howard County - Traffic Code

(B) *Preferential stop intersections.* Stop signs shall be erected as appropriate at the following intersections:

(1) *Preferential stop intersections in certain subdivisions.*

| PREFERENTIAL STOP INTERSECTIONS IN CERTAIN SUBDIVISIONS | | | | |
|--|----------------------------|----------------------------|----------------|--------------------|
| <i>Subdivision</i> | <i>Preferential Street</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| Boulders West | Boulders Way | Grey Rock Ln. | 1997-13 | 4-7-97 |
| | Boulders Way | Red Rock Ct. | 1997-13 | 4-7-97 |
| | Granite Dr. | Grey Rock Ln. | 1997-13 | 4-7-97 |
| | Granite Dr. | Kody Ct. | 1997-13 | 4-7-97 |
| | 100S (Boulevard) | Boulders Way | 1997-13 | 4-7-97 |
| | 100S (Boulevard) | Granite Dr. | 1997-13 | 4-7-97 |
| Breezy Hills | Sycamore Rd. | East Breezy Ln. | 1971-8 | 7-19-71 |
| | Sycamore Rd. | West Breezy Ln. | 1971-8 | 7-19-71 |
| Breezy Woods | 100S | Breezy Way Dr. | 1971-8 | 7-19-71 |
| | 400W | Breezy Way Dr. | 1971-8 | 7-19-71 |
| Brookshire | Christopher Dr. | McKibben Dr. | 1997-13 | 4-7-97 |
| | McKibben Dr. | Lyons Dr. | 1997-13 | 4-7-97 |
| | McKibben Dr. | Oliene Dr. | 1997-13 | 4-7-97 |
| | McKibben Dr. | Rolland Dr. | 1997-13 | 4-7-97 |
| | Rolland Dr. | Christopher Dr. | 1997-13 | 4-7-97 |
| | 300S (Center Rd.) | Mckibben Dr. | 1997-13 | 4-7-97 |
| Brookshire Estates | Brookshire Dr. | Woodfield Dr. | 1997-13 | 4-7-97 |
| | 250S (Alto Rd. | Brookshire Dr. | 1997-13 | 4-7-97 |
| Brookside | Brookside Dr. | Amber Ln. | 1980-2 | 2-19-80 |
| | Brookside Dr. | Gary Lee Dr. | 1980-2 | 2-19-80 |
| | Gary Lee Dr. | Amber Ln. | 1980-2 | 2-19-80 |
| | Michael Dr. | Brookside Dr. | 1980-2 | 2-19-80 |
| | Michael Dr. | Deanna Ln. | 1980-2 | 2-19-80 |

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| Brookside (Cont'd) | Michael Dr. | Lisa Ct. | 1980-2 | 2-19-80 |
| | 300S | Michael Dr. | 1980-2 | 2-19-80 |
| | 350W | Brookside Dr. | 1980-2 | 2-19-80 |
| | 350W | Gary Lee Dr. | 1980-2 | 2-19-80 |
| Cardinal Point | 300E | Quince Ln. | 1997-13 | 4-7-97 |
| | 344E | Quince Ln. | 1997-13 | 4-7-97 |
| Champagne Shores ^{PUD} | 440W | Lake Shore Dr. | 1997-13 | 4-7-97 |
| Cloverdale | 600E | Cloverdale | 1980-2 | 2-19-80 |
| Cobblestone Villas | Rollingstone Dr. | Bridgestone Circle | 2004- BCC-44 | 12-6-04 |
| Cotswold Hills | Northampton Dr. | Coventry Dr. | 1997-13 | 4-7-97 |
| | Northampton Dr. | Lake Windemere Ln. | 1997-13 | 4-7-97 |
| | Northampton Dr. | Sheffield Circle | 1997-13 | 4-7-97 |
| | 200W (Dixon Rd.) | Northampton Dr. | 1997-13 | 4-7-97 |
| Davis Manor | Edwards Dr. | Emily Ct. | 1997-13 | 4-7-97 |
| | Lynn Dr. | Carol Ct. | 1997-13 | 4-7-97 |
| | Lynn Dr. | Edwards Dr. | 1997-13 | 4-7-97 |
| | Lynn Dr. | Nicole Ct. | 1997-13 | 4-7-97 |
| | 200E (Izaak Walton Rd.) | Lynn Dr. | 1997-13 | 4-7-97 |
| Deer Knoll ^{PUD} | Deer Creek Rd. | Knoll Wood Ln. | 1997-13 | 4-7-97 |
| | 800E | Deer Creek Rd. | 1997-13 | 4-7-97 |
| Deer Run | 00NS (Sycamore Rd.) | Deer Run | 1980-2 | 2-19-80 |
| Derbyshire | Riva Ridge Dr. | Secretariat Circle | 1980-2 | 2-19-80 |
| | Riva Ridge Dr. | Venetian Way | 1980-2 | 2-19-80 |
| | Riva Ridge Dr. | Venetian Ct. | 1980-2 | 2-19-80 |
| | 00NS | Venetian Way | 1980-2 | 2-19-80 |
| | 600W | Riva Ridge | 1980-2 | 2-19-80 |

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| Devon Woods | Arundel Dr. | Devon Ct. | 1971-8 | 7-19-71 |
| | Arundel Dr. | Stratford Dr. East | 1971-8 | 7-19-71 |
| | Arundel Dr. | Stratford Dr. West | 1971-8 | 7-19-71 |
| | North Parkway | Arundel Ct. | 1971-8 | 7-19-71 |
| | North Parkway | Arundel East | 1971-8 | 7-19-71 |
| | North Parkway | Arundel West | 1971-8 | 7-19-71 |
| | North Parkway | Bellvue Pl. East | 1971-8 | 7-19-71 |
| | North Parkway | Bellvue Pl. West | 1971-8 | 7-19-71 |
| | North Parkway | Parkway Ct. | 1997-13 | 4-7-97 |
| | 350W | North Parkway | 1971-8 | 7-19-71 |
| Emerald Lake | Emerald Blvd. | Emerald Ct. | 1996-64 | 11-1-96 |
| | Emerald Ln. Cul-De-Sac | Emerald Ln. | 1996-64 | 11-1-96 |
| | 200W | Emerald Ln. | 1996-64 | 11-1-96 |
| | 300S | Emerald Blvd. | 1996-64 | 11-1-96 |
| Fairview | Lyndenwood Ln. | Fair Ln. | 1997-13 | 4-7-97 |
| | Pleasant Dr. | Bradley Rd. | 1997-13 | 4-7-97 |
| | Pleasant Dr. | Bryanmar Rd. | 1997-13 | 4-7-97 |
| | Pleasant Dr. | Fair Ln. | 1997-13 | 4-7-97 |
| | Pleasant Dr. | Harrison Rd. | 1997-13 | 4-7-97 |
| | West Boulevard | Bryanmar Dr. | 1971-8 | 7-19-71 |
| | West Deffenbaugh | Bradley Rd. | 1971-8 | 7-19-71 |
| Fairview III | Lyndenwood Ln. | Fair Ln. | 1980-2 | 2-19-80 |
| Flowing Wells Estates | Albright Rd. | Carr Dr. | 1980-2 | 2-19-80 |
| | Carr Dr. | Carry Ct. | 1980-2 | 2-19-80 |

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| Four Mile Hill | Four Mile Dr. | Spring Hill Rd. | 1971-8 | 7-19-71 |
| | S.R. 22 | Spring Hill Rd. | 1971-8 | 7-19-71 |
| Green Acres | Crestview Blvd. | Fairway Ct. | 1971-8 | 7-19-71 |
| | Crestview Blvd. | Wedge Ct. | 1971-8 | 7-19-71 |
| | Crestview Blvd. | Eagle Dr. North | 1971-8 | 7-19-71 |
| | Crestview Blvd. | Eagle Dr. South | 1971-8 | 7-19-71 |
| | Crestview Blvd. | Birdie Ct. | 1980-2 | 2-19-80 |
| | Crestview Blvd. | Crestview Ct. | 1980-2 | 2-19-80 |
| | Eagle Dr. | Eagle Ct. | 1971-8 | 7-19-71 |
| | Fairway Dr. | Por Ct. | 1980-2 | 2-19-80 |
| | Green Acres Dr. | Bunker Ct. | 1980-2 | 2-19-80 |
| | Green Acres Dr. | Calcutta Ct. | 1971-8 | 7-19-71 |
| | Green Acres Dr. | Crestview Blvd. | 1971-8 | 7-19-71 |
| | Green Acres Dr. | Lakeview Ct. | 1971-8 | 7-19-71 |
| | Green Acres Dr. | Simmons Ct. | 1971-8 | 7-19-71 |
| | West Sycamore Rd. | Green Acres Dr. | 1971-8 | 7-19-71 |
| Hickory Estates | 80N (Sycamore Rd.) | Christy Ln. | 1997-13 | 4-7-97 |
| Hidden Acres | Cassell Ct. | Bloom Dr. | 1997-13 | 4-7-97 |
| | Cassell Ct. | Stone Dr. | 1997-13 | 4-7-97 |
| | Stone Dr. | Bloom Dr. | 1997-13 | 4-7-97 |
| | 50N | Stone Dr. | 1997-13 | 4-7-97 |
| Hidden Harbour | 200W (Dixon Rd.) | Harbour Pl. | 1997-13 | 4-7-97 |
| Hillcrest | Hillcrest Dr. | Hillcrest Ct. South | 1971-8 | 7-19-71 |
| | Sycamore Rd. | Hillcrest Dr. East | 1971-8 | 7-19-71 |
| | Sycamore Rd. | Hillcrest Dr. West | 1971-8 | 7-19-71 |

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| <i>PREFERENTIAL STOP INTERSECTIONS IN CERTAIN SUBDIVISIONS</i> | | | | |
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| Hillsdale | East Sycamore Rd. | Hillsdale Dr. | 1971-8 | 7-19-71 |
| | East Sycamore Rd. | Pavalion Dr. | 1971-8 | 7-19-71 |
| | East Sycamore Rd. | East Ridge Rd. | 1971-8 | 7-19-71 |
| | Pavalion Dr. | Hillsdale Ct. | 1971-8 | 7-19-71 |
| | Pavalion Dr. | Hillsdale Dr. | 1971-8 | 7-19-71 |
| | Pavalion Dr. | Pavalion Ct. | 1971-8 | 7-19-71 |
| Holiday Park and Holiday Hills | Alto Rd. | Carmelita Blvd. | 1971-8 | 7-19-71 |
| | Carmelita Blvd. | Bryan St. | 1997-13 | 4-7-97 |
| | Carmelita Blvd. | Chris Ct. | 1971-8 | 7-19-71 |
| | Carmelita Blvd. | Mill St. | 1971-8 | 7-19-71 |
| | Carmelita Blvd. | Oxford St. | 1971-8 | 7-19-71 |
| | Carmelita Blvd. | Revere St. | 1971-8 | 7-19-71 |
| | Holiday St. | Bryan St. | 1997-13 | 4-7-97 |
| | Holiday St. | Revere St. | 1997-13 | 4-7-97 |
| | Mill Ct. | Mill St. | 1997-13 | 4-7-97 |
| | Mill St. | Blue Spruce St. | 1997-13 | 4-7-97 |
| Indian Heights | Algonquin | Canoe St. | 1971-8 | 7-19-71 |
| | Algonquin | Papoose St. | 1971-8 | 7-19-71 |
| | Arrowhead Blvd. | Brave Ct. | 1971-8 | 7-19-71 |
| | Arrowhead Blvd. | Council Ring Blvd. | 1971-8 | 7-19-71 |
| | Arrowhead Blvd. | Kiowa | 1971-8 | 7-19-71 |
| | Arrowhead Blvd. | Maumee Dr. | 1971-8 | 7-19-71 |
| | Arrowhead Blvd. | Miami Ct. | 1971-8 | 7-19-71 |
| | Arrowhead Blvd. | Papoose St. | 1971-8 | 7-19-71 |

| <i>PREFERENTIAL STOP INTERSECTIONS IN CERTAIN SUBDIVISIONS</i> | | | | |
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| <i>Subdivision</i> | <i>Preferential Street</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| Indian Heights (Cont'd) | Arrowhead Blvd. | Peshewa Way | 1971-8 | 7-19-71 |
| | Arrowhead Blvd. | Flintway | 1971-8 | 7-19-71 |
| | Buckskin Dr. | Buckskin Ct. | 1971-8 | 7-19-71 |
| | Chippawa Ln. | Moccasin Trail | 1971-8 | 7-19-71 |
| | Chippawa Ln. | Tepee Dr. | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Chippawa Lane | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Council Ct. | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Kickapoo Dr. | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Lance Dr. | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Miami Blvd. | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Peace Pipe Dr. | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Ring Ct. | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Scout St. | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Tepee Dr. | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Treaty Ln. | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Tribal St. | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Waubesa Way East | 1975-28 | 12-22-75 |
| | Council Ring Blvd. | Waubesa Way West | 1975-28 | 12-22-75 |
| | Council Ring Blvd. | Wigwam Dr. | 1971-8 | 7-19-71 |
| | Council Ring Blvd. | Kickapoo Dr. | 1971-8 | 7-19-71 |
| | Lance Dr. | Wigwam Dr. | 1971-8 | 7-19-71 |
| | Maumee Dr. | Mendota Dr. | 1971-8 | 7-19-71 |
| | Maumee Dr. | Monona Dr. | 1971-8 | 7-19-71 |
| Maumee Dr. | Seneca Trail | 1971-8 | 7-19-71 | |

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| Indian Heights (Cont'd) | Mendota Dr. | Birch Ct. | 1971-8 | 7-19-71 |
| | Mendota Dr. | Mendota Ct. | 1971-8 | 7-19-71 |
| | Menomonee Dr. | Menomonee Ct. | 1971-8 | 7-19-71 |
| | Miami Blvd. | Arrowhead Blvd. | 1971-8 | 7-19-71 |
| | Miami Blvd. | Canoe St. | 1971-8 | 7-19-71 |
| | Miami Blvd. | Longbow Dr. | 1971-8 | 7-19-71 |
| | Miami Blvd. | Menomonee Dr. | 1971-8 | 7-19-71 |
| | Miami Blvd. | Wea Dr. | 1971-8 | 7-19-71 |
| | Miami Dr. | Buckskin Dr. | 1971-8 | 7-19-71 |
| | Mohawk Dr. | Ojibway Dr. South | 1971-8 | 7-19-71 |
| | Monona Dr. | Wingra Ct. | 1971-8 | 7-19-71 |
| | Peace Pipe Dr. | Moccasin Trail | 1971-8 | 7-19-71 |
| | Seneca Trail | Kiowa | 1971-8 | 7-19-71 |
| | Seneca Trail | Mendota Dr. | 1971-8 | 7-19-71 |
| | Tepee Dr. | Peace Pipe Dr. | 1971-8 | 7-19-71 |
| | Tomahawk Blvd. | Maumee Dr. | 1971-8 | 7-19-71 |
| | Tomahawk Blvd. | Buckskin Dr. | 1971-8 | 7-19-71 |
| | Tomahawk Blvd. | Longbow Dr. | 1971-8 | 7-19-71 |
| | Tomahawk Blvd. | Menomonee Dr. | 1971-8 | 7-19-71 |
| | Tomahawk Blvd. | Wea Dr. | 1971-8 | 7-19-71 |
| | Waubesa Way | Waubesa Way Ct. | 1971-8 | 7-19-71 |
| | Wea Dr. | Algonquin Trail | 1971-8 | 7-19-71 |
| | Wea Dr. | Chippawa Ln. | 1971-8 | 7-19-71 |
| Wea Dr. | Lance Dr. | 1971-8 | 7-19-71 | |

| <i>PREFERENTIAL STOP INTERSECTIONS IN CERTAIN SUBDIVISIONS</i> | | | | |
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| <i>Subdivision</i> | <i>Preferential Street</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| Indian Heights (Cont'd) | Wea Dr. | Mohawk Dr. | 1971-8 | 7-19-71 |
| | Wea Dr. | Tribal St. | 1971-8 | 7-19-71 |
| | Wigwam Dr. | Treaty Ln. | 1971-8 | 7-19-71 |
| | Wigwam Dr. | Wampum Dr. | 1971-8 | 7-19-71 |
| | Wigwam Dr. | Wigwam Ct. | 1971-8 | 7-19-71 |
| | U.S. 31 | Tomahawk Blvd. | 1971-8 | 7-19-71 |
| | S.R. 26 | Council Ring Blvd. | 1971-8 | 7-19-71 |
| | 300S | Arrowhead Blvd. | 1971-8 | 7-19-71 |
| | 300S | Council Ring Blvd. | 1971-8 | 7-19-71 |
| Ivy Hills | Alta Ln. | Hillside Dr. | 1971-8 | 7-19-71 |
| | Princeton Dr. | Brown Ave. | 1971-8 | 7-19-71 |
| | Princeton Dr. | Ivy Dr. | 1971-8 | 7-19-71 |
| | Webster St. | Ivy Dr. | 1971-8 | 7-19-71 |
| | Yale Blvd. | Webster St. | 1971-8 | 7-19-71 |
| | Yale Blvd. | Alta Ln. | 1971-8 | 7-19-71 |
| | Yale Blvd. | Dartmouth Ct. | 1971-8 | 7-19-71 |
| | Yale Blvd. | Harvard Dr. | 1971-8 | 7-19-71 |
| | Yale Blvd. | Princeton Dr. | 1971-8 | 7-19-71 |
| | Yale Blvd. | Yale Ct. | 1971-8 | 7-19-71 |
| | S.R. 26 | Hillside Dr. | 1971-8 | 7-19-71 |
| | S.R. 26 | Yale Blvd. | 1971-8 | 7-19-71 |
| Lakeside | 600E | Lakeside Ct. | 1997-13 | 4-7-97 |
| Lakeview Ridge ^{PUD} | 80N (Sycamore Rd.) | West Lake Dr. | 1997-13 | 4-7-97 |

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| Lakewood ^{RDP} | Lakewood Dr. | Lakewood Ct. | 1997-13 | 4-7-97 |
| | Lakewood Dr. | Lakewood Pl. | 1997-13 | 4-7-97 |
| | 50N | Lakewood Dr. | 1997-13 | 4-7-97 |
| Lawndale | Elva Dr. | Elaine Ct. | 1971-8 | 7-19-71 |
| | Elva Dr. | Fennie Lee Dr. | 1971-8 | 7-19-71 |
| | South Dixon Rd. | Fennie Lee Dr. | 1971-8 | 7-19-71 |
| | West Boulevard St. | Elva Dr. | 1971-8 | 7-19-71 |
| Lone Star | 400E | Lone Star Ct. | 1971-8 | 7-19-71 |
| Moors of Chippendale | Bramoor Dr. | Bramoor Ct. | 1997-13 | 4-7-97 |
| | Bramoor Dr. | Wexmoor Dr. South | 1997-13 | 4-7-97 |
| | Glenmoor Way | Chippendale Dr. | 1997-13 | 4-7-97 |
| | Glenmoor Way | Glenmoor Ct. | 1997-13 | 4-7-97 |
| | Glenmoor Way | Wexmoor Dr. North | 1997-13 | 4-7-97 |
| | 100W (Park Rd.) | Golf Course Ln. | 1997-13 | 4-7-97 |
| | 100W (Park Rd.) | Nottingham Ln. | 1997-13 | 4-7-97 |
| | 200W (Dixon Rd.) | Chippendale Dr. | 1997-13 | 4-7-97 |
| Northview | East Morgan St. | Northview Blvd. | 1971-8 | 7-19-71 |
| | Northview Blvd. | Primrose Ln. | 1971-8 | 7-19-71 |
| | Northview Blvd. | Sweetwood Dr. | 1971-8 | 7-19-71 |
| | Primrose Ln. | Primrose Ct. | 1971-8 | 7-19-71 |
| Northwest Acres | Hickory Ln. | Coleman Blvd. | 1980-2 | 2-19-80 |
| | Hickory Ln. | Vega Ave. | 1980-2 | 2-19-80 |
| Orleans Southwest | Elva Dr. | Versailles Dr. | 1971-8 | 7-19-71 |
| | South Dixon Rd. | Berwick Dr. | 1971-8 | 7-19-71 |

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| Orleans Southwest (Cont'd) | Versailles Dr. | Versailles Ct. | 1971-8 | 7-19-71 |
| | Versailles Dr. | Westover Ct. | 1971-8 | 7-19-71 |
| | West Boulevard | Carmelita Blvd. | 1971-8 | 7-19-71 |
| | West Boulevard | Elva Dr. | 1971-8 | 7-19-71 |
| | West Boulevard | Versailles Dr. | 1971-8 | 7-19-71 |
| | West Boulevard | West St. Louis Dr. | 1971-8 | 7-19-71 |
| | West St. Louis Dr. | Chateau Ct. | 1971-8 | 7-19-71 |
| | West St. Louis Dr. | Dauphine Ct. | 1971-8 | 7-19-71 |
| | West St. Louis Dr. | St. Louis Ct. | 1971-8 | 7-19-71 |
| Redbird Park | West Deffenbaugh St. | Redbird Ct. | 1971-8 | 7-19-71 |
| Ruhl Gardens | Ruhl Garden Dr. | Melanie Ct. | 1997-13 | 4-7-97 |
| | Ruhl Garden Dr. | Ruhl Garden Ct. | 1980-2 | 2-19-80 |
| | Ruhl Garden Dr. | Ruhl Meadow Ct. | 1997-13 | 4-7-97 |
| | 400E | Ruhl Garden Dr. | 1980-2 | 2-19-80 |
| Southdowns | U.S. 31 | Southdown Dr. North | 1971-8 | 7-19-71 |
| | S.R. 26 | Southdown Dr. South | 1971-8 | 7-19-71 |
| Spice Run | Cinnamon Trace | Nutmeg Ln. | 1997-13 | 4-7-97 |
| | Nutmeg Ln. | Ginger Ct. | 1997-13 | 4-7-97 |
| Springdale | Springdale Dr. | Springdale Ct. | 1997-13 | 4-7-97 |
| | Springdale Dr. West | Spring Grove Dr. | 1997-13 | 4-7-97 |
| | Springdale Dr. East | Spring Grove Dr. | 1997-13 | 4-7-97 |
| | 300S (Center Rd.) | Springdale Dr. West | 1997-13 | 4-7-97 |
| | 300S (Center Rd.) | Springdale Dr. East | 1997-13 | 4-7-97 |

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| <i>Subdivision</i> | <i>Preferential Street</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| Stonybrook 1 & 2 | Eastbrook Dr. | Hawthorne Ln. | 1971-8 | 7-19-71 |
| | Southway Blvd. | Beechwood Ln. | 1971-8 | 7-19-71 |
| | Willow Spring Rd. | Bittersweet Ln. | 1971-8 | 7-19-71 |
| | Willow Spring Rd. | Briarwood Ct. | 1971-8 | 7-19-71 |
| Sugar Mill | Sugar Mill Rd. | Sugar Mill Ct. | 1997-13 | 4-7-97 |
| | 560W | Sugar Mill Rd. | 1997-13 | 4-7-97 |
| Sugar Mill Farms | Boulevard (100S) | Meadow Run Ct. | 1997-13 | 4-7-97 |
| | Boulevard (100S) | Meadow Run Dr. | 1997-13 | 4-7-97 |
| | Boulevard (100S) | Windy Hill Ct. | 1997-13 | 4-7-97 |
| | Boulevard (100S) | Windy Hill Rd. | 1997-13 | 4-7-97 |
| Tall Oaks | Tall Oaks Dr. | Tall Oaks Blvd. | 1997-13 | 4-7-97 |
| | 300W (Malfalfa Rd.) | Tall Oaks Blvd. | 1997-13 | 4-7-97 |
| Terrace Meadows | Alameda | Mayfair Dr. | 1980-2 | 2-19-80 |
| | Alto Rd. | Marsha Dr. | 1971-8 | 7-19-71 |
| | East Southway Blvd. | Canyon Dr. | 1971-8 | 7-19-71 |
| | East Southway Blvd. | Melody Ln. | 1971-8 | 7-19-71 |
| | East Southway Blvd. | Orleans Dr. | 1971-8 | 7-19-71 |
| | Honey Ln. | Honey Ct. | 1980-2 | 2-19-80 |
| | Orleans Dr. | Marsha Dr. | 1971-8 | 7-19-71 |
| | Williams Dr. | Williams Ct. | 1980-2 | 2-19-80 |
| Terrace Meadows II | Alto Rd. | Orleans Dr. | 1971-8 | 7-19-71 |
| Terrace Meadows III | Marsha Dr. | Marsha Ct. | 1971-8 | 7-19-71 |
| Terrace Meadows IV | Alameda Blvd. | Red Bud Ln. | 1971-8 | 7-19-71 |
| | Alameda Blvd. | Tulip Ln. | 1971-8 | 7-19-71 |
| | Southway Blvd. | Alameda Blvd. | 1971-8 | 7-19-71 |

| <i>PREFERENTIAL STOP INTERSECTIONS IN CERTAIN SUBDIVISIONS</i> | | | | |
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| <i>Subdivision</i> | <i>Preferential Street</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| Terrace Meadows V | Albright Rd. | Kirk's Row | 1971-8 | 7-19-71 |
| | Albright Rd. | Tallyho | 1971-8 | 7-19-71 |
| | Kirk's Row | Susan Dr. | 1971-8 | 7-19-71 |
| | Southway Blvd. | Tallyho South | 1971-8 | 7-19-71 |
| | Southway Blvd. East | Susan Dr. | 1971-8 | 7-19-71 |
| | Southway Blvd. East | Williams Dr. | 1971-8 | 7-19-71 |
| | Susan Dr. | Honey Ln. | 1971-8 | 7-19-71 |
| | Susan Dr. | Susan Ct. | 1971-8 | 7-19-71 |
| | Tally Ho Dr. | Tallyho Ct. | 1971-8 | 7-19-71 |
| Timber Valley of Woodhaven | Timber Valley Dr. | Foxfire Ln. | 1997-13 | 4-7-97 |
| | Timber Valley Dr. | Timber Ct. | 1997-13 | 4-7-97 |
| | Timber Valley Dr. | Timber Ridge Ct. | 1997-13 | 4-7-97 |
| | 300S (Center Rd.) | Timber Valley Dr. | 1997-13 | 4-7-97 |
| Urbandale | Covey Ln. | Gordon Dr. | 1971-8 | 7-19-71 |
| | Covey Ln. | Stoneview Dr. | 1971-8 | 7-19-71 |
| | Gordon Dr. | Gordon Ct. | 1971-8 | 7-19-71 |
| | Malfalfa Rd. | Covey Ln. | 1971-8 | 7-19-71 |
| | Malfalfa Rd. | Stoneview Dr. | 1971-8 | 7-19-71 |
| | Stoneview Dr. | Carolyn Ct. | 1971-8 | 7-19-71 |
| | Stoneview Dr. | Cobble Ln. | 1971-8 | 7-19-71 |
| | Stoneview Dr. | Ginny Dr. | 1971-8 | 7-19-71 |
| | Stoneview Dr. | Gordon Dr. | 1971-8 | 7-19-71 |
| Villa Manor | Villa Manor Dr. | Villa Manor Ct. | 1980-2 | 2-19-80 |
| | 850E | Villa Manor Dr. | 1980-2 | 2-19-80 |

| <i>PREFERENTIAL STOP INTERSECTIONS IN CERTAIN SUBDIVISIONS</i> | | | | |
|--|----------------------------|----------------------------|-----------------|--------------------|
| <i>Subdivision</i> | <i>Preferential Street</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| Vinton Woods | Oakhurst Dr. | Bruce Ct. | 1971-8 | 7-19-71 |
| | Oakhurst Dr. | Cedar Ct. | 1971-8 | 7-19-71 |
| | Oakhurst Dr. | Cypress Ct. | 1971-8 | 7-19-71 |
| | Oakhurst Dr. | Oakmont Dr. | 1971-8 | 7-19-71 |
| | Oakhurst Dr. | Maple Ct. | 1971-8 | 7-19-71 |
| | Southlea Dr. | Oakhurst Dr. | 1971-8 | 7-19-71 |
| | Southway Blvd. | Oakmont Dr. | 1971-8 | 7-19-71 |
| | Southway Blvd. | Southlea Dr. | 1971-8 | 7-19-71 |
| | Southway Blvd. | Webster St. | 1971-8 | 7-19-71 |
| | Webster St. | Oak Ct. | 1971-8 | 7-19-71 |
| | Webster St. | Oakhurst Dr. | 1971-8 | 7-19-71 |
| | Webster St. | Southlea Dr. | 1971-8 | 7-19-71 |
| | Webster St. | Webster Ct. | 1971-8 | 7-19-71 |
| Water's Edge | Artesian Dr. | Waterview Way | 1997-39 | 9-15-97 |
| | Lamplighter Ln. | Enclave Ct. | 1997-39 | 9-15-97 |
| | Pine Ridge Rd. | Lamplighter Ln. | 1997-39 | 9-15-97 |
| | Waterview Way | Pine Ridge Dr. | 1997-39 | 9-15-97 |
| | 300S | Pine Ridge Dr. | 1997-39 | 9-15-97 |
| Walnut Estates (Hunter's Cove) | Valley View Dr. | Meadow View Dr. | 1997-13 | 4-7-97 |
| | 200W (Dixon Rd.) | Valley View Dr. | 1997-13 | 4-7-97 |
| Walnut Estates (Section 18) | 300S | Foxfire Ln. | 2004- BCC-44 | 12-6-04 |
| | Foxfire Ln. | Foxhaven Dr. | 2004- BCC-44 | 12-6-04 |
| Walton Lake Estates | Cameron Dr. | Kerri Lynn Ln. | 1997-13 | 4-7-97 |
| | Cameron Dr. | Walton Lake Dr. | 1997-13 | 4-7-97 |
| | Kerri Lynn Ln. | Walton Lake Dr. | 1997-13 | 4-7-97 |
| | 200S | Cameron Dr. | 1997-13 | 4-7-97 |

| <i>PREFERENTIAL STOP INTERSECTIONS IN CERTAIN SUBDIVISIONS</i> | | | | |
|--|----------------------------|----------------------------|----------------|--------------------|
| <i>Subdivision</i> | <i>Preferential Street</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| Walton Woods | Walton Way | Kelly Ct. | 1980-2 | 2-19-80 |
| | Walton Way | Kristin Ln. | 1997-13 | 4-7-97 |
| | Walton Way | Lance Ct. | 1980-2 | 2-19-80 |
| | 200E | Walton Way | 1980-2 | 2-19-80 |
| West Point | Columbus Blvd. | Birchwood Dr. | 1971-8 | 7-19-71 |
| | Columbus Blvd. | Hickory Ln. | 1971-8 | 7-19-71 |
| | Columbus Blvd. | Pinoak St. | 1971-8 | 7-19-71 |
| | Hickory Ln. | Birchwood Dr. | 1971-8 | 7-19-71 |
| | Hickory Ln. | Parkwood Dr. East | 1971-8 | 7-19-71 |
| | Hickory Ln. | Rosewood Dr. East | 1971-8 | 7-19-71 |
| | Hickory Ln. | Willow Dr. West | 1971-8 | 7-19-71 |
| | Pinoak St. | Parkwood Dr. West | 1971-8 | 7-19-71 |
| | Pinoak St. | Rosewood Dr. East | 1971-8 | 7-19-71 |
| | West Jefferson Rd. | Hickory Ln. | 1971-8 | 7-19-71 |
| Winding Brood ^{PUD} | 400E | Jaquelyn Ct. | 1997-13 | 4-7-97 |
| Windwood Park | Cottonwood | Jeff Dr. | 1971-8 | 7-19-71 |
| | Cottonwood | Windwood Dr. | 1971-8 | 7-19-71 |
| | Jeff Dr. | Jeff Ct. | 1971-8 | 7-19-71 |
| | Jeff Dr. | Windy Ct. | 1971-8 | 7-19-71 |
| | Jeff Dr. | Woodcliff Ct. | 1971-8 | 7-19-71 |
| | Jeff Dr. | Woodcliff Dr. | 1993-12 | 3-29-93 |
| | Windwood Dr. | Jeff Dr. | 1971-8 | 7-19-71 |
| | 480W | Windwood Dr. | 1971-8 | 7-19-71 |

(2) County road preferential intersections.

| PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS | | | |
|--|--------------------------------|----------------|--------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 00NS | Clark St. | 1992-37 | 12-14-92 |
| | Emery St. | 1992-37 | 12-14-92 |
| | Lewis St. | 1992-37 | 12-14-92 |
| | 480W | 1971-8 | 7-19-71 |
| | 600W | 1971-8 | 7-19-71 |
| | 700W | 1971-8 | 7-19-71 |
| | 820W | 1971-8 | 7-19-71 |
| | 900W | 1971-8 | 7-19-71 |
| | 980W | 1971-8 | 7-19-71 |
| | 1050W | 1971-8 | 7-19-71 |
| | 1150W | 1971-8 | 7-19-71 |
| | 1280W | 1971-8 | 7-19-71 |
| 00EW | Country Ln. | 1992-37 | 12-14-92 |
| | Rose Dr. | 1992-37 | 12-14-92 |
| | 250S | 1971-8 | 7-19-71 |
| | 575N (on east side of U.S. 31) | 1992-37 | 12-14-92 |
| | 600N | 1971-8 | 7-19-71 |
| 20S | 1200W | 1971-8 | 7-19-71 |
| 50N | 150E | 1971-8 | 7-19-71 |
| | 400E | 1971-8 | 7-19-71 |
| | 625E (Lakewood Dr.) | 1992-37 | 12-14-92 |
| | 700E | 1971-8 | 7-19-71 |

| PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS | | | |
|--|----------------------------|----------------|--------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 50S | 400W | 1997-13 | 4-7-97 |
| | 440W | 1971-8 | 7-19-71 |
| 50E | 400N | 1971-8 | 7-19-71 |
| | 450N | 1971-8 | 7-19-71 |
| 80N | 350W | 1975-28 | 12-22-75 |
| | 400W | 1975-28 | 12-22-75 |
| 80S | 520W | — | — |
| | 560W | — | — |
| 90N | 125E | — | — |
| 100N | Hillcrest Ct. North | 1992-37 | 12-14-92 |
| | Ridge Rd. | 1992-37 | 12-14-92 |
| | 250E | 1975-28 | 12-22-75 |
| | 300E | 1975-28 | 12-22-75 |
| | 350E | 1975-28 | 12-22-75 |
| | 400E | 1975-28 | 12-22-75 |
| | 500E | 1975-28 | 12-22-75 |
| | 600E | 1975-28 | 12-22-75 |
| | 700E | 1971-8 | 7-19-71 |
| | 750E | 1971-8 | 7-19-71 |
| | 780E | 1971-8 | 7-19-71 |
| | 800E | 1971-8 | 7-19-71 |
| | 900E | 1971-8 | 7-19-71 |
| | 950E | 1971-8 | 7-19-71 |

Howard County - Traffic Code

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|---|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 100N (Cont'd) | 1000E | 1971-8 | 7-19-71 |
| | 1200E | 1971-8 | 7-19-71 |
| | 1250E | 1971-8 | 7-19-71 |
| | 1300E | 1971-8 | 7-19-71 |
| | 1400E | 1971-8 | 7-19-71 |
| 100S | Great Pumpkin Ln. | 1992-37 | 12-14-92 |
| | Ruhl Rd. | 1992-37 | 12-14-92 |
| | 200E | 1971-8 | 7-19-71 |
| | 400E | 1971-8 | 7-19-71 |
| | 450E | 1971-8 | 7-19-71 |
| | 600E | 1971-8 | 7-19-71 |
| | 700E | 1975-28 | 12-22-75 |
| | 750E | 1971-8 | 7-19-71 |
| | 980E | 1971-8 | 7-19-71 |
| | 1010E | — | — |
| | 1050W | 1971-8 | 7-19-71 |
| | 1180W | 1975-28 | 12-22-75 |
| | 1200E | 1971-8 | 7-19-71 |
| | 1200W | 1971-8 | 7-19-71 |
| | 1280W | 1975-28 | 12-22-75 |
| 1300E | 1971-8 | 7-19-71 | |
| 100W (700W in Tipton Co.) | Golf Course Ln. | 1992-37 | 12-14-92 |
| | Nottingham Ln. | 1992-37 | 12-14-92 |
| | 200S | 1971-8 | 7-19-71 |

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|---|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 100W (700W in Tipton Co.) (Cont'd) | 450N | 1971-8 | 7-19-71 |
| | 500S | — | 1-3-72 |
| | 550N | 1971-8 | 7-19-71 |
| 128E | 394S | 1992-37 | 12-14-92 |
| 135E | 394S | 1992-37 | 12-14-92 |
| 140E | 250N | 1975-28 | 12-22-75 |
| 150S | 100E | 1975-28 | 12-22-75 |
| | 870W | 1971-8 | 7-19-71 |
| | 950W | 1971-8 | 7-19-71 |
| | 1050W | 1971-8 | 7-19-71 |
| 150E | Foster St. | 1992-37 | 12-14-92 |
| | Harrison St. | 1992-37 | 12-14-92 |
| | 20N (Arnold St.) | 1971-8 | 7-19-71 |
| | 30N | 1971-8 | 7-19-71 |
| | 300N | 1971-8 | 7-19-71 |
| 170W (Railroad) | 425N | 1975-28 | 12-22-75 |
| 180S | 680W | 1971-8 | 7-19-71 |
| 200N | 100E | 1971-8 | 7-19-71 |
| | 450W | 1971-8 | 7-19-71 |
| | 500W | 1971-8 | 7-19-71 |
| | 550W | 1971-8 | 7-19-71 |
| | 600W | 1971-8 | 7-19-71 |
| | 700W | 1971-8 | 7-19-71 |
| | 750E | 1971-8 | 7-19-71 |

Howard County - Traffic Code

| PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS | | | |
|--|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 200N (Cont'd) | 825W | — | — |
| | 880W | 1975-28 | 12-22-75 |
| | 900W | 1971-8 | 7-19-71 |
| | 1000E | 1971-8 | 7-19-71 |
| | 1000W | 1971-8 | 7-19-71 |
| | 1050W | 1971-8 | 7-19-71 |
| | 1080W | 1975-28 | 12-22-75 |
| | 1150W | 1971-8 | 7-19-71 |
| | 1225W | — | — |
| | 1250E | 1971-8 | 7-19-71 |
| | 1250W | 1971-8 | 7-19-71 |
| 200S | Cameron Dr. | 1992-37 | 12-14-92 |
| | 150E | 1971-8 | 7-19-71 |
| | 400E | 1971-8 | 7-19-71 |
| | 350W | 1997-13 | 4-7-97 |
| | 750E | 1971-8 | 7-19-71 |
| | 820W | 1971-8 | 7-19-71 |
| | 1050W | 1971-8 | 7-19-71 |
| | 1200W | 1971-8 | 7-19-71 |
| | 1280W | 1971-8 | 7-19-71 |
| | 1300E | 1971-8 | 7-19-71 |
| 200W (800W in Tipton Co.) | Chippendale Dr. | 1992-37 | 12-14-92 |
| | Mill St. | 1973-6 | 4-28-73 |

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|---|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 200W (800W in Tipton Co.) (Cont'd) | Woodhaven Trail | 1992-37 | 12-14-92 |
| | 200S | 1971-8 | 7-19-71 |
| | 500S | — | 1-3-72 |
| 200E (400W in Tipton Co.) | Lynn Dr. | 1992-37 | 12-14-92 |
| | 500S | — | 1-3-72 |
| 214S | 757W (Church St.) | 1992-37 | 12-14-92 |
| 220S | 757W (Church St.) | 1992-37 | 12-14-92 |
| | 766W (Peru St.) | 1992-37 | 12-14-92 |
| 225S | 744W (Market St.) | 1992-37 | 12-14-92 |
| 226S | 757W (Church St.) | 1992-37 | 12-14-92 |
| 233S | 757W (Church St.) | 1992-37 | 12-14-92 |
| 250N | 250E | 1997-13 | 4-7-97 |
| | 400E | 1973-6 | 4-28-73 |
| 250S | Brookshire Dr | 1992-37 | 12-14-92 |
| | Jeffrey Ln. | 1992-37 | 12-14-92 |
| | Liberty St. | 1973-6 | 4-28-73 |
| | Walter St. | 1973-6 | 4-28-73 |
| | 100E | 1971-8 | 7-19-71 |
| | 300W | 1971-8 | 7-19-71 |
| | 350W | 1971-8 | 7-19-71 |
| | 400W | 1971-8 | 7-19-71 |
| | 450W | 1971-8 | 7-19-71 |
| | 470W (Hobson St.) | 1971-8 | 7-19-71 |
| | 480W (Rabbit St.) | 1992-37 | 12-14-92 |

Howard County - Traffic Code

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|---|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 250S (Cont'd) | 500W | 1971-8 | 7-19-71 |
| | 600W | 1971-8 | 7-19-71 |
| | 700W | 1971-8 | 7-19-71 |
| | 800W | 1971-8 | 7-19-71 |
| | 870W | 1971-8 | 7-19-71 |
| | 950W | 1971-8 | 7-19-71 |
| | 1000W | 1971-8 | 7-19-71 |
| | 1050W | 1971-8 | 7-19-71 |
| | 1200W | 1971-8 | 7-19-71 |
| | 1280W | 1971-8 | 7-19-71 |
| 250W | 450N | 1975-28 | 12-22-75 |
| | 500N | 1971-8 | 7-19-71 |
| 250E | 200N | 1971-8 | 7-19-71 |
| 285S | 344E | 1992-37 | 12-14-92 |
| 300N | 00EW | 2002-10 | 3-4-02 |
| | 400E | — | 1-3-72 |
| | 650W | 1971-8 | 7-19-71 |
| | 700E | 1971-8 | 7-19-71 |
| | 700W | 1971-8 | 7-19-71 |
| | 800W | 1971-8 | 7-19-71 |
| | 825W | — | — |
| | 900W | 1971-8 | 7-19-71 |
| | 1000E | 1971-8 | 7-19-71 |
| | 1200E | 1971-8 | 7-19-71 |
| | 1300E | 1971-8 | 7-19-71 |

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|---|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 300S | Kennington Dr. | 1997-40 | 9-15-97 |
| | Orleans Dr. | 1992-37 | 12-14-92 |
| | Springdale Dr. | 1992-37 | 12-14-92 |
| | Springdale Dr. (west terminus) | 1992-37 | 12-14-92 |
| | Springdale Dr. (east terminus) | 1992-37 | 12-14-92 |
| | Timber Valley Dr. | 1992-37 | 12-14-92 |
| | Washington St. in Center, In. | 1972-21 | 6-12-72 |
| | 100E | 1971-8 | 7-19-71 |
| | 200E | 1971-8 | 7-19-71 |
| | 250E | 1971-8 | 7-19-71 |
| | 337E | 1992-37 | 12-14-92 |
| | 344E | 1992-37 | 12-14-92 |
| | 350E | 1992-37 | 12-14-92 |
| | 356E | 1992-37 | 12-14-92 |
| | 400E | 1971-8 | 7-19-71 |
| | 600E | 1971-8 | 7-19-71 |
| | 950W | 1971-8 | 7-19-71 |
| | 980E | 1971-8 | 7-19-71 |
| | 1000E | 1971-8 | 7-19-71 |
| | 1020E | 1971-8 | 7-19-71 |
| | 1150E | 1971-8 | 7-19-71 |
| | 1300E | 1971-8 | 7-19-71 |
| 1330E | 1975-28 | 12-22-75 | |

Howard County - Traffic Code

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|--|----------------------------|----------------|--------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 300W (900W in Tipton Co.) | 175N (Tall Oaks Blvd.) | 1992-37 | 12-14-92 |
| | 200S | 1971-8 | 7-19-71 |
| | 300N | 1983-3 | 1-24-83 |
| | 450N | 1971-8 | 7-19-71 |
| | 500N | 1971-8 | 7-19-71 |
| | 500S | — | 1-3-72 |
| | 600N | 1971-8 | 7-19-71 |
| 300E | Ridge Rd. | 1992-37 | 12-14-92 |
| | 150N | 1971-8 | 7-19-71 |
| | 250N | 1971-8 | 7-19-71 |
| | 300N | 1971-8 | 7-19-71 |
| | 500N | 1971-8 | 7-19-71 |
| | 550N | 1971-8 | 7-19-71 |
| | 600N | 1997-13 | 4-7-97 |
| 306S | 344E | 1992-37 | 12-14-92 |
| 310N | 150W | 1975-28 | 12-22-75 |
| 320N | 200W | 1975-28 | 12-22-75 |
| 320S | 680W | 1971-8 | 7-19-71 |
| | 700W | — | — |
| 344E | 291S | 1992-37 | 12-14-92 |
| 350N | 1225W | 1971-8 | 7-19-71 |
| 350W | Cinnamon Trace | 1992-37 | 12-14-92 |
| | North Parkway | 1992-37 | 12-14-92 |
| | 300S | 1971-8 | 7-19-71 |
| | 350S | 1975-28 | 12-22-75 |

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|---|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 350E | Brookhaven Dr. | 1992-37 | 12-14-92 |
| | 288S | 1992-37 | 12-14-92 |
| | 291S | 1992-37 | 12-14-92 |
| | 294S | 1992-37 | 12-14-92 |
| | 306S | 1992-37 | 12-14-92 |
| 356E | 294S | 1992-37 | 12-14-92 |
| 400N | 450E | 1971-8 | 7-19-71 |
| | 500E | 1971-8 | 7-19-71 |
| | 500W | 1971-8 | 7-19-71 |
| | 600E | 1971-8 | 7-19-71 |
| | 700E | 1971-8 | 7-19-71 |
| | 700W | 1971-8 | 7-19-71 |
| | 710W | 1971-8 | 7-19-71 |
| | 750W | 1971-8 | 7-19-71 |
| | 800W | 1971-8 | 7-19-71 |
| | 850E | 1971-8 | 7-19-71 |
| | 900E | 1971-8 | 7-19-71 |
| | 900W | 1971-8 | 7-19-71 |
| | 1000E | 1971-8 | 7-19-71 |
| | 1000W | 1971-8 | 7-19-71 |
| | 1200E | 1971-8 | 7-19-71 |
| 1200W | 1971-8 | 7-19-71 | |
| 1300E | 1971-8 | 7-19-71 | |

Howard County - Traffic Code

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|---|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 400S | 116E | 1992-37 | 12-14-92 |
| | 120E | 1992-37 | 12-14-92 |
| | 128E | 1992-37 | 12-14-92 |
| | 135E | 1992-37 | 12-14-92 |
| | 443E | 1992-37 | 12-14-92 |
| | 450E | 1992-37 | 12-14-92 |
| | 456E | 1992-37 | 12-14-92 |
| | 460E | 1992-37 | 12-14-92 |
| 400W (1000W in Tipton Co.) | 125N (Sugarmaple Dr.) | 1992-37 | 12-14-92 |
| | 180S | 1971-8 | 7-19-71 |
| | 200S | 1971-8 | 7-19-71 |
| | 300N | 1971-8 | 7-19-71 |
| | 350S | 1971-8 | 7-19-71 |
| | 450N | 1971-8 | 7-19-71 |
| | 500N | 1971-8 | 7-19-71 |
| | 500S | — | 1-3-72 |
| | 550N | 1971-8 | 7-19-71 |
| 400E (200W in Tipton Co.) | 500S | — | 1-3-72 |
| 425N | 200W | 1975-28 | 12-22-75 |
| 450N | 80W | 1975-28 | 12-22-75 |
| | 150W | 1971-8 | 7-19-71 |
| | 1200E | 1971-8 | 7-19-71 |
| 450W | 300N | 1971-8 | 7-19-71 |

| PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS | | | |
|--|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 450E | 500N | 1971-8 | 7-19-71 |
| | 600N | 1971-8 | 7-19-71 |
| 500N (00NS in Grant County) | 200E | 1997-13 | 4-7-97 |
| | 350E | 1971-8 | 7-19-71 |
| | 1000E | 1971-8 | 7-19-71 |
| | 1000W | 1971-8 | 7-19-71 |
| | 1030W | 1971-8 | 7-19-71 |
| | 1300E | 1971-8 | 7-19-71 |
| | 1400E | — | 1-3-72 |
| 500S | Barnett Ave. | 1992-37 | 12-14-92 |
| | 50E | 1971-8 | 7-19-71 |
| | 100E (500W in Tipton Co.) | — | 1-3-72 |
| | 150E | — | 1-3-72 |
| | 300E (300W in Tipton Co.) | — | 1-3-72 |
| | 350E | — | 1-3-72 |
| | 450E | — | 1-3-72 |
| | 450W | 1971-8 | 7-19-71 |
| | 580W | — | 1-3-72 |
| | 600E (Meridian in Tipton Co.) | — | 1-3-72 |
| | 600W (1200W in Tipton Co.) | — | 1-3-72 |
| | 650E (50E in Tipton Co.) | — | 1-3-72 |
| | 680W | 1971-8 | 7-19-71 |
| 700E (100E in Tipton Co.) | — | 1-3-72 | |

Howard County - Traffic Code

| PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS | | | |
|--|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 500S (Cont'd) | 750E | 1971-8 | 7-19-71 |
| | 800E (200E in Tipton Co.) | — | 1-3-72 |
| | 800W | 1971-8 | 7-19-71 |
| | 870W | 1971-8 | 7-19-71 |
| | 920W | 1971-8 | 7-19-71 |
| | 980E | 1971-8 | 7-19-71 |
| | 1000E (400E in Tipton Co.) | — | 1-3-72 |
| | 1100E (500E in Tipton Co.) | — | 1-3-72 |
| | 1200E (600E in Tipton Co.) | — | 1-3-72 |
| | 1250E | 1971-8 | 7-19-71 |
| | 1330E | — | 1-3-72 |
| 500W (1100W in Tipton Co.) | 180S | 1971-8 | 7-19-71 |
| | 300N | 1971-8 | 7-19-71 |
| | 300S | 1997-13 | 4-7-97 |
| | 450N | 1971-8 | 7-19-71 |
| | 500N | 1971-8 | 7-19-71 |
| | 500S | — | 1-3-72 |
| | 550N | 1997-13 | 4-7-97 |
| | 600N | 1971-8 | 7-19-71 |
| 500E | 100S | 1971-8 | 7-19-71 |
| | 200N | 1971-8 | 7-19-71 |
| | 200S | 1971-8 | 7-19-71 |

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|--|--------------------------------|----------------|--------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 500E (Cont'd) | 250N | 1971-8 | 7-19-71 |
| | 300N | 1971-8 | 7-19-71 |
| | 300S | 1975-28 | 12-22-75 |
| | 500N | 1971-8 | 7-19-71 |
| | 500S | — | 1-3-72 |
| 550N | 00EW | 1992-37 | 12-14-92 |
| | 100E | 1971-8 | 7-19-71 |
| | 200E | 1971-8 | 7-19-71 |
| 560W | Sugar Mill Rd. | 1992-37 | 12-14-92 |
| 575N | 00EW (on west side of U.S. 31) | 1992-37 | 12-14-92 |
| 600N | 100W | 1971-8 | 7-19-71 |
| | 150W | 1971-8 | 7-19-71 |
| | 400W | 1971-8 | 7-19-71 |
| | 500E | 1971-8 | 7-19-71 |
| | 600W | 1971-8 | 7-19-71 |
| | 700E | 1971-8 | 7-19-71 |
| | 700W | 1971-8 | 7-19-71 |
| | 900E | 1971-8 | 7-19-71 |
| | 900W | 1971-8 | 7-19-71 |
| | 1030W | 1971-8 | 7-19-71 |
| | 1250E | 1971-8 | 7-19-71 |
| | 1300E | 1971-8 | 7-19-71 |

Howard County - Traffic Code

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|---|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 600S | 600W | 1971-8 | 7-19-71 |
| | 650W | 1971-8 | 7-19-71 |
| | 680W | 1971-8 | 7-19-71 |
| | 800W | 1971-8 | 7-19-71 |
| | 870W | 1971-8 | 7-19-71 |
| | 920W | 1971-8 | 7-19-71 |
| 600W | 160S | 1997-13 | 4-7-97 |
| | 250N | 1971-8 | 7-19-71 |
| | 300N | 1971-8 | 7-19-71 |
| | 300S | 1997-13 | 4-7-97 |
| | 320S | 1975-28 | 12-22-75 |
| | 400N | 1997-13 | 4-7-97 |
| | 500N | 1971-8 | 7-19-71 |
| 600E | 50S | 1971-8 | 7-19-71 |
| | 200N | 1971-8 | 7-19-71 |
| | 200S | 1971-8 | 7-19-71 |
| | 250N | 1971-8 | 7-19-71 |
| | 300N | 1971-8 | 7-19-71 |
| | 500N | 1971-8 | 7-19-71 |
| | 600N | 1971-8 | 7-19-71 |
| 680W | 100S | — | — |
| | 150S | — | — |

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|---|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 700S | 625W | 1971-8 | 7-19-71 |
| | 675W | 1971-8 | 7-19-71 |
| | 800W | 1971-8 | 7-19-71 |
| 700W | 250N | 1971-8 | 7-19-71 |
| | 500N | 1971-8 | 7-19-71 |
| 700E | Cassell Ct. | 1992-37 | 12-14-92 |
| | 50S | 1971-8 | 7-19-71 |
| | 200N | 1971-8 | 7-19-71 |
| | 200S | 1971-8 | 7-19-71 |
| | 500N | 1971-8 | 7-19-71 |
| 750W | 00NS | 1971-8 | 7-19-71 |
| | 100S | 1971-8 | 7-19-71 |
| | 150S | 1971-8 | 7-19-71 |
| | 180S | 1971-8 | 7-19-71 |
| | 214S (High St.) | 1992-37 | 12-14-92 |
| | 220S (Mill St.) | 1992-37 | 12-14-92 |
| | 226S (Walnut St.) | 1992-37 | 12-14-92 |
| | 233S (London St.) | 1992-37 | 12-14-92 |
| | 300N | 1971-8 | 7-19-71 |
| | 320S | 1971-8 | 7-19-71 |
| | 330S | 1971-8 | 7-19-71 |
| | 500S | 1971-8 | 7-19-71 |
| | 600S | 1971-8 | 7-19-71 |
| | 700S | 1971-8 | 7-19-71 |

Howard County - Traffic Code

| PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS | | | |
|--|---|----------------|--------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 766W | 214S (High St.) | 1992-37 | 12-14-92 |
| | 226S (Walnut St.) | 1992-37 | 12-14-92 |
| 775W | 420S | 1971-8 | 7-19-71 |
| 800W | 500N | 1971-8 | 7-19-71 |
| 800E | Deer Creek Rd. | 1992-37 | 12-14-92 |
| | 50N | 1971-8 | 7-19-71 |
| | 100S | 1971-8 | 7-19-71 |
| | 180S | 1971-8 | 7-19-71 |
| | 200N | 1997-13 | 4-7-97 |
| | 200S | 1971-8 | 7-19-71 |
| | 300N | 1971-8 | 7-19-71 |
| | 500N | 1971-8 | 7-19-71 |
| | 600N | 1971-8 | 7-19-71 |
| 820W | 150S | 1971-8 | 7-19-71 |
| 850E | 50S (850E stops for 50S from the south) | 1977-31 | 10-31-77 |
| | 200N | 1971-8 | 7-19-71 |
| | 300N | 1971-8 | 7-19-71 |
| 870W | 200S | 2002-40 | 9-3-02 |
| 900W | 500N | 1971-8 | 7-19-71 |
| 900E (S.R. 213) | 100S | 1971-8 | 7-19-71 |
| | 180S | 1971-8 | 7-19-71 |
| | 200N | 1971-8 | 7-19-71 |
| | 200S | 1971-8 | 7-19-71 |
| | 250N | 1971-8 | 7-19-71 |

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|---|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 900E (S.R. 213) (Cont'd) | 300N | 1971-8 | 7-19-71 |
| | 300S | 1971-8 | 7-19-71 |
| | 500N | 1971-8 | 7-19-71 |
| | 500S | — | 1-3-72 |
| 950W | 100S | 1971-8 | 7-19-71 |
| 1000W | 300N | 1971-8 | 7-19-71 |
| | 300S | 1971-8 | 7-19-71 |
| | 330N | — | — |
| 1000E | 200N | 1997-13 | 4-7-97 |
| | 250S | 1971-8 | 7-19-71 |
| | 550N | 1971-8 | 7-19-71 |
| 1030W | 520N | 1971-8 | 7-19-71 |
| 1030E | 169S | 1992-37 | 12-14-92 |
| 1039E | 164S | 1992-37 | 12-14-92 |
| 1050W | 150N | 1971-8 | 7-19-71 |
| | 300S | 1971-8 | 7-19-71 |
| 1050E | 250S | 1971-8 | 7-19-71 |
| 1080W | 330N | — | — |
| 1100E | 100S | 1971-8 | 7-19-71 |
| | 200N | 1971-8 | 7-19-71 |
| | 200S | 1971-8 | 7-19-71 |
| | 240S | 1971-8 | 7-19-71 |
| | 300N | 1971-8 | 7-19-71 |

Howard County - Traffic Code

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|---|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 1100E (Cont'd) | 300S | 1971-8 | 7-19-71 |
| | 350N | 1971-8 | 7-19-71 |
| | 450N | 1975-28 | 12-22-75 |
| | 500N | 1971-8 | 7-19-71 |
| | 550N | 1971-8 | 7-19-71 |
| | 600N | 1971-8 | 7-19-71 |
| 1150W | 350N | 1975-28 | 12-22-75 |
| | 400N | 1971-8 | 7-19-71 |
| | 500N | 1971-8 | 7-19-71 |
| | 565N | 1975-28 | 12-22-75 |
| 1180W | 150S | 1971-8 | 7-19-71 |
| 1225W | 300N | — | — |
| 1250W | 125N | 1971-8 | 7-19-71 |
| 1250E | 100S | 1971-8 | 7-19-71 |
| | 200S | 1971-8 | 7-19-71 |
| | 300S | 1971-8 | 7-19-71 |
| | 320S | 1992-37 | 12-14-92 |
| | 340S | 1975-28 | 12-22-75 |
| | 500N | 1971-8 | 7-19-71 |
| 1330E | 350S | 1975-28 | 12-22-75 |
| 1350E | 100N | 1971-8 | 7-19-71 |
| | 200N | 1971-8 | 7-19-71 |
| | 300N | 1971-8 | 7-19-71 |

| <i>PREFERENTIAL STOP INTERSECTIONS ON CERTAIN COUNTY ROADS</i> | | | |
|---|-----------------------------------|-----------------------|---------------------------|
| <i>Preferential County Road</i> | <i>Intersecting Street</i> | <i>Ord. No</i> | <i>Date Passed</i> |
| 1350E (Cont'd) | 400N | 1971-8 | 7-19-71 |
| | 500N | 1971-8 | 7-19-71 |
| | 600N | 1971-8 | 7-19-71 |
| 1400E (1000W in Grant Co.) (800E in Tipton Co.) | 100S (600S in Grant Co.) | — | 1-3-72 |
| | 200S (700S in Grant Co.) | 1971-8 | 7-19-71 |
| | 300S (800S in Grant Co.) | — | 1-3-72 |
| | 500S | — | 1-3-72 |
| | 600N | 1971-8 | 7-19-71 |

(3) *Other preferential intersections:*

| <i>OTHER PREFERENTIAL INTERSECTIONS</i> | | | |
|--|-----------------------------------|------------------------|---------------------------|
| <i>Preferential Street</i> | <i>Intersecting Street</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Alameda Blvd. | Mayfair Dr. | — | — |
| Arnold St. | Clark St. | 1992-37 | 12-14-92 |
| | Emery St. | 1992-37 | 12-14-92 |
| Bramoor Dr. | Bramoor Ct. | 1992-37 | 12-14-92 |
| | Wexmoor Dr. | 1992-37 | 12-14-92 |
| Brookhaven Dr. | Brookhaven Ct. | 1992-37 | 12-14-92 |
| | Crescent Dr. | 1992-37 | 12-14-92 |
| | Pavalion Dr. | 1992-37 | 12-14-92 |
| Brookshire Dr. | Woodfield Dr. | 1992-37 | 12-14-92 |
| Cinnamon Trace | Nutmeg Ln. | 1992-37 | 12-14-92 |
| Clark St. | Harrison St. | 1992-37 | 12-14-92 |
| Country Ln. | Patricia Dr. | 1992-37 | 12-14-92 |
| Deer Creek Rd. | Knoll Wood Ln. | 1992-37 | 12-14-92 |
| Edward Dr. | Emily Ct. | 1992-37 | 12-14-92 |
| Emery St. | Harrison St. | 1992-37 | 12-14-92 |
| Foster St. | Clark St. | 1992-37 | 12-14-92 |
| | Miller St. | 1992-37 | 12-14-92 |
| Glen Moor Way | Chippendale Dr. | 1992-37 | 12-14-92 |
| | Glen Moor Ct. | 1992-37 | 12-14-92 |
| | Wexmoor Dr. | 1992-37 | 12-14-92 |
| Great Pumpkin Ln. | Pumpkin Leaf Dr. | 1992-37 | 12-14-92 |
| | Pumpkin Vine Dr. | 1992-37 | 12-14-92 |
| Hidden Valley Drive | 560W | 2002-53 | 11-4-02 |

| <i>OTHER PREFERENTIAL INTERSECTIONS</i> | | | |
|---|----------------------------|-----------------|--------------------|
| <i>Preferential Street</i> | <i>Intersecting Street</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| High St. | Church St. | 1974-20 | 9-9-74 |
| | Main St. | 1974-20 | 9-9-74 |
| Jeffrey Ln. | Anna Ln. | 1992-37 | 12-14-92 |
| Kerri Lynn Ln. | Walton Lake Dr. | 1992-37 | 12-14-92 |
| Lakewood Dr. | Lakewood Ct. | 1992-37 | 12-14-92 |
| Lewis St. | Foster St. | 1992-37 | 12-14-92 |
| | Harrison St. | 1992-37 | 12-14-92 |
| London St. | Church St. | 1974-20 | 9-9-74 |
| Lynn Dr. | Edward Dr. | 1992-37 | 12-14-92 |
| | Lynn Ct. | 1992-37 | 12-14-92 |
| Main St. (750W) | Lafayette St. | 1974-20 | 9-9-74 |
| | London St. | 1974-20 | 9-9-74 |
| | Walnut St. | 1974-20 | 9-9-74 |
| McKibben Dr. | Christopher Dr. | 1992-37 | 12-14-92 |
| | Lyons Dr. | 1992-37 | 12-14-92 |
| | Oliene Dr. | 1992-37 | 12-14-92 |
| | Rolland Dr. | 1992-37 | 12-14-92 |
| Mill St. | Church St. | 1974-20 | 9-9-74 |
| | Market St. | 1974-20 | 9-9-74 |
| Nancy Dr. | 00EW | 1992-37 | 12-14-92 |
| Peru St. | High St. | 1974-20 | 9-9-74 |
| | High St. | 1974-20 | 9-9-74 |
| Rainbow Dr. | Westmoor Dr. Southbound | 1997-12 | 4-7-97 |

Howard County - Traffic Code

| <i>OTHER PREFERENTIAL INTERSECTIONS</i> | | | |
|---|----------------------------------|-----------------|--------------------|
| <i>Preferential Street</i> | <i>Intersecting Street</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Ridge Rd. | Crescent Dr. | 1992-37 | 12-14-92 |
| | Pavalion Dr. | 1992-37 | 12-14-92 |
| Rolland Dr. | Christopher Dr. | 1992-37 | 12-14-92 |
| Ruhl Rd. | Pumpkin Leaf Dr. | 1992-37 | 12-14-92 |
| | Pumpkin Vine Dr. | 1992-37 | 12-14-92 |
| Springdale Dr. | Spring Grove Dr. (west terminus) | 1992-37 | 12-14-92 |
| | Spring Grove Dr. (east terminus) | 1992-37 | 12-14-92 |
| | Springdale Ct. | 1992-37 | 12-14-92 |
| Sugar Mill Rd. | Sugar Mill Ct. | 1992-37 | 12-14-92 |
| Tall Oaks Dr. | 175N (Tall Oaks Blvd.) | 1992-37 | 12-14-92 |
| Timber Valley Dr. | Timber Ridge Ct. | 1992-37 | 12-14-92 |
| Toby Pike | 450N | 1997-13 | 4-7-97 |
| Walnut St. | Church St. | 1974-20 | 9-9-74 |
| Webster St. | Brown Ave. | — | — |
| S.R. 22 | Wildcat Pkwy. | 1992-37 | 12-14-92 |
| U.S. 31 | Ida Dr. | 1992-37 | 12-14-92 |
| | Nancy Dr. | 1992-37 | 12-14-92 |
| | 00EW (for U.S. 31 North) | 1992-37 | 12-14-92 |
| | 500S | — | 1-3-72 |
| | 550N | 1992-37 | 12-14-92 |

(C) *Three-way stop intersections.* The following are established as three-way stop intersections. The County Highway Department is hereby authorized and directed to erect stop signs at each of these intersections in accordance with the *Indiana Manual on Uniform Traffic-Control Devices for Streets and Highways*. (Ord. 1978-12, passed 5-30-78)

| <i>THREE-WAY STOPS</i> | | |
|--|------------------------|---------------------------|
| <i>Intersection</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Goyer Rd. (150E) and Lincoln Rd (150S) | 1971-8 | 7-19-71 |

Howard County - Traffic Code

(D) *Four-way stop intersections.* The following are established as four-way stop intersections. The County Highway Department is hereby authorized and directed to erect stop signs at each of these intersections in accordance with the *Indiana Manual on Uniform Traffic-Control Devices for Streets and Highways.* (Ord. 1978-12, passed 5-30-78)

| <i>FOUR-WAY STOPS</i> | | |
|--|------------------------|---------------------------|
| <i>Intersection</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Arrowhead Blvd. and Tomahawk Blvd. | — | — |
| South Emery St. and East Foster St. (in Darrough Chapel) | — | 1-3-72 |
| Washington Street and 300N | 2001-55 | 12-3-01 |
| 00EW (Apperson Way North) and 300N (Smith Rd.) | 1971-8 | 7-19-71 |
| 50N and 300E | 1994-48 | 11-21-94 |
| 50N and 500E | 1994-48 | 11-21-94 |
| 50N and 600W | 1997-12 | 4-7-97 |
| 50S and 200W | — | — |
| 50S and 300W | 1962-6 | 6-4-62 |
| 50E (North Ohio) and 150N (North St. Extension) | 1971-8 | 7-19-71 |
| 50E and 300N | 1995-36 | 9-25-95 |
| 50E and 450N | 1997-52 | 12-1-97 |
| 50E and 550N | 1971-8 | 7-19-71 |
| 100N and 850E | 1997-20 | 6-2-97 |
| 100N and 1100E | — | — |
| 100S (West Boulevard) and 100W (Park Rd.) | 1971-8 | 7-19-71 |
| 100S (West Boulevard) and 200W (Dixon Rd.) | 1971-8 | 7-19-71 |
| 100S and 300W | 1971-8 | 7-19-71 |
| 100S and 300E | 1971-8 | 7-19-71 |
| 100S and 400W | 1993-14 | 4-19-93 |
| 100W (Park Rd.) and 150S (Lincoln Rd.) | 1972-35 | 11-13-72 |
| 100W and 250S | 1971-8 | 7-19-71 |
| 100W and 300S | 1969-9 | 8-11-69 |

| <i>FOUR-WAY STOPS</i> | | |
|---|-----------------|--------------------|
| <i>Intersection</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| 100E and 150S | — | — |
| 100E (Albright Rd.) and 200S (Southway Blvd. East) | 1978-12 | 5-30-78 |
| 125E and 200N | — | — |
| 130E and 300S | — | — |
| 190E and 400N | 1971-8 | 7-19-71 |
| 200N and 200W | 1990-34 | 8-20-90 |
| 200N and 300W | — | — |
| 200N (Judson Rd.) and 400W | — | 1-3-72 |
| 200N and 750W | — | — |
| 200S and 200E | — | — |
| 200S and 300E | 1989-9 | 4-17-89 |
| 200W and 250S | — | — |
| 200W and 300S | 1997-29 | 7-7-97 |
| 250S and 750W | — | — |
| 300S and 700E | — | — |
| 300S and 800E | — | — |
| 300W and 350N | 1983-2 | 1-17-83 |
| 300E and 400N | — | — |
| 350W (Hickory Ln.), Mayfield Dr. and Cinnamon Trace | 1997-13 | 4-7-97 |
| 400N and 800E | 1971-8 | 7-19-71 |
| 400N and 1100E | 1971-8 | 7-19-71 |
| 600N and 800W | — | — |

(E) *Penalty.* Any person who violates any of the provisions of this schedule shall, upon conviction, be punished as provided in § 10.99.

(` 83 Code, Ch. 71, Sched. II) (Ord. 1971-8, passed 7-19-71)

SCHEDULE IV: VEHICLE LOADS.

(A) *Gross weight limits.*

(1) The term **VEHICLE** as used in this schedule shall be held to apply to every device in, upon or by which any person or property is or may be transported or drawn on a public highway or street excepting devices moved by human power or used exclusively on stationary rails or tracks.

(2) It shall be unlawful to operate or to cause to be operated any vehicle having total gross weight with load in excess of 20,000 pounds in Indian Heights subdivision on the following streets, except for emergency vehicles, school buses, street or highway maintenance vehicles, and moving vans, delivery vehicles, and service vehicles making deliveries or rendering services to residences in Indian Heights subdivision:

| INDIAN HEIGHTS SUBDIVISION — 20,000 POUND RESTRICTIONS | | |
|---|-----------------|--------------------|
| <i>Street</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Arrowhead Blvd. | 1982-18 | 9-7-82 |
| Council Ring Blvd. | 1982-18 | 9-7-82 |
| Tomahawk Blvd. | 1982-18 | 9-7-82 |
| 775W from 250S to 500S | 1983-25 | 8-8-83 |

(3) It shall be unlawful to operate or cause to be operated any vehicle having a total gross weight with a load in excess of 40,000 pounds on the following roads:

| GENERAL LOAD REGULATIONS — 40,000 POUND RESTRICTIONS | | |
|---|-----------------|--------------------|
| <i>Street</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| 750W from 250S to 500S | 1983-25 | 8-8-83 |
| 870W from 250S to 500S | 1983-25 | 8-8-83 |

(B) *Seasonal load restrictions.* During certain months of the year when the County Road Supervisor, in his or her discretion, deems it reasonable and necessary to lessen the loads carried by motor vehicles on certain county highways, the Board of County Commissioners may by resolution regularly adopted impose the following load restrictions on any vehicles or combination of vehicles operating on roads in the county. The resolution provided for in this division (B) shall describe the various roads upon which load restrictions are to be imposed and shall provide that the restrictions are to be enforced until the same are lifted and dissolved by a subsequent resolution by the Board of Commissioners. Whenever the load restrictions herein provided are by resolution of the Board of County Commissioners placed in effect, the County Highway Department shall place signs indicating the gross weight allowed on the county roads affected by such resolution and such signs shall be posted in a conspicuous place on the roads so placed by resolution under load restrictions. Such signs shall be clearly legible from a distance of 25 feet and shall be maintained during the time such load restriction is in force. No such resolution shall in any case become effective until signs indicating such load restrictions have been so posted.

| <i>Tire Size</i> | <i>Gross Load Each Tire (lbs.)</i> |
|------------------|------------------------------------|
| 6.00 | 1,400 |
| 6.50 | 1,600 |
| 7.00 | 1,800 |
| 7.50 | 2,250 |
| 8.25 | 2,800 |
| 9.00 | 3,400 |
| 10.00 | 4,000 |
| 11.00 | 4,500 |
| 12.00 and over | 4,500 |

(Ord. 1958-3, passed 3-10-58)

(C) *Penalty.* Whoever violates any provision of this schedule shall, upon conviction, be punished as provided in § 10.99.

(` 83 Code, Ch. 71, Sched. III) (Ord. 1982-18, passed 9-7-82; Am. Ord. 1983-25, passed 8-8-83)

Statutory reference:

Authority to regulate weight and size of vehicles, see I.C. 9-20-1-3

SCHEDULE V: YIELD INTERSECTIONS.(A) *Yield intersections.*

| <i>YIELD INTERSECTIONS</i> | | | |
|----------------------------|---------------------|-----------------|--------------------|
| <i>Intersecting Street</i> | <i>Yield Street</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Greytwig Dr. | Eastbrook | 1972-35 | 11-13-72 |
| Greytwig Dr. | Hawthorne Ln. | 1972-35 | 11-13-72 |
| Marsha Dr. | Pamela Ct. | — | — |
| Melody Ln. | Canyon Dr. | — | — |
| Melody Ln. | Carson Ct. | — | — |
| Melody Ln. South | Melody Ln. South | — | — |
| Melody Ln. East | Melody Ct. | — | — |
| Orleans Dr. | Linda Dr. | — | — |
| Orleans Dr. | Melody Ln. East | — | — |
| Orleans Dr. | Terrace Ct. | — | — |
| Tulip Ln. | Linda Dr. | — | — |
| 350W/Hickory Lane | North Parkway | BCC 2006-24 | 10-2-06 |
| 520W | 100S | 1994-16 | 2-28-94 |
| 600N | 1000E | — | — |

(B) *Penalty.* Any person who violates any of the provisions of this schedule shall, upon conviction, be punished as provided in § 10.99.

(`83 Code, Ch. 71, Sched. IV) (Ord. 1971-8, passed 7-19-71)

SCHEDULE VI: TRAFFIC CONTROL SIGNALS.

Traffic control signals shall be erected at the following locations:

| <i>TRAFFIC CONTROL SIGNALS</i> | | | |
|--------------------------------|----------------------------|-----------------|--------------------|
| <i>Street</i> | <i>Intersecting Street</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Alto Road | Park Road | 2002-09 | 3-4-02 |
| Dixon Road | Boulevard | 2002-09 | 3-4-02 |
| Dixon Road | Deffenbaugh | 2002-09 | 3-4-02 |
| Dixon Road | Lincoln Road | 2002-09 | 3-4-02 |
| Dixon Road | Markland Avenue | 2002-09 | 3-4-02 |

CHAPTER 72: PARKING SCHEDULES

Schedule

- I. Parking Prohibited
- II. Parking Restricted

Cross-reference:

Ordinance Violations Bureau; civil penalty for parking violations, see § 10.98

SCHEDULE I: PARKING PROHIBITED.

It shall be unlawful for any person, firm or corporation, when signs are erected giving notice thereof, to park a vehicle upon any of the following streets or places:

| <i>PARKING PROHIBITED</i> | | | | |
|----------------------------------|----------------------|---|------------------------|---------------------------|
| <i>Street</i> | <i>Side</i> | <i>Location</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Algonquin Trail | North | Wea Dr. to Canoe St. | 1979-2 | 1-15-79 |
| | East | Canoe St. to Papoose St. | 1979-2 | 1-15-79 |
| | South | Papoose St. to Mohawk | 1979-2 | 1-15-79 |
| Arrow St. | South | From Arrowhead Blvd. for 90 feet | 1990-26 | 5-29-90 |
| Arrowhead Blvd. | West | Between Center Rd. and S.R. 26 entrance | 1979-2 | 1-15-79 |
| Birch Ct. | North and cul-de-sac | — | 1987-12 | 6-15-87 |
| Brave Ct. | South and cul-de-sac | — | 1987-12 | 6-15-87 |
| Buckskin Ct. | North and cul-de-sac | — | 1987-12 | 6-15-87 |

Howard County - Traffic Code

| <i>PARKING PROHIBITED</i> | | | | |
|----------------------------------|--------------------------|--|-----------------|--------------------|
| <i>Street</i> | <i>Side</i> | <i>Location</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Buckskin Dr. | East | Between Miami Blvd. and Tomahawk Blvd. | 1979-2 | 1-15-79 |
| Canoe St. | Both | Between Arrowhead Blvd. and Algonquin Trail | 1979-2 | 1-15-79 |
| Center Rd. Entrance | Both | Between Center Rd. and Council Ring Blvd. | 1979-2 | 1-15-79 |
| Chippawa Ln. | East | From Moccasin Trail to Council Ring Blvd. | 1979-2 | 1-15-79 |
| | Southeast | From Wea Dr. to Moccasin Trail | 1979-2 | 1-15-79 |
| Council Ct. | Southeast and cul-de-sac | — | 1987-12 | 6-15-87 |
| Council Ring Blvd. | East | From Miami Blvd. to Kickapoo Dr. (north) | 1979-2 | 1-15-79 |
| | East | From Ring Ct. to Council Ct. | 1979-2 | 1-15-79 |
| | East | From Waubesa Way to Tomahawk Blvd. | 1979-2 | 1-15-79 |
| | North | From Council Ct. | 1979-2 | 1-15-79 |
| | North | From Council Ct. to Miami Blvd. | 1979-2 | 1-15-79 |
| | North | From Kickapoo Dr. (north) to Center Rd. entrance | 1979-2 | 1-15-79 |
| | South | From Tomahawk Blvd. to Ring Ct. | 1979-2 | 1-15-79 |
| | South | From S.R. 26 entrance to Waubesa Way | 1979-2 | 1-15-79 |
| Davis Rd. | Both | Within 10 feet of pavement edge from 300N to city limits | 1997-21 | 7-7-97 |

| <i>PARKING PROHIBITED</i> | | | | |
|----------------------------------|----------------------|---|-----------------|--------------------|
| <i>Street</i> | <i>Side</i> | <i>Location</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| East Baxter Street | South | From a point 214 feet west of the centerline of Lewis Street to 410 feet west of the centerline of Lewis Street | 2011-BCO-18 | 7-18-11 |
| Flint Ct. | South and cul-de-sac | — | 1987-12 | 6-15-87 |
| Flint Way | Both | From Arrowhead Blvd. to Fire Station | 1979-2 | 1-15-79 |
| Kickapoo Ct. | Both | — | 1979-2 | 1-15-79 |
| Kickapoo Dr. | South and West | From its north intersection with Council Ring Blvd. to its south intersection with Council Ring Blvd. | 1987-12 | 6-15-87 |
| | West | From its south intersection with Council Ring Blvd. to Kickapoo Ct. | 1979-2 | 1-15-79 |
| Kiowa St. | East | Between Arrowhead Blvd. to Seneca Trail | 1979-2 | 1-15-79 |
| Lance Dr. | West | From Council Ring Blvd. to Wea Dr. | 1979-2 | 1-15-79 |
| Long Bow Dr. | East | From Miami Blvd. to Tomahawk Blvd. | 1979-2 | 1-15-79 |
| Maumee Dr. | East | From Mendota Dr. to Monona Dr. | 1979-2 | 1-15-79 |
| | North | From Arrowhead Blvd. to Mendota Dr. | 1979-2 | 1-15-79 |
| | North | From Monona Dr. to Tomahawk Blvd. | 1979-2 | 1-15-79 |
| Mendota Ct. | North and cul-de-sac | — | 1987-12 | 6-15-87 |
| Mendota Dr. | East | Between Maumee Dr. and Seneca Trail | 1979-2 | 1-15-79 |
| Menomonee Ct. | South and cul-de-sac | — | 1987-12 | 6-15-87 |

Howard County - Traffic Code

| <i>PARKING PROHIBITED</i> | | | | |
|----------------------------------|--------------------------|---|-----------------|--------------------|
| <i>Street</i> | <i>Side</i> | <i>Location</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Menomonee Dr. | West | From Miami Blvd. to Tomahawk Blvd. | 1979-2 | 1-15-79 |
| Miami Blvd. | East | From Council Ring Blvd. to Wea Dr. | 1979-2 | 1-15-79 |
| | South | Buckskin Dr. to Long Bow Dr. | 1979-2 | 1-15-79 |
| | Southeast | From Wea Dr. to Buckskin Dr. | 1979-2 | 1-15-79 |
| | Southwest | From Long Bow Dr. to Arrowhead Blvd. | 1979-2 | 1-15-79 |
| Miami Ct. | Northwest and cul-de-sac | — | 1987-12 | 6-15-87 |
| Moccasin Trail | South | Between Chippawa Ln. and Peace Pipe Dr. | 1979-2 | 1-15-79 |
| Mohawk Dr. | West | From Algonquin Trail to Wea Dr. | 1979-2 | 1-15-79 |
| Monona Dr. | East | From Mendota Dr. to Maumee Dr. | 1979-2 | 1-15-79 |
| Ojibway Dr. | East | From its south intersection with Mohawk Dr. to its north intersection with Mohawk Dr. | 1979-2 | 1-15-79 |
| Oswego St. | South | — | 1987-12 | 6-15-87 |
| Papoose St. | Both | From Arrowhead Blvd. to Algonquin Trail | 1987-12 | 6-15-87 |
| Peace Pipe Dr. | West | From Tepee Dr. to Moccasin Trail | 1979-2 | 1-15-79 |
| | West-Southwest | From Moccasin Trail to Council Ring Blvd. | 1979-2 | 1-15-79 |

| PARKING PROHIBITED | | | | |
|---------------------------|----------------------------------|--|--------------------|--------------------|
| <i>Street</i> | <i>Side</i> | <i>Location</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Peshewa Ct. | North and East and cul-de-sac | [Specifically excludes the south and west sides from a point 30 feet west of the intersection with Arrowhead Blvd. to the intersection with the west side of the cul-de-sac at the end of Peshewa Ct.] | 1987-12 1994-34 | 6-15-87 8-1-94 |
| Ring Ct. | Southwest and cul-de-sac | — | 1987-12 | 6-15-87 |
| Scout St. | West | From Council Ring Blvd. to its terminus | 1987-12 | 6-15-87 |
| Seneca Trail | South | From Mendota Dr. to Kiowa St. | 1979-2 | 1-15-79 |
| | West | From Kiowa St. to Maumee Dr. | 1979-2 | 1-15-79 |
| Tepee Dr. | North | From Chippawa Ln. to Council Ring Blvd. | 1979-2 | 1-15-79 |
| Tomahawk Blvd. | South | From U.S. 31 to Arrowhead Blvd. | 1987-12 | 6-15-87 |
| | South | From Arrowhead Blvd. to Wea Dr. | 1979-2 | 1-15-79 |
| | West | From Wea Dr. to Council Ring Blvd. | 1979-2 | 1-15-79 |
| Treaty Ln. | East | From Council Ring Blvd. to Wigwam Dr. | 1979-2 | 1-15-79 |
| Tribal St. | Both | From Wea Dr. to Council Ring Blvd. | 1979-2 | 1-15-79 |
| Wampum Dr. | North and West | From Treaty Ln. to Wigwam Dr. | 1987-12 | 6-15-87 |
| Waubesa Ct. | Southwest and cul-de-sac | — | 1987-12 | 6-15-87 |

Howard County - Traffic Code

| <i>PARKING PROHIBITED</i> | | | | |
|----------------------------------|----------------------|---|------------------------|---------------------------|
| <i>Street</i> | <i>Side</i> | <i>Location</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Waubesa Way | Northeast | From its north intersection with Council Ring Blvd. to Waubesa Ct. | 1979-2 | 1-15-79 |
| | South-Southeast | From Waubesa Ct. to its south intersection with Council Ring Blvd. | 1979-2 | 1-15-79 |
| Wea Dr. | East | From Miami Blvd. to Tomahawk Blvd. | 1979-2 | 1-15-79 |
| | West | From Mohawk Dr. to Miami Blvd. | 1979-2 | 1-15-79 |
| Wigwam Ct. | West and cul-de-sac | — | 1987-12 | 6-15-87 |
| Wigwam Dr. | South | From Lance Dr. to Council Ring Blvd. | 1979-2 | 1-15-79 |
| Wingra Ct. | North and cul-de-sac | — | 1987-12 | 6-15-87 |
| Road 00EW | West | From a point beginning 3,525 feet south of the south curbline of U.S. 35 on old U.S. 31 (C.R. 00EW) to a point 1,000 feet south thereof | 1984-9 | 4-30-84 |
| S.R. 26 entrance | Both | Between S.R. 26 and Arrowhead Blvd. | 1987-12 | 6-15-87 |
| 100N | Both | Between County Roads 400E and 600E | 1980-9 | 6-9-80 |
| 200W | Both | Extending 295 feet south of the intersection with 250S | 1990-19 | 4-30-90 |
| 250S | North | Beginning 200 feet east of Rabbit St. and continuing east to a point 276 feet on the north side 250S | 1972-35 | 11-13-72 |
| | South | 50 feet east and 50 feet west of the intersection with County Line 200W | 1990-19 | 4-30-90 |

| <i>PARKING PROHIBITED</i> | | | | |
|---|-------------|--|-----------------|--------------------|
| <i>Street</i> | <i>Side</i> | <i>Location</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| 450W (Stink Factory Rd.) | Both | From its terminus at 60N (Sycamore Rd.) to a point 2,000 feet south of County Road 60N | 1983-20 | 6-6-83 |
| 600E | East | From 50 North to 100N | 1971-8 | 7-19-71 |
| | West | From 400 feet south of the south end of the bridge located over Wildcat Creek to 200 feet north of the north end of the bridge | 1971-8 | 7-19-71 |
| Howard County office building parking lot (corner of Union St. and Taylor St.) except county employees to which such spaces in the parking lot are assigned | — | — | 1983-37 | 12-12-83 |
| Any Sidewalks | — | In Indian Heights and all areas of the county | 1996-13 | 3-4-96 |

(`83 Code, Ch. 72, Sched. I) (Ord. 1979-2, passed 1-15-79) Penalty, see § 10.98

Cross-reference:

Ordinance Violations Bureau; civil penalty for parking violations, see § 10.98

SCHEDULE II: PARKING RESTRICTED.

(A) It shall be unlawful for any person, firm or corporation, when signs are erected giving notice thereof, to park a vehicle upon any of the following streets or places in violation of the corresponding restrictions:

| <i>PARKING RESTRICTIONS</i> | | | | |
|---|-------------|--|-----------------|--------------------|
| <i>Street</i> | <i>Side</i> | <i>Restriction</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
| Buckeye St. | East | No parking from 7:30 a.m. and 5:00 p.m. between Sycamore and Walnut St. | 1987-15 | 8-10-87 |
| West Sycamore St. | — | No parking from 7:30 a.m. and 5:00 p.m. in the last two parking spaces at the west end of the north side of the 100 block | 1987-15 | 8-10-87 |
| Taylor St. | South | No parking from 7:30 a.m. and 5:00 p.m. west to the alley between Union St. and Main St. | 1987-15 | 8-10-87 |
| Union St. | West | No parking from 7:30 a.m. and 5:00 p.m. between Mulberry and Taylor St. | 1987-15 | 8-10-87 |
| West Walnut | Both | No parking from 7:30 a.m. and 5:00 p.m. in one parking space on each side of the pedestrian walkway from the alley on the north side of the 100 block on West Walnut and extending across Walnut St. to the Courthouse | 1987-15 | 8-10-87 |
| Howard County Parking Lot located at the rear or north side of the County Governmental Offices Building (120 East Mulberry St.) and located at the east side of Main St. between Superior St. and the Wildcat Creek | — | No parking from 7:30 a.m. and 5:00 p.m. Monday through Friday | 1987-15 | 8-10-87 |
| Ruhl Street Subdivision (any public dedicated streets) | Both | No parking of commercial vehicles, except for commercial vehicles discharging cargo and providing services to the residents of Ruhl Street Subdivision | 1990-37 | 10-29-90 |
| 200W | West | Bus loading zone on 200W beginning 130 feet south of 250S to 210 feet south of 250S, to be in effect from 7:00 a.m. to 5:00 p.m., Monday through Friday, such zone to be marked a "Tow Away Zone" | 1989-29 | 11-27-89 |

(B) This schedule does not apply to law enforcement personnel or the county employees engaged in their official duties. Signs shall be erected by the County Highway Department indicating the reservation of the parking spaces provided for in this schedule.

(Ord. 1987-15, passed 8-10-87)

(C) Any person, firm or corporation violating the parking restrictions concerning commercial vehicles in the Ruhl Street Subdivision shall be fined \$100 and court costs for each violation.

(Ord. 1990-37, passed 10-29-90) Penalty, see § 10.98

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. FAIR HOUSING**
- 92. HEALTH AND SAFETY**
- 93. PARKS AND RECREATION**
- 94. STREETS AND SIDEWALKS**
- 95. ALARM SYSTEMS AND AUTOMATIC TELEPHONE DIALING DEVICES**
- 96. PUBLIC AND SEMI-PUBLIC SWIMMING POOLS AND SPAS**

CHAPTER 90: ANIMALS

Section

- 90.01 Definitions
- 90.02 Permanent identification of dogs and cats required
- 90.03 Prohibitions and penalties
- 90.04 Authority of county agent
- 90.05 Apprehension and impoundment of animals
- 90.06 Notice to owner
- 90.07 Redemption and disposition of impounded animals
- 90.08 Disposition of monies collected
- 90.09 Enforcement

Cross-reference:

Ordinance Violations Bureau; civil penalties for dog ordinance violations, see § 10.98

§ 90.01 DEFINITIONS.

As used in this chapter unless the context otherwise indicates:

ANIMAL. Any live, non-human vertebrate creature, domestic or wild.

ANIMAL SHELTER. Any facility operated by Department of Animal Services or a municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

AT LARGE. Elsewhere than on the owner's premises, and:

- (1) Not restrained by a leash; or
- (2) Not under the immediate and complete control of a person capable of controlling such animal.

AUTHORIZED AGENT. Law enforcement officer or authorized employees of the Department of Animal Services.

CAT. All domestic members of the feline family of animals.

DANGEROUS DOG. Any dog that according to the records of the Department of Animal Services:

(1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury or death on a human being on public or private property; or

(2) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting;

(3) Has been listed as a potentially dangerous dog by the Department of Animal Services, and exhibits behavior warranting listing as a dangerous dog.

DEPARTMENT OF ANIMAL SERVICES. The animal care and control department of the Kokomo Humane Society.

DOG. All domestic members of the canine family of animals

HARBOR. The actions of any person who permits any animal to habitually remain or lodge or to be fed within his or her home, store, enclosure, yard, or place of business, or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three days.

HEALTH DEPARTMENT. Howard County Health Department.

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KENNEL. A facility operated principally for the purpose of boarding, housing or breeding dogs or cats.

LESS SEVERE INJURY. Any injury caused that results in a minor puncture, piercing or breaking of the skin made with teeth, fangs or claws of any animal that does not require extensive medical treatment.

OWNER. Any person or persons owning or having the care, custody, or control of any animal.

PERSON. Any individual, firm, association, partnership, or corporation.

POTENTIALLY DANGEROUS DOG. Any of the following:

(1) Any dog which, when unprovoked, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the dog;

(2) Any dog which, when unprovoked, bites a person causing a less severe injury as defined;

(3) Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog;

(4) Chases or menaces a person;

(5) Runs at large.

PUBLIC NUISANCE. Any animal or animals that:

(1) Attack passers-by or passing vehicles.

(2) Damage public or private property.

(3) Are not confined while in estrus (“heat”).

(4) Bark, whine, or howl in an excessive or continuous fashion, unreasonable under the circumstances, as to violate the peace and quiet of the neighborhood.

(5) Do not have a permanent means of identification as provided for in this chapter.

(6) It shall also be a public nuisance to harbor more than four dogs or cats over the age of four months, unless classified as a kennel.

RESTRAINT. The securing of an animal by leash or confining it within the real property limits by its owner.

SECURE ENCLOSURE. Means that the dog is securely and humanely confined on the owner’s property within a house, building, locked pen or other enclosure that is designed to prevent the potentially dangerous dog from escaping over, under or through the enclosure (known as the “primary enclosure”). If the dog is maintained outside, a portion of the owner’s property must be fenced with a secured perimeter fence of sufficient height and strength to prevent entry by the public and to prevent the dog’s escape from the owner’s property.

STRAY. Any animal that does not appear, upon reasonable inquiry, to have an owner.

UNINCORPORATED AREA OF HOWARD COUNTY. All areas of the county not located in the City of Kokomo and the towns of Russiaville and Greentown.

WILD ANIMALS. Any non-domesticated animal, with the exception of small non-poisonous aquatic or amphibious animals and small caged birds. (Ord. 2008-BCC-06, passed 2-18-08; Am. Ord. 2011-BCCO-23, passed 8-15-11)

§ 90.02 PERMANENT IDENTIFICATION OF DOGS AND CATS REQUIRED.

(A) A person who owns a dog or cat in the unincorporated area of the county shall ensure that it bears a permanent means of identification at all times.

(B) The means of identification shall be in addition to any tags required to be worn by dogs or cats by state law and shall be either by means of:

(1) A microchip implanted in the dog or cat which bears a registered identification number and which can be read by a standard microchip scanner; or

(2) A permanent tag attached to a durable collar worn at all times and bearing the owner's name, address and telephone number.

(3) Each veterinarian who implants microchips shall send the updated microchip information to the Department of Animal Services or other designated entity by the county at least monthly. (Ord. 2008-BCC-06, passed 2-18-08)

§ 90.03 PROHIBITIONS AND PENALTIES.

(A) The following prohibitions and penalties shall apply, and be enforceable in, the unincorporated areas of the county.

(B) It shall be unlawful for any owner to allow, suffer, or permit an animal to be at large within the unincorporated area of the county, except that it shall be permissible during hunting season prescribed by state law for hunting dogs to be allowed to hunt with their owners on private property when permission has been obtained from the owner thereof and to hunt on state lands where allowed.

(C) It shall be unlawful for any person to hinder, molest, or interfere with any authorized official in the performance of any duty described in this chapter.

(D) It shall be unlawful for the owner of any animal to permit said animal to be a public nuisance within the unincorporated area of the county. Furthermore, it shall be unlawful for any owner of any animal to recklessly or carelessly fail to exercise care and control over said animal in such a way that the animal is a public nuisance.

(E) It shall be unlawful for any person to own, keep, or harbor a dangerous dog or wild animal within the county; provided this section shall not apply to animals under the control of a law enforcement or military agency.

(F) For the purpose of this chapter, an animal may be declared dangerous by the Department of Animal Services. Every person responsible for a potentially dangerous dog shall:

(1) Obtain and maintain a secure enclosure to confine the dog and must have posted on the premises a clearly visible warning sign, reading in letters not less than two inches high "Beware of Dog," at each entry point that informs both children and adults of the presence of a vicious dog on the property.

(2) In order to protect the public and to afford relief from the severe harm and injury that is likely to result from a dog attack, the owner of a vicious dog shall obtain and maintain insurance in the minimum amount of \$50,000 to provide for insurance against liability for damage to persons and property caused by the vicious dog. Insurance shall be provided by an insurance company authorized to do business in the State of Indiana, and the owner shall file a certificate of insurance with the Department of Animal Services.

(3) A potentially dangerous dog must not be outside a proper enclosure unless the dog is muzzled and securely restrained by a leash of not more than six feet in length and is under the control of the owner or competent custodian 18 years of age or older. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any human or animal. The owner may exercise the dog outside of its primary enclosure without a muzzle or leash only if the dog remains on the owner's property within the secured perimeter fence and only if the dog remains within the owner's sight and control at all times and only members of the owner's immediate household or persons 18 years of age or older are allowed within

the perimeter fence while the dog is present. When being transported, such dog must be safely and securely restrained within a vehicle.

(4) No potentially dangerous dog shall be chained, tethered or otherwise tied to any inanimate object, such as a tree, post or building that is outside its proper enclosure while unattended by the owner or competent custodian.

(5) The owner of a potentially dangerous animal shall consent to periodic inspections by the Department of Animal Services.

(6) The owner of any potentially dangerous dog shall have such dog permanently identified by means of a microchip at the owner's expense, and the owner of any potentially dangerous dog shall provide the Department of Animal Services with a color photograph of the dog taken within the last 12 months, suitable for use in identifying the dog.

(7) Any potentially dangerous dog, which has escaped from its fenced enclosure, may be impounded by the Department of Animal Services, whether or not it has been returned to its enclosure at the time of impoundment. If impounded pursuant to this division (F), the animal shall not be returned to a person responsible for it.

(G) Whoever violates any provision of this chapter shall be subject to a fine of not more than \$2,500. Additionally, upon the third violation of this chapter, the animal shall be seized and impounded. If such violation results in the dog causing serious injury to any person, the court may, upon request after a hearing, order the animal forfeited and/or destroyed.

(H) Any potentially dangerous dog found at large or not confined as required by this chapter may be captured, impounded and it shall be returned to its owner only if the enforcement authority in its discretion determines that such return will not result in further or ongoing violations of this chapter. If such determination cannot be made, or if the dog's actions have caused serious injury, the enforcement officer

shall apply to a court of competent jurisdiction for an order to dispose of the animal.

(Ord. 2008-BCC-06, passed 2-18-08)

§ 90.04 AUTHORITY OF COUNTY AGENT.

Any authorized agent of the county is given authority to:

(A) Kill any dangerous, or potentially dangerous dog found at large within the unincorporated area of the county which cannot be safely captured and impounded by ordinary means; except that every reasonable effort shall be made to avoid killing an animal which has bitten or is suspected of having bitten a person or which appears to have rabies. If the killing of the animal cannot reasonably be avoided, the said authorized agent shall attempt to kill the animal in such a manner so as to preserve the head thereof intact.

(B) Enter upon the land in the unincorporated area of the county when in pursuit of any animal which the said agent has reasonable cause to believe is in violation of this chapter, except that such agent is not authorized to enter any building without consent of the occupant.

(C) Issue citations for any alleged violation of this chapter even if not personally observed by the agent.

(D) Do all things necessary to effectuate the enforcement of this chapter.
(Ord. 2008-BCC-06, passed 2-18-08)

§ 90.05 APPREHENSION AND IMPOUNDING OF ANIMALS.

It is the duty of persons and agencies, so authorized by the county to apprehend and impound:

(A) Any dog or cat at large, or any dog or cat deemed a public nuisance.

(B) Any dog not wearing a proper registration tag.

(C) (1) Any dog or cat not wearing a proper rabies vaccination tag; or

(2) Any animal which has bitten or is suspected of having bitten a person or which appears to have rabies.

(D) Any dangerous dog.

(E) Any potentially dangerous dog outside of its secure structure.

(Ord. 2008-BCC-06, passed 2-18-08)

§ 90.06 NOTICE TO OWNER.

Not later than three days after impounding of a dog which was wearing an identification or registration tag at the time of its impoundment, the caretaker shall notify the owner advising of the impounding of the dog. If the owner fails to redeem said dog within five days after notice by mail, phone or electronic mail, the owner loses ownership of the dog and it may be destroyed or possession given to the Department of Animal Services. This notice provision shall apply to any animal impounded under this chapter.

(Ord. 2008-BCC-06, passed 2-18-08)

§ 90.07 REDEMPTION AND DISPOSITION OF IMPOUNDED ANIMALS.

(A) Any healthy dog or cat apprehended or impounded may be redeemed by the owner or other persons as authorized in § 90.06 within five days of such apprehension, upon showing that the dog has a current registration tag and the dog or cat has current rabies vaccination tag, and the payment of the following fees:

(1) If the dog or cat has been apprehended by an agent of the county, the sum of fee set forth annually by the Department of Animal Services; and

(2) A reasonable fee for room and board for each day or fraction thereof, during which the dog or cat was impounded.

(3) After five days, the dog or cat may be destroyed or possession given to the Department of Animal Services.

(4) Divisions (A)(1) through (3) of this section shall apply to any animal impounded under this chapter.

(B) Any animal impounded, for any reason, which appears to any duly licensed veterinarian to have any infectious or contagious disease, other than rabies, may be destroyed forthwith.

(C) Any person bitten by an animal must report the incident to the County Health Department.

(D) Any dog or cat apprehended and impounded for having bitten a person, being suspected of having bitten a person, or appearing to have rabies, shall be assessed by the Department of Animal Services to determine whether the bite constitutes the dog being dangerous or potentially dangerous. If so assessed the provisions of this chapter related to those dogs shall supersede this provision. Otherwise, the dog or cat shall be kept under observation at the Department of Animal Services for a minimum of ten days unless such dog or cat shall sooner die. At the expiration of said ten-day period, the animal may be redeemed by the owner or other person as provided in § 90.06, upon showing that the dog has a current registration tag and the animal has a rabies vaccination tag and by payment of the fees as set forth in division (A) hereinabove; provided, however, home quarantine of an owned animal may be allowed by the County Health Department.

(Ord. 2008-BCC-06, passed 2-18-08)

§ 90.08 DISPOSITION OF MONIES COLLECTED.

All monies or fines collected pursuant to this ordinance shall be paid to the County Auditor.

(Ord. 2008-BCC-06, passed 2-18-08)

§ 90.09 ENFORCEMENT.

The Department of Animal Services shall be primarily responsible for the enforcement of this chapter. Additional enforcement shall be through proceedings brought by the County Attorney or assistant County Attorney pursuant to I.C. 36-1-6-3 and the related Indiana statutes referred to therein.

(Ord. 2008-BCC-06, passed 2-18-08)

CHAPTER 91: FAIR HOUSING

Section

- 91.01 Policy statement
- 91.02 Definitions
- 91.03 Unlawful practices
- 91.04 Discrimination in the sale or rental of housing
- 91.05 Discrimination in residential real estate-related transactions
- 91.06 Discrimination in the provision of brokerage services
- 91.07 Interference, coercion or intimidation
- 91.08 Prevention of intimidation in fair housing cases
- 91.09 Equal access to housing in HUD programs
- 91.10 Exemptions
- 91.11 Administrative enforcement

(2) Believes that such person will be injured by a discriminatory housing practice that is about to occur. See also, I.C. 22-9.5-2-2.

COMMISSION. The Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4 et seq. See also, I.C. 22-9.5-2-3.

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

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 91.04, 91.05, 91.06, 91.07, 91.08 or I.C. 22-9.5-5.

DWELLING. Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residency by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one or more families. See also, I.C. 22-9.5-2-8.

FAMILIAL STATUS.

(1) One or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.

(2) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

§ 91.01 POLICY STATEMENT.

It shall be the policy of the county to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, the Federal Housing and Community Development Act of 1974, as amended, and I.C. 22-9.5-1 et seq. (BCC Ord. 1994-45, passed 11-21-94; Am. Ord. 2016 BCCO-21, passed 6-20-16)

§ 91.02 DEFINITIONS.

The definitions set forth in this section shall apply throughout this chapter.

AGGRIEVED PERSON. Any person who:

(1) Claims to have been injured by a discriminatory housing practice; or

FAMILY. A single individual (I.C. 22-9.5-2-9), with the status of such family being further defined under **FAMILIAL STATUS** and § 91.09.

HANDICAP. With respect to a person:

- (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (2) A record of having such an impairment;
- (3) Being regarded as having such an impairment;
- (4) An impairment described or defined pursuant to the Federal Americans with Disabilities Act of 1990; or
- (5) Any other impairment defined in 910 IAC 2-3.
- (6) The term **HANDICAP** shall not include current illegal use of or addictions to a controlled substance as defined in § 802 of Title 21 of the United States Code 910 IAC 2-3-2(14); nor does the term **HANDICAP** include an individual solely because that individual is a transvestite 910 IAC 2-3-2(14).

PERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries. See also, I.C. 22-9.5-2-11.

TO RENT. To lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant. See also, I.C. 22-9.5-2-13.
(BCC Ord. 1994-45, passed 11-21-94; Am. Ord. 2016 BCCO-21, passed 6-20-16)

§ 91.03 UNLAWFUL PRACTICES.

Subject to the provisions of division (B) of this section, § 91.09, and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in I.C. 22-9.5-5-1 and § 31.04 shall apply to:

(A) All dwellings except as exempted by division (B) and I.C. 22-9.5-3.

(B) Other than the provisions of division (C) of this section, nothing in § 91.04 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any 24-month period. The private individual owner may not own any interest in, nor have owned or reserved on his or her behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be exempted from application of this section only if such house is sold or rented:

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

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of § 91.04(C), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

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

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

(2) They have, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.
(BCC Ord. 1994-45, passed 11-21-94; Am. Ord. 2016 BCCO-21, passed 6-20-16) Penalty, see § 10.99

§ 91.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 91.03 and except as exempted by § 91.03(B) and § 91.10, it shall be unlawful:

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

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

(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, handicap, 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 handicap 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 such dwelling, because of a handicap of:

(1) That person;

(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.

(H) For purposes of this division, discrimination includes:

(1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;

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

(3) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that;

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

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

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

i. An accessible route into and through the dwelling;

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

iii. Reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

(I) Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people (commonly cited as ANSI A117.1) suffices to satisfy the requirements of division (3)(c)(iii).

(J) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(BCC Ord. 1994-45, passed 11-21-94; Am. Ord. 2016 BCCO-21, passed 6-20-16) Penalty, see § 10.99

§ 91.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(B) As used in this section, the term **RESIDENTIAL REAL ESTATE-RELATED TRANSACTION** means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

(a) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(b) Secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

(BCC Ord. 1994-45, passed 11-21-94; Am. Ord. 2016 BCCO-21, passed 6-20-16) Penalty, see § 10.99

§ 91.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

(BCC Ord. 1994-45, passed 11-21-94; Am. Ord. 2016 BCCO-21, passed 6-20-16) Penalty, see § 10.99

§ 91.07 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 91.03, 91.04, 91.05 or 91.06.

(BCC Ord. 1994-45, passed 11-21-94; Am. Ord. 2016 BCCO-21, passed 6-20-16) Penalty, see § 10.99

§ 91.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

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

(A) Any person because of his or her race, color, religion, sex, handicap, familial status, or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(B) Any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from:

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

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

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

(BCC Ord. 1994-45, passed 11-21-94; Am. Ord. 2016 BCCO-21, passed 6-20-16) Penalty, see § 10.99

§ 91.09 EQUAL ACCESS TO HOUSING IN HUD PROGRAMS.

Pursuant to 24 CFR Part 5.403 and 24 CFR Part 574.3 the definition of *FAMILY* is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.

(Ord. 2016 BCCO-21, passed 6-20-16)

§ 91.10 EXEMPTIONS.

(A) Exemptions defined or set forth under I.C. 22-9.5-3 et seq. shall be exempt from the provisions of this chapter to include those activities or organizations set forth under divisions (B) and (C) of this section.

(B) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

(C) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons. As used in this section, *HOUSING FOR OLDER PERSONS* means housing:

(1) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state Civil Rights Commission determines is specifically designed and operated to assist an *ELDERLY PERSON* (as defined in the state or federal program);

(2) Intended for, and solely occupied by, person a 62 years of age or older; or

(3) Intended and operated for occupancy by at least one person 55 years of age or older per unit. (BCC Ord. 1994-45, passed 11-21-94; Am. Ord. 2016 BCCO-21, passed 6-20-16)

§ 91.11 ADMINISTRATIVE ENFORCEMENT.

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the State Commissioner as set forth in division (B) hereof shall be vested in the President of the Board of Commissioners, the Chief Elected Official of the county.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, the county, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the chapter, herein elects to refer all formal complaints of violation of the articles of this chapter by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to I.C. 22-9.5-6; and the Chief Elected Official of the county shall refer all said complaints to the Commission as provided for under division (A) of this section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. 22-9.5-6.

(C) All executive departments and agencies of the county shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Chief Elected Official and the Commission to further such purposes.

(D) The Chief Elected Official of the county, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (BCC Ord. 1994-45, passed 11-21-94; Am. Ord. 2016 BCCO-21, passed 6-20-16)

CHAPTER 92: HEALTH AND SAFETY

Section

General Provisions

- 92.01 Hazardous material clean-up and reimbursement
- 92.02 Temporary burn ban

Health Department Service Fees

- 92.15 Authority
- 92.16 Definitions
- 92.17 Fees for services
- 92.18 Collection, accounting and disposition
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Mosquito Control

- 92.30 Definitions
- 92.31 Standing water or flowing water
- 92.32 Inspection
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- 92.35 Appeal

Cross-reference:

Dumping of solid wastes prohibited, see § 50.02

Food operations, see Chapter 110

Retail food and bed and breakfast establishments, see Chapter 111

Sewer regulations, see Chapter 51

Water regulations, see Chapter 52

GENERAL PROVISIONS

§ 92.01 HAZARDOUS MATERIAL CLEAN-UP AND REIMBURSEMENT.

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

EMERGENCY ACTION. Any action taken to prevent or minimize the harm to human health, the environment or to property from the uncontrolled release of a hazardous material.

EMERGENCY RESPONSE AGENCY. The City of Kokomo Fire Department and all volunteer fire departments servicing the county.

HAZARDOUS MATERIAL. Any material or waste that has been determined to be hazardous or potentially hazardous to human health, the environment or property by the United States Environmental Protection Agency, Nuclear Regulatory Commission, Department of Transportation or Occupational Safety and Health Administration, or the Solid Waste Board. This definition shall also include all of the hazardous materials identified in 49 C.F.R. § 172.101.

HAZARDOUS MATERIAL EMERGENCY. An occurrence that involves the controlled or imminent uncontrolled release of a hazardous material into the environment and that creates the possibility of harm to human health, property or the environment.

RESPONSIBLE PARTY. A person who owns hazardous material that is involved in the emergency, or owns a container or owns or operates a motor

vehicle that contains hazardous material that is involved in the emergency, or one who causes or substantially contributes to the cause of the emergency, or one who owns real estate where an emergency occurs and knew or should have known that hazardous material was being used, stored or transported on the real estate.

(B) *Payment for clean-up.*

(1) Person who are responsible parties shall reimburse the emergency response agency for all reasonable and necessary expenses incurred in taking the emergency action.

(2) The emergency response agency shall submit a statement of the charges to the responsible owner within 30 days of the emergency. The statement shall direct the responsible party to remit payment directly to the emergency response agency within 30 days of receipt. In the event the responsible party fails to make full payment within 60 days, the responsible party shall be subject to the penalty prescribed in § 10.99. Each day that the responsible party fails to make reimbursement 60 days after written demand shall be considered a separate offense and the responsible party may be fined as provided in § 10.99 (up to \$2,500) for each such violation. This fine shall be in addition to the continuing duty of the responsible party to reimburse the amount of the statement.

(3) All fines imposed shall be paid to the County Auditor into an account maintained under this section.

(BCC Ord. 1997-32, passed 7-7-97) Penalty, see § 10.99

§ 92.02 TEMPORARY BURN BAN.

(A) The Howard County Board of Commissioners, declare and ordain pursuant to the provisions of I.C. 10-14-3-29, that a state of emergency exists in the county with respect to fire hazards; and that we hereby invoke and declare those portions of the Indiana Code which are applicable to

the conditions and have caused the issuance of this proclamation, to be in full force and effect in the county until repealed, for the exercise of all necessary emergency authority to protect the lives and property of the citizens of Howard County.

(B) The Board of Commissioners also declare that, effective immediately, the following activities are prohibited in Howard County:

(1) Open burning of any kind, including comfort fires, agricultural fires (including timber or vegetation), burning of debris (including construction materials) or similar burning; provided, that this ban shall not apply to fires used for cooking or heating, such as barbecue grills, pits or fireplaces, so long as such fires are properly contained and monitored and the wood or charcoal used in such fires is not removed until thoroughly extinguished; and

(2) Use of burn barrels or similar containers for any open burning at residential, business or commercial structures.
(Ord. 2012-BCCO-17, passed 6-26-12) Penalty, see § 10.99

HEALTH DEPARTMENT SERVICE FEES

§ 92.15 AUTHORITY.

The Howard County Health Department is empowered to establish and collect fees in accordance with the following definitions and provisions. This ordinance wholly repeals and replaces all prior ordinances establishing, adding or amending fees for services charged by the Health Department.

(`83 Code, § 92.20) (Ord. 1983-4, passed 1-31-83; Am. BCC Ord. 1993-32, passed 10-25-93; Am. BCC Ord. 2000-11, passed 2-21-00; Am. Ord. 2004-BCC-05, passed 2-2-04; Am. Ord. 2012-BCCO-11, passed 4-16-12; Am. Ord. 2013-BCCO-23, passed 11-14-13; Am. Ord. 2014-BCCO-07, passed 3-17-14; Am. Ord. 2015-BCCO-46, passed 12-21-15)

§ 92.16 DEFINITIONS.

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

AUTHORIZED REPRESENTATIVE. An agent in the principle of the Board and Health Officer as provided for in I.C. 16-20-1-14.

HEALTH DEPARTMENT. The Howard County Health Department, Kokomo, Indiana, as provided for in I.C. 16-20-2-1.

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

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, or association.

(`83 Code, § 92.21) (Ord. 1983-4, passed 1-31-83; Am. BCC Ord. 1993-32, passed 10-25-93; Am. BCC Ord. 2000-11, passed 2-21-00; Am. Ord. 2004-BCC-05, passed 2-2-04; Am. Ord. BCC-2005-05, passed 9-19-05; Am. Ord. BCC 2005-53, passed 9-19-05; Am. Ord. 2006-BCC-17, passed 3-7-06; Am. Ord. 2009-BCC-03, passed 2-16-09; Am. Ord. 2012-BCCO-11, passed 4-16-12; Am. Ord. 2013-BCCO-23, passed 11-4-13; Am. Ord. 2015-BCCO-46, passed 12-21-15)

§ 92.17 FEES FOR SERVICES.

(A) The Howard County Health Department having jurisdiction may charge a service fee in order to cover the cost, but not exceeding the cost, of providing to any person the following services:

(1) For services provided by the Howard County Health Department Vital Records Office in providing a copy of a Certificate of Birth or Death, Correction Affidavits, Legitimations, Paternities, Genealogy Searches, Lamination Fee, Birth Notifications, Court Order Determining Parentage, and Birth Certificates prior to 1907 as authorized by I.C. 16-20-1-27.

(2) For services provided by the Howard County Health Department Environmental Health Office provided in the plan review, permitting and inspection of retail food establishments, seasonal retail food establishments and temporary retail food establishments as authorized by I.C. 16-20-1-27.

(3) For services provided in the permitting and inspection of vending machines for both food and beverages.

(4) For services provided in the permitting, inspection and testing of all public pools and spas, which includes: private clubs, fitness centers, rehabilitation centers, motels, apartment complexes, municipalities and schools. Fees are waived for schools.

(5) For services provided in shipping animal heads to the State Department of Health Rabies Laboratory. The health department pays for shipment of stray animals heads.

(6) For services provided for site evaluation, permitting and inspection of on-site wastewater treatment systems (septic systems) including: new construction, permits, replacement permits, site visits (discretionary), installers/homeowners, test, installer's license as authorized by Rule 410 IAC 6-8.1.

(7) For services provided by the Howard County Health Department Environmental Health Office in the permitting, evaluation, and inspection of tattoo establishments and tattoo artists.

(8) For services provided by the Howard County Health Department Nursing Office in providing adult and child immunizations, tuberculosis skin tests, and international immunization booklets.

(9) For disposition of grant funds from Indiana State Department of Health, Indiana Department of Environmental Management, Indiana AIDS Fund, and other entities. All awards, fees, donations, and reimbursements shall be transferred to the Howard County Health Fund under a designated account number.

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(10) For services provided by the Howard County Health Department Environmental Health Office in regulating, inspecting, and abating health hazards. In the event Howard County and/or Howard County Health Department is required to bring legal action in connection with the abatement of health hazards, the individual(s) to whom services have been provided shall, in addition to any charges, fines or

penalties, pay all reasonable attorney fees incurred by Howard County and/or Howard County Health Department necessary to abate the hazard.

(B) The monies collected in accord with the provisions of this ordinance shall be used only for the implementation, expansion, or maintenance of the specific program services from which they are derived according to the conditions of the grant agreement.

| <i>SCHEDULE A</i> | |
|-----------------------------------|--------------|
| § 92.17(A)(1) | |
| Birth certificates | \$10 |
| Wallet-sized birth certificates | \$10 |
| Death certificates | \$10 |
| Corrections | \$50 |
| Paternities | \$100 |
| Legitimations | \$100 |
| Genealogy search | \$10 |
| Lamination fee/certificate pouch | \$3 |
| Birth notification | No charge |
| Court order determining parentage | No charge |
| § 92.17(A)(2) | |
| Retail food establishment permits | |
| Menu Type 1 | \$125 |
| Menu Type 2 | \$175 |
| Menu Type 3 | \$200 |
| Menu Type 4 | \$200 |
| Menu Type 5 | \$200 |
| Prior to July 1 | Full fee |
| After July 1 | One-half fee |
| Plan review fee | \$60 |

| SCHEDULE A | |
|---|--|
| Retail food establishment permits (Cont'd) | |
| Seasonal retail food establishment permits | \$100 per 180 days; not to exceed \$200 |
| Temporary retail food establishment permits | \$15 per day; not to exceed \$75 |
| Bed & breakfast establishment permit fees will reflect menu type | |
| Late fee: assessed on any permit not renewed by the expiration date | \$25 |
| Daily late fee: should a permit not be renewed by the expiration date | \$10 additionally per day will be assessed each late permit fee, in addition to the original \$25 late fee |
| § 92.17(A)(3) | |
| Commercial swimming pools, spas, hot tubs Annual per pool | \$150 |
| Annual pool & spa | \$200 |
| Seasonal per pool | \$100 |
| Site visit (repeat or other discretionary visit) | \$50 |
| § 92.17(A)(4) | |
| Animal head shipment to ISDH rabies lab | \$15 |
| § 92.17(A)(5) | |
| Septic system permit New construction | \$200 |
| Replacement | \$50 |
| Repair | \$0 |
| Site visit (repeat or other discretionary visit) | \$50 |
| Installers/homeowners test fee | \$50 |
| Installers license - annual (due 2/28) | \$10 |
| § 92.17(A)(6) | |
| Tattoo establishment permit | \$150 |
| Tattoo artist permit | \$50 |

| <i>SCHEDULE A</i> | |
|--|---|
| § 92.17(A)(7) | |
| Unfit dwelling occupancy permit | \$100 |
| § 92.17(A)(8) | |
| Immunization administration fees: Underinsured children (0-18 years) (Status determined at time of visit using Center for Disease Control eligibility criteria) | \$14 |
| Insured children (0-18 years) (Fees vary, dependent on individual policy coverage at time of visit) | Fees vary, dependent on coverage |
| Adult (19 years and older) private purchase vaccines | \$15 per person per visit |
| Adult (19 years and older) state/federal grant vaccines | \$14 per person per visit |
| Adult (19 years and older) STD program grant no charge vaccines. (Eligibility determined using ISDH & CDC criteria) | No charge |
| Tuberculosis skin tests (All procedures administered to insured parties will be processed via an insurance claim to the individuals' insurance providers. Fees will vary dependent upon applicable coverage.) | \$15 |
| Travel consultation: (adults and children) | \$30 per person upon initial travel visit |
| Vaccination fees: Children who meet vaccine for children (VCF) eligibility criteria | No cost |
| Insured children (varies dependent upon the child's individual policy coverage) | Vary, dependent on coverage |
| Adult-private purchase vaccines including travel vaccines: (dependent on vaccines purchased ad current market/contracted price) | Current contracted price |
| Phlebotomy fee: HIV/CTR and STD program draw fee Private pay draw fee | No charge \$15 per person per visit |

| <i>SCHEDULE A</i> | |
|--|--|
| § 92.17(A)(9) | |
| Educational course fee: | |
| Basic tuberculosis certification course | \$35 per person |
| Basic tuberculosis certification refresher | \$25 per person |
| § 92.17(A)(10) | |
| Fee for checks returned for non-sufficient funds | Greater of \$35 or 5%, (but not more than \$250) of the amount due |

(` 83 Code, § 92.22) (Ord. 1983-4, passed 1-31-83; Am. BCC Ord. 1993-32, passed 10-25-93; Am. BCC Ord. 1997-22, passed 6-16-97; Am. BCC Ord. 2000-11, passed 2-21-00; Am. Ord. 2004-BCC-05, passed 2-2-04; Am. Ord. BCC-2005-05, passed 9-19-05; Am. Ord. BCC 2005-53, passed 9-19-05; Am. Ord. 2006-BCC-17, passed 3-7-06; Am. Ord. 2009-BCC-03, passed 2-16-09; Am. Ord. 2010-BCC-19, passed 7-6-10; Am. Ord. 2012-BCCO-11, passed 4-16-12; Am. Ord. 2012-BCCO-18, passed 8-6-12; Am. Ord. 2013-BCCO-23, passed 11-4-13; Am. Ord. 2014-BCCO-07, passed 3-17-14; Am. Ord. 2015-BCCO-46, passed 12-21-15)

§ 92.18 COLLECTION, ACCOUNTING AND DISPOSITION.

(A) *Collection of fees.* The Health Department shall collect all such fees established as a part of the ordinance in accord with Schedule A in § 92.17. Fees are subject to change without notice when rules set forth and governed by the state of Indiana are changed by the state and the change results in an immediate detrimental impact on the budget of the Howard County Health Department.

(B) *Accounting for fees.* All fees collected by the Health Department shall be accounted for in detail in each office area, Vital Records, Environmental Health, and Nursing offices.

(C) *Disposition of fees.* All fees collected by the Health Department shall be transferred to the Howard County Health Fund.

(D) Any person whose check is returned for non-sufficient funds shall be subject to a fine in addition to the cost of the permit or service which must be paid in cash.

(` 83 Code, § 92.23) (Ord. 1983-4, passed 1-31-83; Am. BCC Ord. 1993-32, passed 10-25-93; Am. BCC

Ord. 2000-11, passed 2-21-00; Am. Ord. 2004-BCC-05, passed 2-2-04; Am. Ord. 2006-BCC-17, passed 8-2-06; Am. Ord. BCC-2009-03, passed 2-16-09; Am. Ord. 2012-BCCO-11, passed 4-16-12; Am. Ord. 2013-BCCO-23, passed 11-4-13; Am. Ord. 2015-BCCO-46, passed 12-21-15)

§ 92.19 VIOLATIONS.

(A) Any violations of this subchapter may be prosecuted pursuant to Indiana Code, and the fees enforced hereby revoking or suspending permits as may be granted under this ordinance. A refusal to comply with this ordinance by any person shall be deemed an infraction, and upon request of the Health Officer or authorized representative, shall be handled by the Health Department Attorney, or County Attorney or other attorney so authorized by the Department. All attorney fees and other costs incurred by the Health Department as a result of this paragraph shall be borne by the violator.

(B) *Notices of violations.* Whenever the Health Officer or designee determines that there has been a violation of any provision of this subchapter, the

Health Department shall give notice of such violation to the person to whom the permit or license was issued or should have been issued.

(C) Any person affected by notice which has been issued in connection with the enforcement of any provision of this subchapter request and be granted an extension of time, when circumstances warrant such an extension, and is in harmony with the general purpose of this ordinance to safeguard and secure the public health, safety, and welfare of the citizens of Howard County.

(D) For serious or repeated violations of health guidelines and policies, or for the interference with the enforcing officer in the performance of his duties, a permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Department.

(Ord. 1983-4, passed 1-31-83; Am. BCC Ord. 1993-32, passed 10-25-93; Am. BCC Ord. 2000-11, passed 2-21-00; Am. Ord. 2004-BCC-05, passed 2-2-04; Am. Ord. 2006-BCC-17, passed 8-2-06; Am. Ord. 2009-BCC-03, passed 2-16-09; Am. Ord. 2012-BCCO-11, passed 4-16-12; Am. Ord. 2013-BCCO-23, passed 11-4-13; Am. Ord. 2015-BCCO-46, passed 12-21-15)

MOSQUITO CONTROL

§ 92.30 DEFINITIONS.

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

BOARD OF HEALTH. A local board of health as defined in I.C. 16-18-2-210 and referred to in I.C. 16-20.

CONFLICT OF INTEREST (derived from 68 IAC 9-1-1(b)(2)). A situation in which the private financial interest of a Howard County Official, Howard County Official's spouse, ex-spouse, siblings,

in-laws, children and/or un-emancipated child, may influence the Howard County Official's judgment in the performance of a public duty.

HEALTH OFFICER. The person, appointed as specified in I.C. 16-20-2-16, or his/her duly authorized representative, as specified in I.C. 16-2-1-14, who may conduct inspections and make a final decision on an enforcement action.

HEARING BOARD. Shall be comprised of three individuals, the current Health Officer or his or her designee, and two current Howard County Board of Health members or community members appointed by the Board's president to serve.

HOWARD COUNTY HEALTH DEPARTMENT. The local Health Department in Howard County or authorized representative having jurisdiction.

HOWARD COUNTY OFFICIAL. Any Official of Howard County, Indiana.

IMMINENT HEALTH HAZARD. A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation to prevent the avoidable breeding of mosquitoes.

INSPECTION. A visit by the regulatory authority to determine whether standing or flowing water exists on a person's property which poses an imminent health hazard.

ORDER (derived from I.C. 4-21.5-1-9). A Howard County Health Department action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more specific persons.

PERSON. A person, individual, association, firm, corporation, agency, municipality, government, governmental subdivision, institution, public body; or other legal entity.

STANDING WATER OR FLOWING WATER.

Any body of water in which mosquitoes breed, or are likely to breed.

(Ord. 2015-BCCO-34, passed 12-21-15)

§ 92.31 STANDING WATER OR FLOWING WATER.

(A) *General.* No person, individual, association, firm, corporation, agency, municipality, government, governmental subdivision, institution, public body; or other legal entity shall cause, maintain, or permit any collection of standing or flowing water in which mosquitoes breed, or are likely to breed.

(B) Such collection of water shall be treated and abated, so as to control effectively such breeding in one or more of the following ways:

- (1) Filling.
 - (2) Drainage.
 - (3) Removal of all articles holding or likely to hold water.
 - (4) Application of adulticide and larvicide products.
 - (5) Removal and periodic control of vegetable growth.
 - (6) Stocking water with mosquito larvae-destroying fish in sufficient numbers to eliminate all larvae before pupation.
 - (7) Any other method or way approved by the Health Department.
- (Ord. 2015-BCCO-34, passed 12-21-15)

§ 92.32 INSPECTION.

General. The Howard County Health Department may inspect a person’s premises, or property, should

a complaint by any person be formally filed at the Health Department; said complaint shall describe the conditions that exist on said property, which are likely to promote the breeding of mosquitoes. Should an imminent health hazard be found to exist, the Howard County Health Department will order the hazard abated by the person owning the property. The Health Department may conduct a follow-up inspection to determine compliance and whether the hazard still exists.

(Ord. 2015-BCCO-34, passed 12-21-15)

§ 92.33 COMPLIANCE AND ENFORCEMENT.

(A) *Fines and penalties.* The penalty for failure to comply with an order from the Howard County Health Department shall not exceed \$2,500.

(B) Any fines or penalties collected shall be deposited into the Health Fund.

(Ord. 2015-BCCO-34, passed 12-21-15)

§ 92.34 HEARING PROCEDURE.

(A) Any person upon which a violation is alleged to exist who disputes the existence of a violation, or disputes the nature of the abatement action ordered in the abatement notice, may, within ten calendar days of service of the abatement notice, serve upon the Chairman of the Board of Health, County Health Officer, designee or agent, a written request for a hearing. The written request does not need to be in any particular form, but shall clearly indicate that a hearing is requested, and shall set out the nature of the individual’s disagreement with the content of the abatement notice. Failure to serve timely notice shall result in waiver of any dispute or objection to the order.

(B) Upon receipt of the written request for a hearing, the Board of Health Chairman, or County Health Officer, shall schedule the matter with the Hearing Board. The Hearing Board shall function as hearing body to adjudicate the matter.

(C) The Howard County Health Department by its Board of Health Chairman, County Health Officer, or designee shall give written notice to the party requesting the hearing of the date and time of the hearing. Such notice shall be given no less than five calendar days prior to the date set for hearing. A shorter period of time may be granted, if requested by either party and agreed upon.

(D) At the hearing, which may be adjourned from time to time, it shall be the Howard County Health Officer's or his or her designee's burden to go forward with evidence sufficient to demonstrate that a violation exists, and that the actions required are reasonably calculated to abate the violation within a reasonable period of time. The party requesting the hearing shall have the right to dispute the existence of the violation, the reasonableness of the remedy, or the reasonableness of the time allowed to remedial action. The party requesting the hearing may propose alternative remedies or time periods for remedial action, or alternate remediation plans.

(E) All such hearings shall be open to the public pursuant to Indiana statutes on open meetings.

(F) Upon conclusion of the presentation of evidence and oral argument, if any, the Howard County Board of Health's Hearing Board shall deliberate and render a decision either confirming, amending or rescinding the disputed content of the abatement notice.

(G) All time parameters set out in the abatement notice for completion of compliance actions shall be tolled, pending the outcome of the Hearing Board's decision. In cases where the actions of the Health Officer are upheld, or are upheld as modified by the Hearing Board, it shall be the responsibility of the Hearing Board, in its decision, to establish time periods for completion of compliance activities held in abeyance during the hearing process.
(Ord. 2015-BCCO-34, passed 12-21-15)

§ 92.35 APPEAL.

Pursuant to I.C. 36-1-6-9(e), a person who received a penalty under this resolution may appeal the order imposing the penalty to a court of record in Howard County, Indiana no later than 60 days after the day on which the order is entered.
(Ord. 2015-BCCO-34, passed 12-21-15)

CHAPTER 93: PARKS AND RECREATION

Section

- 93.01 Definition
- 93.02 Conduct in parks
- 93.03 Operation of vehicles in parks
- 93.04 Park hours

Cross-reference:

Department of Parks and Recreation, see § 31.04

§ 93.01 DEFINITION.

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

COUNTY PARKS. Any area within the geographic confines of the county which has been designated by the County Park and Recreation Board as a county park or recreation area. The boundaries of such parks or recreation areas shall be those boundaries established by the Park and Recreation Board.

(`83 Code, § 91.01) (Ord. 1978-15, passed 7-10-78)

§ 93.02 CONDUCT IN PARKS.

No person in any county park shall do any of the following:

(A) Throw, discharge or otherwise place on the park ground or in the waters any substance which will result in the pollution of the water.

(B) Dump, deposit, or leave any garbage, refuse or other trash within the boundaries of any such park, with the exception of garbage, refuse or other trash originating and being created within the limits of any

such park. Any garbage, refuse or other trash shall be placed in containers placed in the park for those purposes.

(C) Unless authorized by the Park and Recreation Board, hunt, trap, molest, harm, harass or injure any form of wildlife or plant life found within the boundaries of the park.

(D) Fish in the waters of the park unless allowed by the laws of the state and only in places not prohibited by the County Park and Recreation Board, which shall have power to set aside areas for those purposes.

(E) Without specific written permission from the Park and Recreation Board, carry or discharge within the limits of the park any firearms, air rifles, missile-throwing devices or any other weapons.

(F) Start or use any fire other than in an oven or grill and then only for culinary purposes. Written permission must be obtained from the Park and Recreation Director for any other fire or camp fire.

(G) Drive or walk on any drive or trail which has been posted with appropriate signs or barricades prohibiting such driving or walking, nor shall any person operate a motor vehicle in any area of such park not specifically set aside for vehicular use.

(H) Post, display or expose within the park without written permission from the Park and Recreation Board any sign, advertisement, circular, notice, emblem or design.

(I) Camp overnight without specific written permission of the Park and Recreation Director.

(J) Disobey any commands, directions or orders issued by the Park and Recreation Board or its duly authorized officers and agents.

(K) Engage in gambling, consume alcoholic beverages, be intoxicated or do any indecent, lewd or improper act therein.

(L) Swim, wade, dive or jump into any lake, river, stream, pond or reservoir in any park not specifically designated as a swimming area by the Park and Recreation Board and posted as such with appropriate signs.

(M) Swim, wade, dive or jump into any water in any park designated as a swimming area unless a lifeguard employed and under the supervision of the Park and Recreation Board is on duty.
(`83 Code, § 91.02) (Ord. 1978-15, passed 7-10-78; Am. Ord. 1980-16, passed 8-18-80) Penalty, see § 10.99

§ 93.03 OPERATION OF VEHICLES IN PARKS.

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

ORV'S. Any motor or power driven vehicle or contrivance providing a means of way and which may or may not be specifically designed for off-road use.

VEHICLES. Any motor or power driven vehicle or contrivance providing a means of way.

(B) No person shall operate a vehicle or ORV including but not limited to motorcycles, trail bikes, snowmobiles, and four-wheel drive vehicles in any and all county parks except on designated roadways and trails and in specific areas set aside for their use. The County Parks and Recreation Board shall have the authority to designate what areas, if any, shall be set aside for the operation of vehicles or ORV'S in the county parks.

(C) Nothing in this section shall be construed as requiring the Parks and Recreation Board to set aside park areas for vehicular or ORV operation.

(D) No person shall operate vehicles or ORV'S, including but not limited to motorcycles, trail bikes, snowmobiles and four-wheel drive vehicles, on such designated roadways and trails in a manner so as to endanger the lives or property of others or to disturb the peace and tranquility of the county parks.
(`83 Code, § 91.03) (Ord. 1977-20, passed 5-23-77) Penalty, see § 10.99

§ 93.04 PARK HOURS.

The County Park and Recreation Board shall have the authority to specify the hours during which the county parks shall be open for use. Such hours may be designated by resolution of the Park and Recreation Board. No person shall be present in the county parks at any time other than during those hours so specified. However, nothing in this chapter shall be construed to prohibit the Park and Recreation Board from excepting from the operation of this provision any special use of park facilities by individuals or organizations.

(`83 Code, § 91.04) (Ord. 1978-15, passed 7-10-78) Penalty, see § 10.99

CHAPTER 94: STREETS AND SIDEWALKS

Section

94.01 Construction of private driveways;
standards adopted

Cross-reference:

*Major streets and highways and subdivision
control regulations, see Chapter 152*

§ 94.01 CONSTRUCTION OF PRIVATE DRIVEWAYS; STANDARDS ADOPTED.

(A) The County Highway Department shall establish uniform standards for the construction of private driveways which cross or otherwise enter upon county roads, highways, ditches and their related easements.

(B) The uniform standards provided for in division (A) are hereby adopted by reference and shall be treated as if set forth in full herein.

(C) No resident of the county shall construct a driveway across a county road, highway, ditch or related easement until he or she has been granted permission to do so by the County Highway Department.

(BCC Ord. 1989-18, passed 8-21-89) Penalty, see § 10.99

CHAPTER 95: ALARM SYSTEMS AND AUTOMATIC TELEPHONE DIALING DEVICES

Section

- 95.01 Definitions
- 95.02 Permit required
- 95.03 Permit application
- 95.04 Issuance of permit; fee
- 95.05 Change in information
- 95.06 Location of permit
- 95.07 Automatic telephone dialing devices
- 95.08 False alarm
- 95.09 Notice of violations
- 95.10 Service of notice: contents

- 95.99 Penalty

§ 95.01 DEFINITIONS.

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

ALARM SYSTEM. Any device used for the detection of an unauthorized entry or attempted entry into a building, structure, or facility or for alerting others of the commission of an unlawful act within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the Howard County Sheriff's Department ("HCS D"). An **ALARM SYSTEM** shall not include:

(1) An alarm installed on a motor vehicle.

(2) An alarm system designated so that no notification is given to the HCS D until after the occupants, an agent of the owner or lessee, or an agent of an alarm system business have checked the alarm site and determined that the alarm was the result of criminal activity of the kind for which the alarm system was designated to give notice.

(3) An alarm installed upon premises occupied by the United States, the State of Indiana, or any political subdivision thereof.

AUTOMATIC TELEPHONE DIALING DEVICE. Any device, excluding a medical alert system, connected to an alarm system which automatically sends a pre-recorded message or coded signal to a law enforcement agency indicating the activation of the alarm system.

FALSE ALARM. An alarm eliciting a response by HCS D where there is no obvious evidence of an attempted unlawful intrusion or entry (e.g., pry marks, broken windows, footprints and the like), as determined by the responding officers). A **FALSE ALARM**, for purposes of this chapter, does not include alarms triggered by atmospheric conditions or other circumstances not reasonably under the control of the permit holder or installer.

HOWARD COUNTY. The geographic territory of Howard County, Indiana, excluding the City of Kokomo and the towns of Greentown and Russiaville.

PERMIT HOLDER. The individual, corporation, partnership or other legal entity to whom an alarm system permit is issued.
(Ord. 2005-BCC-67, passed 12-19-05)

§ 95.02 PERMIT REQUIRED.

It shall be unlawful for a person in control of property to operate, cause to be operated, or permit the operation of an alarm system on that property in the county unless a current permit has been obtained from HCS D. Failure to secure a permit within ten days of installation (including installation of a new

alarm system by a different vendor) will constitute violation of this chapter; provided, however, a person in control of property which has an alarm system existing at the time this chapter is enacted shall have 90 days from the effective date of this chapter to obtain a permit.

(Ord. 2005-BCC-67, passed 12-19-05)

§ 95.03 PERMIT APPLICATION.

(A) Application for a permit for the operation of an alarm system shall be made by a person or legal entity having control over the property on which the alarm system is installed and operated.

(B) The application shall be made in writing to the HCSD on a form designated by the county for that purpose. The application shall include at least the following information:

(1) The name, address, and telephone number of each person in control of the property; the applicant's e-mail address if the applicant consents to contact by e-mail.

(2) The street address of the property on which the alarm system is to be or has been installed and operated.

(3) Any business name used for the premises on which the alarm system is to be or has been installed and operated.

(4) Whether the alarm system or systems are or are not local alarms and whether the alarm system or systems are designated to give notice of a burglary, hold-up, or of other type of emergency.

(5) The name of the person or alarm system business who will install or has installed the alarm system.

(6) The name and telephone number of two persons or of an alarm system business which are able to and have agreed:

(a) To receive notification at any time;

(b) To come to the alarm site within 30 minutes after receiving a request from the HCSD to do so; and

(c) To grant access to the alarm site and to deactivate the system if it becomes necessary. (Ord. 2005-BCC-67, passed 12-19-05)

§ 95.04 ISSUANCE OF PERMIT; FEE.

(A) The HCSD shall issue an alarm system permit to the person or other entity in control of the property upon submission of an application therefor in accordance with this section, unless the HCSD finds that any statement made in the application was incomplete or false. Should the property in which an alarm system is located change ownership, or should the entity in control of the property change, a new application for a permit must be made within 30 days. The permits are not transferable.

(B) The fee for an alarm system permit will be \$10 for a residential property and \$25 for a commercial property for each calendar year. Each and every permit issued prior to July 1 of any year shall be charged at the full rate. Each and every permit issued on or after July 1 of any year shall be charged at one-half of the regular rate.

(C) On or before December 1 of each calendar year, the HCSD shall send a notice of renewal to each permit holder at the address shown on the permit holder's application, including an e-mail address if so authorized by the applicant on the application form. However, failure to receive notice from the HCSD shall not excuse the permit holder from renewing the permit or from any penalty for failure to renew the permit.

(D) A permit issued pursuant to this section shall be personal to the permit holder and is not transferable.

(E) A permit issued pursuant to this section may be suspended or revoked pursuant to the conditions and procedures established in § 95.99.
(Ord. 2005-BCC-67, passed 12-19-05)

§ 95.05 CHANGE IN INFORMATION.

The permit holder shall promptly notify the HCSD in writing of any change in the information contained in the permit application.
(Ord. 2005-BCC-67, passed 12-19-05)

§ 95.06 LOCATION OF PERMIT.

The permit holder for an alarm system shall keep the permit at the alarm site in a location which is visible to any law enforcement official who responds to an alarm.
(Ord. 2005-BCC-67, passed 12-19-05)

§ 95.07 AUTOMATIC TELEPHONE DIALING DEVICES.

(A) It shall be unlawful to use or permit the use of any automatic telephone device or attachment which automatically selects any telephone line leading into the communication center of HCSD and then transfers any pre-recorded message or signal.

(B) It shall be unlawful to sell or install any automatic telephone device which automatically selects any telephone line leading into the communication center of the HCSD and then transmits any pre-recorded message or signal.

(C) Any person who operates or uses an automatic telephone device at this time this chapter becomes effective shall have 60 days to comply with the requirements of this section.
(Ord. 2005-BCC-67, passed 12-19-05)

§ 95.08 FALSE ALARM.

It shall be unlawful for a person who controls property on which an alarm system is installed to issue, cause to be issued, allow or permit the issuance of false alarm.
(Ord. 2005-BCC-67, passed 12-19-05)

§ 95.09 NOTICE OF VIOLATIONS.

Whenever an officer of the HCSD, in his or her sole discretion based upon the circumstances, shall find that the owner or operator of any alarm system has committed any of the acts which have been declared unlawful by any provision of this chapter, the officer shall give written notice to the person of the violation in the manner directed in § 95.10 (“Notice of Violation”).
(Ord. 2005-BCC-67, passed 12-19-05)

§ 95.10 SERVICE OF NOTICE: CONTENTS.

(A) An officer of the HCSD shall notify the owner or operator of an alarm system, or his representative, of any violation of this chapter by presenting the person found in possession of or in charge of the alarm system with a Notice of Violation. If the officer shall not find any person in possession or in charge of the premises, or if the person is a child or incapable of receiving the notice, the officer shall notify the owner or operator thereof by posting or attaching a Notice of Violation in a conspicuous place upon the premises and the person shall be bound thereby.

(B) All Notices of Violations, as required to be served by this section, shall be executed by the officer in duplicate. One copy shall be served upon the violator and the other copy shall be retained by the HCSD.

(C) All Notices of Violations shall be numbered and shall contain at least the following information:

(1) The specific violation with which the violator is charged;

(2) The name and address of the person who controls property on which the alarm system is installed;

(3) The location of the violation;

(4) The signature of the officer;

(5) The badge number, if any, of the officer;

(6) The date of the violation.
(Ord. 2005-BCC-67, passed 12-19-05)

§ 95.99 PENALTY.

(A) The following fines shall be imposed for violations of this chapter:

(1) Upon the first Notice of Violation issued for false alarms or operation of an illegal telephone dialing device, no fine shall be charged, but a record of the violation shall be made.

(2) Upon the second Notice of Violation for a false alarm or operation of an illegal telephone dialing device, a fine of \$25 is hereby imposed.

(3) Upon the third Notice of Violation, and upon each and every other Notice of Violation thereafter, a fine of \$50 is hereby imposed for false alarms or operation of an illegal telephone dialing device.

(4) A fine of \$100 is hereby imposed for failure to obtain or renew a permit as required by § 95.02, or the failure to pay the permit fee imposed under § 95.04.

(5) All fines imposed by this division (A) shall be paid to the HCSD within 30 days after the Notice of Violation is served. In the event such fines

are not paid as required, penalties may be imposed in accordance with division (B) of this section. All fines collected shall be deposited in the County General Fund.

(B) The County Attorney is hereby authorized to institute court action under the authority of I.C. 36-1-6-3(b) or I.C. 36-1-6-4 to enforce any provisions of this chapter, including the payment of fines. In such event, the court is authorized to impose, in addition to any unpaid fines imposed under division (A) of this section, penalties of up to \$2,500 pursuant to § 10.99 of the Howard County Code of Ordinances.

(C) Upon 20 days prior written notice to a permit holder and the opportunity to be heard, the HCSD (in addition to the imposition of fines) may revoke a permit issued under § 95.02 after the fourth notice of violation given in any one calendar year. Any such revocation shall be in writing and the permit holder may not apply for a new permit until 60 days after the date of revocation.

(Ord. 2005-BCC-67, passed 12-19-05)

CHAPTER 96: PUBLIC AND SEMI-PUBLIC SWIMMING POOLS AND SPAS

Section

- 96.01 Title
- 96.02 Purpose
- 96.03 Authority
- 96.04 Adoption by reference
- 96.05 Definitions
- 96.06 Permits
- 96.07 Permit suspension
- 96.08 Minimum requirements
- 96.09 Certified pool operator certification
- 96.10 Inspection of public and semi-public pools
- 96.11 410 I.A.C. 6-2.1 reasons for closure
- 96.12 Additional requirements
- 96.13 Compliance and enforcement
- 96.14 Appeals
- 96.15 Conflict of interest

§ 96.01 TITLE.

This chapter and all Ordinances supplemental or amendatory hereto shall be known as the Public and Semi-Public Swimming Pool/Spa Ordinance of Howard County, and may be cited as such and will be referred to herein as “this chapter”.
(Ord. 2006-BCC-11, passed 3-6-06)

§ 96.02 PURPOSE.

The purpose of this chapter is to safeguard public health and assure that all swimming pools are safe for use. It establishes definitions; sets standards for management and personnel, pool operations and equipment and facilities, and provides for public and semi-public pool permits, inspections, fines and employee restrictions.
(Ord. 2006-BCC-11, passed 3-6-06)

§ 96.03 AUTHORITY.

The Regulatory Authority is hereby authorized to issue Public and Semi-Public Pool and Spa Permits, collect permit fees and fines, perform inspections, order or otherwise compel correction of violations of this chapter, and is otherwise authorized to perform all actions necessary for the administration and enforcement of this chapter.
(Ord. 2006-BCC-11, passed 3-6-06)

§ 96.04 ADOPTION BY REFERENCE.

Title 410 I.A.C. 6-2.1, Public and Semi-Public Pools, as amended, and 675 I.A.C. 20-1 Indiana Swimming Pool Code, second edition, are hereby incorporated by reference in this chapter, as may be amended from time to time, as the same published in the Indiana Register of the Indiana Administrative Code with effective dates fixed therein. Copies of 410 I.A.C 6-2.1 et seq. and 675 I.A.C. 20-1 et seq. are available and on file in the office of the County Health Department.
(Ord. 2006-BCC-11, passed 3-6-06)

§ 96.05 DEFINITIONS.

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

ACCREDITING ORGANIZATION. An independent organization, such as the National Swimming Pool Foundation, that is qualified to train, certify, and re-certify a pool operator.

BOARD OF HEALTH. A local board of health as defined in I.C. 16-18-2-210 and referred to in I.C. 16-20.

CERTIFICATION DOCUMENT. A certificate, letter, or other document which includes the expiration date that verifies the individual has passed an accredited examination given by an accredited testing service.

CONFLICT OF INTEREST. As derived from 68 I.A.C. 9-1-1 (b)(2), means a situation in which the private financial interest of the County Official, County Official's spouse, ex-spouse, siblings, in-laws, children and/or unemancipated child, may influence the County Official's judgment in the performance of a public duty. (Note: The County Officials should follow the code of ethics if a code of ethics was established for County Officials.)

CPO. A certified pool operator that is recognized by an accredited organization, such as the National Swimming Pool Foundation, and/or has been recognized by the County Health Department.

DEPARTMENT. The Indiana State Department of Health or its authorized representative.

HEALTH OFFICER(S). A medical doctor serving as the executive officer for the County Health Department and secretary for the County Board of Health.

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 County Health Department. Examples of Hearing Officer could be the County Board of Health, a subcommittee of County Board of Health, a subcommittee of health professionals from the community or other non-biased third party appointed by the Board of Health.

HOWARD COUNTY HEALTH DEPARTMENT. The local health department in Howard County or authorized representative having jurisdiction over a public or semi-public pool.

HOWARD COUNTY OFFICIAL. Any Official of Howard County, Indiana.

IMMINENT HEALTH HAZARD. A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the:

- (1) Number of potential injuries or illnesses; and
- (2) Nature, severity, and duration of the anticipated injury or illness.

INSPECTION. A visit by the Regulatory Authority to determine compliance with pool laws.

INSPECTION REPORT. The document prepared by the County Health Department that is completed as the result of the inspection and provided to the operator.

OPERATOR. The person or corporation that has primary oversight responsibility for operation of the pool through ownership, or lease or contractual agreement (permittee).

ORDER. As derived from I.C. 4-21.5-1-9, means a County Health Department action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more specific persons. The term includes a permit.

PERMIT. The document issued by the County Health Department that authorizes a person or corporation to operate a public or semi-public pool.

PERMITTEE. The person, association, corporation, individual, partnership, or other legal entity that owns the pool and whose name appears on the permit.

POOL. Any structure, basin, chamber, or tank containing an artificial body of water for swimming, bathing, competition, relaxation, therapeutic, or recreational use. All spas, baby pools, lazy rivers, plunge pools and the like are considered pools for the purpose of this chapter.

PUBLIC POOL. Any pool, other than those defined as a semi-public pool, which is intended to be used for swimming or bathing and is operated by a concessionaire, owner, lessee, operator, or licensee, regardless of whether a fee is charged for use. Nothing in this chapter shall be construed as applying to any pool, constructed at a one- or two-family dwelling, and maintained by an individual for the sole use of the household and house guests.

RE-CERTIFICATION. Requiring a pre-certified individual to pass an accredited certification examination within five years from the date of issue of their most recent certificate issue date, or complying with the accredited testing service's written policy for re-certification.

REGULATORY AUTHORITY. The local, state, or federal enforcement body or authorized representative having jurisdiction over a public or semi-public pool.

REPEAT VIOLATION. A violation that has been observed and recorded on the previous inspection form and the violation was also observed and recorded again on the consecutive inspection report.

SEMI-PUBLIC POOL. Any pool that is intended to be used for swimming or bathing and is operated solely for and in conjunction with:

- (1) Schools, universities, and colleges;
- (2) Hotels, motels, apartments, condominiums, bed and breakfasts, or similar lodgings;
- (3) Camps or mobile home parks;
- (4) Memberships, clubs or associations; or

- (5) Therapeutic pools; rehabilitation and health care facilities.

Nothing in this chapter shall be construed as applying to any pool, constructed at a one- or two-family dwelling, and maintained by an individual for the sole use of the household and house guests.

SPA. A pool designed for recreational and/or therapeutic use, which is not drained, cleaned, and refilled after each use. The term may include, but is not limited to:

- (1) Hydrojet circulation;
- (2) Hot water;
- (3) Cold water;
- (4) Mineral baths;
- (5) Air induction systems; or
- (6) Any combination thereof.

THERAPEUTIC POOL. Any pool used for rehabilitation of patients or clients at a health care facility. A **THERAPEUTIC POOL** would be considered semi-public.

UNSATISFACTORY WATER SAMPLE. A water sample that contains more than 200 bacteria colonies per milliliter as determined by the heterotrophic 35-degree Centigrade plate count, a test positive (confirmed test) for coliform organisms in any of the five to ten milliliter portions of a sample when the multiple tube fermentation tube test is used, a test positive for more than one coliform organism per 50 milliliters when the membrane filter test is used, or the presence of any coliform when the 100 milliliter presence/absence test is used.
(Ord. 2006-BCC-11, passed 3-6-06)

§ 95.06 PERMITS.

(A) It shall be unlawful for any person to operate a public or semi-public pool in the county that does

not possess a valid permit issued by the Regulatory Authority. The permit shall provide the name and address of the operator of the pool. An annual swimming pool permit or an annual spa permit shall be issued for a term of one year, beginning on May 1 and expiring on April 30 of the next year. A seasonal swimming pool permit or a seasonal spa permit shall be obtained for any pool that will be opened less than six months in the same calendar year. All seasonal pools must obtain a permit prior to opening. Any holder of a permit shall be subject to inspection as set forth herein. The County Health Department shall provide the appropriate application forms for the permits. The permit(s) shall be posted in the establishment in a place conspicuous to the public.

(B) Each pool within an establishment will require a separate permit. Therefore, if an establishment has a pool and a spa they will be required to obtain two permits. This ensures that the County Health Department can suspend a permit when necessary and an unaffected pool may remain open, according to this chapter, and the Indiana State Department of Health's Swimming Pool Rule, 410 I.A.C. 6-2.1.

(C) Establishments applying for an annual or seasonal permit must provide proof of a satisfactory water sample obtained from the pool prior to issuance of a permit. This criterion allows the County Health Department to ensure the annual pool can remain open and the seasonal pool has met all the mandatory bacteriological requirements before it is allowed to open.

(D) Prior to issuance of a permit, an application must be filled out and submitted to the County Health Department for each pool. The application will provide contact information and specific information regarding each pool.

(E) Plan review. Any newly constructed, rehabilitated or altered public pools or spas must show proof of prior approval from the Indiana Fire and Building Services Department. Their authority for this plan review is addressed in Title 675 I.A.C. 20-1.

(F) Permit fees. Fees are required to be paid to the County Health Department prior to issuance of any permit. Fees are established in the County Fee Collection Ordinance, as amended. Fees are required for each annual swimming pool or spa permit (May-April) or any seasonal swimming pool or spa permit to operate a public or semi-public pool as defined in division (A) of this section.

(G) Outstanding fees. All fees, fines, and penalties must be paid before a permit may be issued, renewed, or reinstated.

(H) Application denial. If an application for a permit to operate a swimming pool/spa is denied, the County Health Department shall provide the applicant with a notice that includes:

(1) The specific reasons and rule citations for the permit denial;

(2) The actions, if any, that the applicant must take to qualify for permit; and

(3) Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided in law.

(Ord. 2006-BCC-11, passed 3-6-06)

§ 96.07 PERMIT SUSPENSION.

(A) The Health Department may conduct administrative proceeding for suspension, denial, and/or revocation of the establishment's permit before a Hearing Officer. See § 96.14, Appeals, to ensure that due process is followed.

(B) Any person whose permit has been suspended may at any time make application to the Regulatory Authority for the reinstatement of the permit.

(Ord. 2006-BCC-11, passed 3-6-06)

§ 96.08 MINIMUM REQUIREMENTS.

All public and semi-public pools shall comply with at least the minimum requirements specified by 675 I.A.C. 20-1, Swimming Pool Code, and 410 I.A.C. 6-2.1, Public and Semi-Public Pools, and this chapter.

(Ord. 2006-BCC-11, passed 3-6-06)

§ 96.09 CERTIFIED POOL OPERATOR CERTIFICATION.

(A) The certified pool operator (CPO) training is not required by this chapter. However, the County Health Department strongly recommends that all pool operators and/or management participate in a CPO training course. The CPO training allows pool operators to obtain the knowledge concerning pool chemistry that is essential for complying with this chapter.

(B) The CPO certification examination by the National Swimming Pool Foundation or an equivalent nationally recognized certification examination is recognized by the County Health Department.

(Ord. 2006-BCC-11, passed 3-6-06)

§ 96.10 INSPECTION OF PUBLIC AND SEMI-PUBLIC POOLS.

(A) The Regulatory Authority may inspect each public or semi-public pool for which a permit is required at any time during its normal operational hours. If, during an inspection of any public pool, the Regulatory Authority discovers the violation of any of the requirements of this chapter, it shall issue a written narrative report listing such violations and a time for correction to the operator. A copy of the written report shall be filed with the records of the Regulatory Authority.

(B) Pool testing kit requirements. The Regulatory Authority requires the availability and use of pool test kits that will provide the ranges listed below to measure the level of disinfectants in pools.

(1) Pools and spas that use chlorine as a disinfectant. Chlorine kit: the initial reading for chlorine is a measurable range of 0 to 10 ppm (parts per million) free and/or combined chlorine.

(2) Pools and spas that use bromine as a disinfectant. Bromine kit: the initial reading for bromine is a measurable range of 0 to 15 ppm (parts per million) bromine.

(Ord. 2006-BCC-11, passed 3-6-06; Am. Res. 2007-BCC-06, passed 2-5-07)

§ 96.11 410 I.A.C. 6-2.1 REASONS FOR CLOSURE.

(A) Failure to meet bacteriological requirements of 410 I.A.C. 6-2.1, section 31(f) Public and Semi-Public Pools.

(B) Failure to meet the disinfectant concentrations of 410 I.A.C. 6-2.1, section 30(b) Public and Semi-Public Pools.

(C) Failure to meet water clarity requirements according to of 410 I.A.C. 6-2.1, section 31(a) Public and Semi-Public Pools.

(D) The grate on the main drain is missing or broken.

(E) Failure to meet lifeguard requirements according to 410 I.A.C. 6-2.1, section 35 Public and Semi-Public Pools, if applicable.

(F) A pump, filter, and/or disinfectant feeders is nonoperational.

(G) A nonsolid fecal accident.

(H) Spa water temperature exceeds 104° Fahrenheit.

(Ord. 2006-BCC-11, passed 3-6-06)

§ 96.12 ADDITIONAL REQUIREMENTS.

(A) Additional reasons that may result in closure:

(1) Failure to have the swimming pool under the supervision of an individual who shall assume the responsibility for compliance with all parts of 410 I.A.C. 6-2.1 and this chapter.

(2) Failure to maintain a pH between 7.2 and 7.8.

(3) Detecting any measurable concentration of chlorinated isocyanurates and cyanuric acid stabilizers used in an indoor pool.

(4) Any other imminent health hazard that could cause injury or illness.

(B) Ceasing operation and contacting the County Health Department. A pool operator shall immediately discontinue operations and notify the County 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, sewage backup, misuse of poisonous or toxic materials, gross unsanitary occurrence or condition, or other circumstance that may endanger public health.

(C) Resuming operation. If an establishment has discontinued operations for the reasons stated above or otherwise according to law, the operator must obtain approval from the County Health Department before resuming operations.

(Ord. 2006-BCC-11, passed 3-6-06)

§ 96.13 COMPLIANCE AND ENFORCEMENT.

(A) The County Health Department may suspend a swimming pool or spa permit to operate a pool if it determines through inspection or any other means as specified in this chapter that an imminent health hazard exists. The suspension shall remain in effect until the Regulatory Authority confirms that the

condition(s) cited in the notice of suspension no longer exist.

(B) The Regulatory Authority may at any time summarily suspend a pool's permit:

(1) By providing written notice to the permit holder or operator, without prior warning, notice of a hearing, or a hearing, if it is determined that an imminent health hazard exists; or

(2) For interference with the Regulatory Authority in the performance of its duties.

(C) A permit holder may request a hearing to address concerns about the Regulatory Authority's compliance actions, except that a hearing request does not stay the Regulatory Authority's imposition of a summary suspension. If a permit is suspended and/or revoked, the pool/spa must be inaccessible to bathers by use of locked doors or other barriers.

(D) The following are options available to the County Health Department for consideration:

(1) The County Health Officer may issue an Order to Abate, Permit Suspension, Pool Closure Order, or hold a hearing and levy fines based on a condition that may transmit, generate, or promote disease. A hearing shall be called if an establishment has obtained four closures within a 30-day period. Reasons for closure are listed in §§ 96.11 and 96.12. A requested inspection that does not meet operational standards shall also count as a closure for these purposes. Failure on the part of the operator to comply with the order could result in the enforcement of the order in the court of jurisdiction by the initiation of an action by the County Attorney, or attorney authorized by the County Executive or County Prosecuting Attorney. See I.C. 16-20-1-25. See also § 96.14.

(2) If the action concerning public health is an ordinance violation, the County Attorney or attorney authorized by the County Executive may be requested to institute a proceeding in the courts for the

enforcement of the ordinance violation. See I.C. 34-28-5-1.

(3) If the action concerning public health is a criminal offense, the County Prosecuting Attorney shall be requested to institute a proceeding in the courts for enforcement. See I.C. 16-20-1-25(c).

(E) Monetary fines. Unless adjusted by an administrative order, the following schedule of monetary penalties shall be used if penalties are to be assessed:

(1) The penalty for operating a public or semi-public pool without a valid permit (which includes any pool closed by a health inspector), as defined in this chapter, shall be up to \$500.

(2) The penalty for repeated violations on consecutive inspection reports as defined in this chapter and in 410 I.A.C. 6-2.1, shall be up to \$50 for each violation for each day the violation(s) continue. The \$50 fine for repeated violations excludes any items listed in §§ 93.11 and 96.12 that describe reasons for closure.

(3) All other penalties will be assessed by the Hearing Officer. In determining the seriousness of the violation and the specific amount of the penalty to be sought for each violation, the Hearing Officer will consider, but is not limited to, the following:

(a) The potential for harm or imminent threat to public health.

(b) The extent of deviation from statutory or regulatory requirements.

(c) Degree of willfulness or negligence.

(d) History of noncompliance.

(4) The absence of direct harm will not result in assessment of a lower penalty for a violation.

(F) The County Health Department may suspend a permit to operate a pool if it determines, through inspection, swimming pool logs that are not maintained according to Indiana State Department of Health's Swimming Pool Rule 410 I.A.C. 6-2.1, or other means as specified in this chapter, that an imminent health hazard exists.

(G) Pool closure orders will be issued and Health Department signage will be immediately posted. Pool closure signage placed by the Regulatory Authority shall not be removed except by the Regulatory Authority. A return of service order will be completed for a record of the date and time the order was delivered.

(Ord. 2006-BCC-11, passed 3-6-06)

§ 96.14 APPEALS.

(A) Any person(s) aggrieved by orders issued under § 96.13, Compliance and Enforcement of this Chapter, shall be entitled to a review of the final order before a Hearing Officer by filing an administrative written request therefore with the Health Officer (Secretary of the County Board of Health. See I.C. 16-20-1-10). The written request must be mailed or hand delivered to Health Officer, Howard County Health Department 120 E. Mulberry St., 2nd floor, Kokomo, IN 46901) and must be received within 15 days after such final order is issued.

(B) Upon the Health Officer's receipt of such request, the Hearing Officer shall hear the matter again in an open hearing after at least five days written notice of the time, place and nature thereof. The time shall be measured pursuant to the rules of court of the jurisdiction. A shorter period of time may be granted, if requested by either party and agreed upon.

(C) The notice of the hearing shall be served upon the person requesting the review by hand delivering or mailing by certified mail the notice to the address listed on the permit application as the person's mailing address or such other address, as the person

shall designate in the letter of request to the Health Officer.

(D) The Hearing Officer establishes the Rules of Procedure and advises the parties prior to the start of the proceedings.

(E) The Hearing Officer shall make written findings of facts and shall enter its final administrative order or determination of this matter in writing.

(F) The administrative order completes the Administrative Appeals procedure.
(Ord. 2006-BCC-11, passed 3-6-06)

§ 96.15 CONFLICT OF INTEREST.

No County Official shall conduct himself or herself in a manner that is or could have the appearance of a conflict of interest.
(Ord. 2006-BCC-11, passed 3-6-06)

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. FOOD OPERATIONS**
- 111. FOOD ESTABLISHMENT AND BED AND BREAKFAST ESTABLISHMENT**
- 112. REGULATION OF PEDDLERS AND SOLICITORS**
- 113. TATTOO AND BODY PIERCING REGULATIONS**

CHAPTER 110: FOOD OPERATIONS

Section

- 110.01 Definitions
- 110.02 Permits required
- 110.03 Permit fees
- 110.04 Minimum requirements for food operations
- 110.05 Sale, examination and condemnation of unwholesome, adulterated or misbranded food
- 110.06 Inspection of food operations; permit revocation or suspension
- 110.07 Authority to inspect and to copy records
- 110.08 Approval of plans

- 110.09 Penalty

Cross-reference:

Health Department service fees established, see §§ 92.15 et seq.
Retail food and bed and breakfast establishments, see Chapter 111

§ 110.01 DEFINITIONS.

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

ADULTERATED OR MISBRANDED. Includes any food that does not conform to legal standards of purity, processing, labeling and the like as provided in I.C. 16-42-1-1 through 16-42-4-5, as amended, known as the Uniform Indiana Food, Drug and Cosmetic Act.

COMMISSARY. A catering establishment, restaurant or any other place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

EMPLOYEE. The permittee, individuals having supervisory or management duties, and any other person working in a food operation.

FOOD. Any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

FOOD OPERATION. Any food service establishment, retail food store, mobile food unit, pushcart, temporary food service establishment, commissary or food vending machine.

FOOD SERVICE ESTABLISHMENT. Any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles.

HEALTH OFFICER. A medical doctor serving as the health officer for the County Board of Health or his or her authorized representative.

LAW. Includes applicable state and local statutes, ordinances, rules and regulations.

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

OWNER OR OPERATOR. Shall be any person conducting a food operation.

PERMIT. The document used by the health officer which authorizes a person to conduct a food operation.

PERMITTEE. Any owner or operator in possession of a valid permit to conduct a food operation.

PERSON. Includes an individual, partnership, corporation, association or other legal entity.

PERSON IN CHARGE. The individual present in a food operation who is the apparent supervisor of the food operation at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

POTENTIALLY HAZARDOUS FOOD. Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods that have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less under standard conditions or food products in hermetically sealed containers commercially processed to prevent spoilage.

PUSHCART. A nonself-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

RETAIL FOOD STORE. Any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged non-potentially hazardous foods, roadside markets that offer only fresh fruits and fresh vegetables for sale, food-service establishments, or food and beverage vending machines.

SEASONAL FOOD ESTABLISHMENT. A food operation conducted at a fixed location for a consecutive period of more than 14 days and less than 121 days.

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

VENDING MACHINE. Any self-service device which, upon insertion of a coin, coins or tokens, or by other similar means, dispenses unit servings of perishable food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation.

WHOLESOME. In sound condition, clean, free from adulteration, and otherwise suitable for use as human food.
(BCC Ord. 1991-25A, passed 1-13-92)

§ 110.02 PERMITS REQUIRED.

(A) It shall be unlawful for any person to conduct a food operation in the county who does not possess a valid permit from the health officer. Such permit shall be posted in a conspicuous place in such operation.

(B) Only persons who comply with the applicable requirements as specified by the Indiana State Board of Health rules incorporated herein by reference shall be entitled to receive and retain such a permit.

(C) A permit for a food operation 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 retail food establishment shall be for the term of one continuous operation with a duration of 14 days or less. A permit for a seasonal food establishment shall be for a term of one continuous operation of more than 14 days and less than 120 days. Any permit issued by the health officer shall contain the name and address of the person to whom the permit is issued, the address of

the premises for which same is issued, and such other pertinent data as may be required by the health officer.

(D) A separate permit shall be required for each food operation conducted or to be conducted by any person. Only one vending permit will be required per address, regardless of number of machines; however, the fee will vary according to number of machines. A permit issued under this chapter is not transferable from one owner to another or from one location to another.

(E) A permit shall be issued to any person on application after inspection and approval by the health officer; provided, that the food operation complies with all applicable requirements of this chapter. (BCC Ord. 1991-25A, passed 1-13-92) Penalty, see § 110.99

§ 110.03 PERMIT FEES.

(A) *Fee schedule.* The fee schedule for current rates shall be as follows. Note that a late fee of \$25 will be assessed on any permit not renewed by December 31.

- (1) Retail food establishment permits:
 - (a) Menu Type 1 - \$125.
 - (b) Menu Type 2 - \$175.
 - (c) Menu Type 3 - \$200.
 - (d) Menu Type 4 - \$200.
 - (e) Menu Type 5 - \$200.
 - (f) Prior to July 1, full fee.
 - (g) After July, one-half fee.
 - (h) Plan review fee - \$60.

(2) Bed and breakfast establishment permit fees will reflect menu type.

(3) Temporary food service establishment - \$15 per day; not to exceed \$75.

(4) Seasonal food establishment permits - \$100 per 180 days; not to exceed \$200.

(5) Vending machines:

- (a) 1 to 5 machines - \$40.
- (b) 6 to 10 machines - \$70.
- (c) 11 to 15 machines - \$90.
- (d) 16 or more machines - \$100.

(6) Late fee, to be assessed on any permit not renewed by December 31 - \$25.

(B) *Permit and fee exception.* No permit shall be required and no permit fee shall be paid for food operations conducted for 30 days or less annually by religious, educational or charitable organizations. However, such establishments shall comply with the other provisions as stated division (C)(3) of this section.

(C) *Exemption from compliance.* An organization that is exempt from the state gross income tax under I.C. 6-2.1-3-20 et seq. and that offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from complying with the requirements of the chapter that may be imposed upon the sale of food at that event if:

(1) Members of the organization prepare the food that will be sold;

(2) Events conducted by the organization under this section take place for no more than 30 days in any calendar year; and

(3) The name of each member who has prepared a food item is attached to the container in which the food item has been placed. (BCC Ord. 1991-25A, passed 1-13-92; Am. Ord. 2004-BCC-05, passed 2-2-04) Penalty, see § 110.99

§ 110.04 MINIMUM REQUIREMENTS FOR FOOD OPERATIONS.

All food operations shall comply with the minimum requirements specified by the State Board 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, two copies of which are on file in the office of the County Clerk for public inspection. Copies may also be obtained from the County Health Department.

(BCC Ord. 1991-25A, passed 1-13-92) Penalty, see § 110.99

§ 110.05 SALE, EXAMINATION AND CONDEMNATION OF UNWHOLESOME, ADULTERATED OR MISBRANDED FOOD.

(A) It shall be unlawful for any person to sell through a food operation any food which is unwholesome, adulterated or misbranded as provided in the Uniform Indiana Food, Drug, and Cosmetic Act, being I.C. 16-42-1-1 through 16-42-4-5.

(B) Samples of food may be taken and examined by the health officer as often as may be necessary to determine freedom from contamination, adulteration or misbranding. The health officer may, on written notice to the owner or operator, impound and forbid the sale of any food which is or which he or she has probable cause to believe is unfit for human consumption, unwholesome, adulterated or misbranded; provided, that in the case of misbranding, which can be corrected by proper labeling, such food may be released to the operator for correct labeling under the supervision of the health officer. The health officer may also cause to be removed or destroyed any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit or other perishable articles which in his or her opinion are unsound or contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

(BCC Ord. 1991-25A, passed 1-13-92) Penalty, see § 110.99

§ 110.06 INSPECTION OF FOOD OPERATIONS; PERMIT REVOCATION OR SUSPENSION.

(A) *Frequency of inspection.*

(1) Each food operation for which a permit is required under the provisions of this chapter shall be inspected annually or as often as deemed necessary by the health officer.

(2) The County Board of Health is to be notified immediately by the owner or operator and an inspection done by the health officer in the event of a fire, new ownership, extensive remodeling, natural disasters such as flood or tornado, or the operation reopening after having been temporarily closed. Upon receiving notice of this occurrence, the health officer shall take whatever action he or she deems necessary to protect the public health.

(B) *Pre-opening inspection.*

(1) The owner of a new operation for which a permit is required under the provisions of this chapter must contact the health officer to schedule a pre-opening inspection. A permit approval form will be issued after the pre-opening inspection only if the inspection score is 85 or above. The permit approval form must then be presented to the County Board of Health, along with the appropriate fee, and a permit will be issued at that time. A valid permit must be obtained and conspicuously posted on business premises before the owner may begin operation.

(2) The owner of any operation opening for business without first obtaining a valid permit may be subject to penalties established in § 110.99.

(C) *Procedure when violations are noted.*

(1) If, during the inspection of any food operation, the health officer discovers the violation of any of the requirements in § 110.04, he or she shall issue a written order listing such violations to the

proprietor or, in his or her absence, to the person in charge, and fixing a time within which the proprietor of the food operation shall abate and remedy such violations. A copy of the written order shall be filed with the records of the health department.

(2) In the case of a violation noted in a temporary food service establishment or seasonal food establishment, the health officer may order the immediate correction of the violation.

(D) *Final inspection; prosecution or hearing for violators.* If, upon a subsequent inspection, the health officer 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, and such reinspection was conducted after the time fixed in the order for abatement and remedy of the violation, the health officer may furnish evidence of the violation to the prosecutor having jurisdiction in the county in which the violation occurs, and he or she shall prosecute all persons violating the provisions of this chapter as permitted or required by law, 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 provision of § 110.02 should not be revoked.

(E) *Revocation of permit.*

(1) 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 the proceedings filed in the office of the health department.

(2) Upon failure of any person maintaining or operating a temporary food service establishment or seasonal food establishment to comply with any order of the health officer, it shall be the duty of the health officer summarily to revoke the permit of the person and establishment and to forbid the further sale or serving of food therein.

(F) *Suspension of permit.*

(1) Any permit issued under this chapter may be temporarily suspended by the health officer without notice or hearing for a period of not to exceed 30 days for any of the following reasons:

(a) Unsanitary or other conditions which in the health officer's opinion endanger the public's health; or

(b) Interference with the health officer in the performance of his or her duties.

(2) Provided, however, that 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; provided further, that any suspension order shall be issued by the health officer in writing and served upon the permittee by leaving a copy at his or her usual place of business or by delivery by registered or certified mail.

(G) *Reinstatement of permit.* Any person whose permit has been suspended may, at any time, make application to the health officer for the reinstatement of his or her permit.

(H) *Probationary Periods.*

(1) Any operation for which a permit is required under the provisions of this chapter is subject to periods of probation as follows:

(a) New operation - 30 days.

(b) Change of ownership - 30 days.

(c) Extensive remodeling - 30 days.

(d) Routine inspection score of 70 or below - 30 days.

(e) Routine inspection score of 60 or below - immediate cessation of operation and must attain a score of 85 or above to reopen.

(f) Reopening when following a cease order - 30 days.

(g) Reopening by same owner after having been closed for business (seasonal operations excluded) - 30 days.

(h) Year end rating score average below 75 - 30 days.

(i) Repeated violations of 4 and 5 point items in inspections - 15 to 30 days.

(j) Two consecutive rating scores below 75 - 15 to 30 days.

(k) Failure to submit plans prior to extensive remodeling - 15 to 30 days.

(l) Installation of non-acceptable equipment - 15 to 30 days.

(2) The health officer will visit the operation at the end of the probationary period to assess degree of compliance. If the operation has failed to meet compliance, the health officer, at his or her discretion, may either extend the probationary period or begin permit revocation proceedings. Any operation found satisfactory at the end of the probationary period will be issued a letter to that effect.

(BCC Ord. 1991-25A, passed 1-13-92) Penalty, see § 110.99

§ 110.07 AUTHORITY TO INSPECT AND TO COPY RECORDS.

The person in charge of a food operation shall, upon the request of the health officer, permit the health officer access to all parts of the food operation and shall permit the health officer to collect evidence and exhibits and to copy any or all records relative to the enforcement of this ordinance.

(BCC Ord. 1991-25A, passed 1-13-92) Penalty, see § 110.99

§ 110.08 APPROVAL OF PLANS.

All food operations which are hereafter constructed or altered shall conform with the applicable requirements of the State Board of Health and by the State Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted for approval to the health officer, or in the absence of a local plan review program, to the Division of Retail Consumer Affairs, State Board of Health, as may be required before starting any construction work.

(BCC Ord. 1991-25A, passed 1-13-92) Penalty, see § 110.99

§ 110.99 PENALTY.

In addition to any civil penalty that may be imposed under state law, any person who violates any provisions of this chapter shall be fined as follows: first violation, \$100; second violation, \$200; third violation, \$500; all violations in excess of three, \$2,500 each. For purposes of assessing penalties under this section only, no more than one violation per inspection may count toward determining the amount of penalty assessed hereunder.

(BCC Ord. 1991-25A, passed 1-13-92)

CHAPTER 111: FOOD ESTABLISHMENT AND BED AND BREAKFAST ESTABLISHMENT

Section

- 111.01 Definitions
- 111.02 Permits
- 111.03 Permit fees
- 111.04 Inspection
- 111.05 Compliance and enforcement
- 111.06 Appeal

Cross-reference:

Food operations, see Chapter 110

Health Department service fees established, see §§ 92.15 et seq.

§ 111.01 DEFINITIONS.

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

BED AND BREAKFAST ESTABLISHMENT.

As defined in 410 I.A.C. 5-15.5, means an operator-occupied residence that:

- (1) Provides sleeping accommodations to the public for a fee;
- (2) Has no more than 14 guest rooms;
- (3) Provides breakfast to its guests as part of the fee; and
- (4) Provides sleeping accommodations for no more than 30 consecutive days to a particular guest.

BOARD OF HEALTH. Local board of health as defined in I.C. 16-18-2-210 and referred to in I.C. 16-20.

CONFLICT OF INTEREST. As 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 judgment 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.

FOOD ESTABLISHMENT. As defined in I.C. 16-18-2-137:

(1) For purposes of I.C. 16-42-5 and I.C. 16-42-5.2, ***FOOD ESTABLISHMENT*** means any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food.

(2) The term does not include the following:

(a) A dwelling where food is prepared on the premises by the occupants, free of charge, for their consumption or for consumption by their guests.

(b) A gathering of individuals at a venue of an organization that is organized for educational purposes in a nonpublic educational setting or for religious purposes, if:

1. The individuals separately or jointly provide or prepare, free of charge, and consume their own food or that of others attending the gathering; and

2. The gathering is for a purpose of the organization. Gatherings for the purpose of the organization include funerals, wedding receptions, christenings, bar or bat mitzvahs, baptisms, communions, and other events or celebrations sponsored by the organization.

(c) A vehicle used to transport food solely for distribution to the needy, either free of charge or for a nominal donation.

(d) A private gathering of individuals who separately or jointly provide or prepare and consume their own food or that of others attending the gathering, regardless of whether the gathering is held on public or private property.

(e) Except for food prepared by a for-profit entity, a venue of the sale of food prepared for the organization:

1. That is organized for:
 - a. Religious purposes; or
 - b. Educational purposes in a nonpublic educational setting.
2. That is exempt from taxation under Section 501 of the Internal Revenue Code; and
3. That offers the food for sale to the final consumer at an event held for the benefit of the organization, unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods.

(f) Except for food prepared by a for-profit entity, an Indiana nonprofit organization that:

1. Is organized for civic, fraternal, veterans, or charitable purposes;
2. Is exempt from taxation under Section 501 of the Internal Revenue Code; and
3. Offers food for sale to the final consumer at an event held for the benefit of the organization, if the events conducted by the organization take place for not more than 15 days in a calendar year.

This definition also includes a retail food establishment as defined in 410 I.A.C. 7-24; however, it does not include a bed and breakfast establishment.

HAZARD ANALYSIS CRITICAL CONTROL POINT (HACCP) PLAN. As defined in 410 I.A.C. 7-24, means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

HEALTH OFFICER. The person, appointed as specified in I.C. 16-20-2-16, or his or her duly authorized representative, as specified in I.C. 16-2-1-14, who may conduct inspections and make a final decision on an enforcement action.

HEARING BOARD. Shall be comprised of three individuals, the current Health Officer or his or her designee, and two current County Board of Health Board members appointed by the Board's president to serve.

HOWARD COUNTY HEALTH DEPARTMENT. The local health department in Howard County or authorized representative having jurisdiction over a bed and breakfast establishment and/or food establishment.

HOWARD COUNTY OFFICIAL. Any Official of Howard County, Indiana.

IMMINENT HEALTH HAZARD. A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the number of potential injuries and illnesses and the nature, severity and duration of the anticipated injury or illness (e.g., sewage backing up in a food preparation area or contamination of food products with toxic materials).

INSPECTION. A visit by the regulatory authority to determine compliance with food laws.

INSPECTION REPORT. The document prepared by the County Health Department that is completed as the result of the inspection and provided to the operator.

MENU TYPE. Assignment of risk for an establishment based on type of food served, the preparation steps required, the volume of food, the population served, and previous compliance history.

OPERATOR. The person who has a 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. As derived from I.C. 4-21.5-1-9, means a County Health Department action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more specific persons. The term includes a permit.

PERMIT. The document issued by the County Health Department that authorizes a person to operate a bed and breakfast establishment and/or food establishment.

PERSON. An association; a corporation; an individual; partnership; or other legal entity, government, or governmental subdivision or agency. (Ord. 2005-BCC-22, passed 5-16-05; Am. Ord. 2009-BCC-08, passed 2-16-09)

§ 111.02 PERMITS.

(A) General.

(1) It is unlawful for a person to operate any bed and breakfast establishment and/or 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 and/or food establishment.

(2) A separate permit shall be required for each bed and breakfast establishment and/or food establishment operated or to be operated by any person.

(3) A permit issued under this chapter is not transferable.

(4) A bed and breakfast establishment and/or food establishment permitted by the County Health Department shall be considered registered as required in I.C. 16-42-1-6.

(B) Permit type. A standard bed and breakfast establishment permit and/or retail food establishment permit shall be issued for a term beginning February 1, and/or before commencement of operation, and expiring January 31 of the following year, for a single permanent location, or transport and/or delivery service for pre-packaged food when there is no food handling, and shall be applied for by the person and/or operator annually.

(C) A seasonal retail food establishment permit shall be for a term of one continuous operation of more than 14 days and not to exceed six months. A seasonal or mobile retail food establishment may be operated at various locations within the county, provided the operator submits a schedule of events disclosing the dates and locations where food will be served.

(D) A public school concession stand permit shall be issued to a school corporation before commencement of operation and shall expire July 31, and shall not exceed 12 consecutive months. A public school concession stand may be operated in conjunction with school-sponsored events within various approved permanent structures on the school grounds, provided the operator submits a schedule of events disclosing the dates and locations where the food will be served. If the operator is an organization that is exempt from taxation under Section 501 of the Internal Revenue Code, documentation should be provided to the Health Department.

(E) A probationary retail food establishment permit or a probationary bed and breakfast permit may be issued to an operator whose inspection reports show a history of noncompliance or, upon expiration of a provisional permit, or when the operator is not in substantial compliance with 410 I.A.C. 7-22, 410 I.A.C. 7-24 and this chapter. Probationary permits are issued for a period of up to 30 days, and may be renewed once for up to 30 additional days. A probationary permit also may be issued to

establishment operators who fail to notify the Health Department of an intent to operate, a change of ownership, or who fail to submit construction plans for new or extensively remodeled establishments.

(F) (1) A provisional retail food establishment permit or provisional bed and breakfast permit may be issued for a retail food establishment or bed and breakfast for the following reasons:

- (a) New business.
- (b) Change of operator.
- (c) Extensive remodeling or change of menu type.

(2) A provisional permit may be issued for up to 60 days and may not be renewed.

(G) A temporary retail food establishment permit shall be for a period of no more than 14 consecutive days in conjunction with a single event or celebration in one location. A permit for a temporary food establishment shall be for the term of one continuous operation.

(H) Permit content. Any permit issued by the Health Officer shall contain:

- (1) The name of the establishment for whom the permit is granted;
- (2) The location of the establishment or name of the event for which the permit is issued;
- (3) The name of the establishment operator;
- (4) The permit type;
- (5) The issuance and expiration date(s); and
- (6) Other such pertinent data as may be required by the County Health Officer.

(I) Application. A person desiring to operate a bed and breakfast establishment and/or food establishment shall submit to the County Health

Department a written application for a permit on a form provided by the County Health Department.

(J) Qualification. To qualify for a permit, an applicant must:

- (1) Be an owner and/or operator of the bed and breakfast establishment and/or food establishment;
- (2) Comply with the requirements of this chapter and applicable law;
- (3) Agree to allow access to the bed and breakfast establishment and/or food establishment and provide required information; and
- (4) Pay the applicable plan review fees and/or permit fees at the time the application is submitted.

(K) Plans requirements.

(1) The owner or other authorized agent of an existing or proposed bed and breakfast establishment and/or food establishment shall submit to the County Health Department properly prepared plans and specifications for review and approval before:

- (a) The construction of a bed and breakfast establishment and/or food establishment;
- (b) The conversion of an existing structure for use as a bed and breakfast establishment and/or food establishment; or
- (c) The remodeling of a bed and breakfast establishment and/or food establishment or a change of type of bed and breakfast establishment and/or food establishment or food operation if the County Health Department determines that plans and specifications are necessary to ensure compliance with this section.

(2) The plans and specifications for a bed and breakfast establishment and/or food establishment shall include the type of operation, type of food preparation (as specified in Appendix A of the

published version of 410 I.A.C. 7-24), the required plan review fee and the menu.

(3) The plans and specifications shall be deemed satisfactory and approved by the County Health Department before a permit can be issued.

(4) A pre-operational inspection shows that the bed and breakfast establishment and/or food establishment 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. 7-24 and/or 410 I.A.C. 7-15.5.

(L) Change of ownership. The County Health Department may renew a permit for an existing bed and breakfast establishment and/or food establishment, or may issue a provisional or standard permit to a new owner of an existing and operating bed and breakfast establishment and/or food establishment after a properly completed application is submitted, reviewed, and approved, and the fees are paid.

(M) Responsibilities of the operator. Upon acceptance of the permit issued by the County Health Department, the operator, in order to retain the permit, shall:

(1) Comply with the provisions of this chapter and all laws and rules adopted by reference herein and the conditions of any variances granted by the Indiana State Department of Health;

(2) Immediately discontinue affected operations and notify the County Health Department if an imminent health hazard may exist;

(3) Allow representatives of the County Health Department access to the bed and breakfast establishment and/or food establishment at all reasonable times;

(4) Timely comply with directives of the County Health Department;

(5) Accept notices issued and served by the County Health Department;

(6) Be subject to the administrative, civil, injunctive, and injunctive remedies authorized in law for failure to comply with this chapter or a directive of the County Health Department; and

(7) Post the permit in a location in the bed and breakfast establishment and/or food establishment that is conspicuous to consumers.

(Ord. 2005-BCC-22, passed 5-16-05; Am. Ord. 2009-BCC-08, passed 2-16-09) Penalty, see § 111.05

§ 111.03 PERMIT FEES.

It shall be unlawful for any person to operate a bed and breakfast establishment and/or food establishment in the county, who has not paid the permit fee and/or any fines required to be paid for the operation of such establishment. The fee shall be paid for a term beginning February 1, and/or before commencement of operation and expiring January 31 of the following year, and shall be paid by the person and/or operator annually.

(A) *Fees.*

(1) Permit fees for the issuance of a permit under this chapter to a bed and breakfast establishment and/or a food establishment, or fees for plan review, shall be set by the County Health Department Fee Collection Ordinance, as provided by the Statutes of the State of Indiana. See I.C. 16-20-1-27.

(2) A receipt for the payment of such fee shall be provided by the County Health Department.

(3) The payment of such fees shall be required for each bed and breakfast establishment and/or food establishment operated or to be operated by any person.

(B) *Exemption from permit fees.* An organization that is element of the county government is exempt from the payment of fees.

(C) *Late fees.*

(1) The late fee for failure to renew a permit after the expiration of the permit to operate bed

and breakfast establishment and/or food establishment shall be assessed as set by the current County Health Department Fee Collection Ordinance.

(2) Fees paid under this chapter are not transferable or refundable.

(Ord. 2005-BCC-22, passed 5-16-05; Am. Ord. 2009-BCC-08, passed 2-16-09) Penalty, see § 10.99

§ 111.04 INSPECTION.

(A) *General.*

(1) The County Health Department may inspect a bed and breakfast establishment and/or food establishment at least once every six months.

(2) The County Health Department may increase the interval between inspections beyond six months if:

(a) The bed and breakfast establishment and/or food establishment is fully operating under an approved and validated Hazard Analysis Critical Control Point (HACCP) plan(s);

(b) The bed and breakfast establishment and/or food establishment is assigned a less frequent inspection frequency based on a written risk-based inspection schedule that is being uniformly applied throughout the jurisdiction.

(c) The County Health Department may contact the operator to determine that the nature of the food operation has not changed.

(B) *Temporary food establishment.* The County 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 temporary food establishment that prepares, sells or serves unpackaged, non-potentially hazardous food.

(C) *Performance and risk-based inspections.* Within the parameters specified in divisions (A) and (B) of this section, the County Health Department

shall prioritize, and conduct more frequent inspections based upon its assessment of a bed and breakfast establishment and/or food establishment's history of compliance with this chapter and the bed and breakfast establishment and/or food establishment's potential as a vector of foodborne illness.

(D) *Access allowed at reasonable times after due notice.*

(1) After the County Health Department presents official credentials and provides notice of the purpose of and the intent to conduct an inspection, investigation, collect food or water samples or take photographs, the operator shall allow the County Health Department to determine if the bed and breakfast establishment and/or food establishment is in compliance with this chapter by allowing access to the establishment, allowing inspection, and providing information and records specified in this chapter. The County 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 and/or food establishment's hours of operation and other reasonable times.

(2) Access is a condition of the acceptance and retention of a food establishment's 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 County 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 division (F)(2), 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 County 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 the specified period of time, the County Health Department shall verify 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 to correct the violations noted in the inspection report within the time frames specified.

(2) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the County Health Department historical record for the bed and breakfast establishment and/or food establishment.

(3) The operator is not necessarily in agreement with the findings of the County Health Department inspection by acknowledgment of receipt. (Ord. 2005-BCC-22, passed 5-16-05; Am. Ord. 2009-BCC-08, passed 2-16-09) Penalty, see § 111.05

§ 111.05 COMPLIANCE AND ENFORCEMENT.

(A) *Fines and penalties.*

(1) The penalty for operating a food establishment without a valid permit, as defined in this ordinance, shall not exceed \$2,500.

(2) Title 410 I.A.C. 7-23, Schedule of Civil Penalties, will be used to determine the dollar amounts of civil penalties sought for violations of the food establishment rules, and I.C. 16-42-5. For violations

listed under the schedule, the regulatory authority may seek civil penalties as part of an enforcement action. A range of civil penalties is established to allow flexibility for the regulatory authority and the courts. Any fines or penalties collected shall be deposited into the health fund.

(3) Title 410 IAC 7-22, Certification of Food Handler Requirements, Section 19 schedule of monetary penalties, will be used for violation of I.A.C. 7-22, unless adjusted by administrative order.

(B) *Outstanding fees.* All fines and penalties owed by any food establishment or bed and breakfast establishment shall be paid in full prior to the issuance of a valid permit or the renewal of a current permit.

(C) *Application denial.* If an application for a plan review and/or permit to operate a bed and breakfast establishment and/or food establishment is denied, the County 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 of appeal and the process and time frames for appeal that are provided in law.

(D) *Permit revocation.* The County Health Department may revoke a permit to operate a bed and breakfast establishment and/or food establishment for a time period not to exceed 90 calendar days. If the permit has been revoked in the past and a clear demonstration of noncompliance is demonstrated by the permit holder, then the permit may be revoked for a longer period of time as determined by the Health Officer.

(E) *Permit suspension.*

(1) The County Health Department may suspend a permit to operate a bed and breakfast

establishment and/or food establishment if it determines, through inspection or examination of employee, food, records, or other means as specified in this chapter, that an imminent health hazard exists or that there is no certified food handler as required by 410 I.A.C. 7-22, and shall not exceed 30 calendar days.

(2) The Regulatory Authority may at any time summarily suspend a person's permit:

(a) By providing written notice to the permit holder or person-in-charge, without prior warning, notice of a hearing, or a hearing, if it is determined that an imminent health hazard exists; or

(b) For interference with the Regulatory Authority in the performance of its duties.

(3) The suspension shall remain in effect until the Regulatory Authority confirms that the conditions cited in the notice of suspension no longer exist.

(4) A permit holder may request a hearing to address concerns about the Regulatory Authority's compliance actions, except that a hearing request does not stay the Regulatory Authority's restriction or exclusion order, a hold order, or the imposition of a summary suspension.

(F) *Ceasing operation and contacting the County Health Department.*

(1) An operator of a bed and breakfast establishment and/or food establishment shall immediately discontinue operations and notify the County 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, sewage backup, misuse of poisonous or toxic materials, onset of an apparent food-borne illness outbreak, gross unsanitary occurrence or condition, or other circumstance that may endanger public health.

(2) An operator need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

(G) *Resuming operation.* If a bed and breakfast establishment and/or food establishment has discontinued operations for the reasons stated above or otherwise according to law, the operator must obtain approval from the County Health Department before resuming operations.

(H) *Enforcement options.* The following are options available to County Health Department for consideration:

(1) Conduct administrative proceeding for suspension and/or revocation of the bed and breakfast establishment and/or food establishment permit in front of the Health Officer.

(2) The County Health Officer may issue an Order To Abate based on a condition that may transmit, generate, or promote disease. Failure on the part of the operator to comply with the order could result in the enforcement of the order in the court of jurisdiction by the initiation of an action by the County Attorney or County Prosecuting Attorney.

(3) If the action concerning public health is an ordinance violation, request the County Attorney, the Assistant County Attorney or their designee to institute a proceeding in the courts for the enforcement of the ordinance violation. See I.C. 34-28-5-1.

(I) *Hearing procedure.*

(1) Any owner of a bed and breakfast and/or food establishment upon which a violation is alleged to exist who disputes the existence of a violation, or disputes the nature of the abatement action ordered in the abatement notice, may, within ten calendar days of service of the abatement notice, serve upon the director of the Board of Health a written request for a hearing. The written request does not need to be in any particular form, but shall clearly indicate that a hearing is requested, and shall set out the nature of the individual's disagreement with the content of the abatement notice.

(2) Upon receipt of the written request for a hearing, the Director shall schedule the matter with the Hearing Board. The Hearing Board shall be

comprised of the Health Officer or his or her designee and two appointed members of the County Board of Health's Board of Directors. This Hearing Board shall function as hearing body to adjudicate the matter.

(3) The County Health Department, by its director or designee, shall give written notice to the party requesting the hearing of the date and time of the hearing. Such notice shall be given no less than five calendar days prior to the date set for hearing. A shorter period of time may be granted, if requested by either party and agreed upon.

(4) At the hearing, which may be adjourned from time to time, it shall be the County Health Officer's burden to go forward with evidence sufficient to demonstrate that a violation exists, and that the actions required are reasonably calculated to abate the violation within a reasonable period of time. The party requesting the hearing shall have the right to dispute the existence of the violation, the reasonableness of the remedy, or the reasonableness of the time allowed to remedial action. The party requesting the hearing may propose alternative remedies or time periods for remedial action, or alternate remediation plans.

(5) All such hearings shall be open to the public pursuant to Indiana statutes on open meetings.

(6) Upon conclusion of the presentation of evidence and oral argument, if any, the County Board of Health's Board of Directors shall deliberate and render a decision either confirming, amending or rescinding the disputed content of the abatement notice.

(7) All time parameters set out in the abatement notice for completion of compliance actions shall be tolled, pending the outcome of the Hearing Board's decision. In cases where the actions of the Health Officer are upheld, or are upheld as modified by the Hearing Board, it shall be the responsibility of the Hearing Board, in its decision, to establish time periods for completion of compliance activities held in abeyance during the hearing process.
(Ord. 2005-BCC-22, passed 5-16-05; Am. Ord. 2009-BCC-08, passed 2-16-09)

§ 111.06 APPEAL.

Pursuant to I.C. 36-1-6-9(e), a person who received a penalty under this chapter may appeal the order imposing the penalty to a court of record in Howard County no later than 60 days after the day on which the order is entered.
(Ord. 2005-BCC-22, passed 5-16-05; Am. Ord. 2009-BCC-08, passed 2-16-09)

CHAPTER 112: REGULATION OF PEDDLERS AND SOLICITORS

Section

- 112.01 Jurisdiction
- 112.02 Definitions
- 112.03 License required
- 112.04 License application
- 112.05 License fee
- 112.06 Investigation of applicant
- 112.07 Standards for issuance of license
- 112.08 Agent for service of process
- 112.09 Duty of auditor
- 112.10 Term of license
- 112.11 Transferability of license
- 112.12 Exhibition of registration
- 112.13 Hours of soliciting or peddling
- 112.14 Grounds for license revocation
- 112.15 License revocation procedure
- 112.16 Appeal to County Board of Commissioners

- 112.99 Penalty

COUNTY. All of Howard County, except for the City of Kokomo and the Town of Greentown.

GOODS. Merchandise of any description whatsoever, and includes, but is not restricted to, books, magazines, wares and foodstuffs.

PEDDLER. Any person who travels from house to house by any means carrying goods for sale, or making sales, or making deliveries; or any person who, without traveling from house to house, sells or offers goods for sale from any public place within the county; provided, that the term shall not include a transient merchant under I.C. 25-37-1-2 et seq.

SOLICITOR. Any person who travels by any means from house to house taking or attempting to take orders for sale of goods delivered in the future or for services or repairs to be performed presently or in the future.

(Ord. 2006-BCC-35, passed 8-21-06)

§ 112.01 JURISDICTION.

This chapter shall apply to all of Howard County, except for the City of Kokomo and the Town of Greentown which have enacted similar Ordinances. (Ord. 2006-BCC-35, passed 8-21-06)

§ 112.02 DEFINITIONS.

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

BUSINESS. The business carried on by any person who is a peddler or solicitor.

§ 112.03 LICENSE REQUIRED.

Any person who is a peddler or solicitor shall obtain a license before engaging in such activity within the county; provided that no such license is required for persons, firms, or organizations (1) who solicit funds or sell goods or services for the purpose of raising revenue on behalf of not-for-profit organizations, or (2) which have transacted business from a fixed business location in the county continuously for a one-year period prior to enactment of this chapter. The license shall entitle the licensee to peddle or solicit goods or services from house to house in the county only between the hours of 9:00 a.m. and 6:00 p.m.

(Ord. 2006-BCC-35, passed 8-21-06) Penalty, see § 112.99

§ 112.04 LICENSE APPLICATION.

(A) All applicants for licenses required by this chapter shall file a form application with the County Sheriff's Department. Such application shall be signed by the applicant if an individual, or by all partners in a partnership, or by the president if a corporation.

(B) The Sheriff's Department shall make available a form application which shall state:

- (1) The name and address of the applicant.
- (2) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the county and the local address of such individual, his or her permanent address, and the capacity in which he or she will act.
- (3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation.
- (4) The time period or periods during which it is proposed to carry on applicant's business.
- (5) The nature, character, and quality of the goods or services to be offered for sale or delivered, and if goods, their invoice value, whether they are to be sold by sample as well as from stock, where and by whom such goods are manufactured or grown, and where such goods are at the time of the application.
- (6) The nature of the advertising proposed to be done for the business.
- (7) Whether or not the applicant, or the individual identified in division (B)(2) or (3) above has been convicted of any crime or misdemeanor, and if so, the nature of each offense and the penalty assessed for it.
- (8) The applicant's date of birth, social security number and a current picture of the applicant.
- (9) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(10) A consent for the Sheriff to perform a criminal background check on the applicant.

(C) In addition, all applicants for licenses required by this chapter shall attach to their license application the following:

- (1) Two letters of recommendation from any person residing or doing business in the county certifying the applicant's good moral character and business responsibility or, in lieu of such letters, other evidence may be used by the Sheriff to satisfy his duties under § 112.08.
- (2) If required by the Sheriff, copies of all printed advertising proposed to be used in connection with the applicant's business.
- (3) Credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to all other attachments, a statement from a licensed physician, dated not more than ten calendar days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.
(Ord. 2006-BCC-35, passed 8-21-06)

§ 112.05 LICENSE FEE.

A fee reflecting the actual cost of processing an application and issuing a license shall be charged by the Sheriff. The fee shall be in the amount of \$50 for the first application filed under § 112.04 in any given calendar year, and \$20 for a second application in the same calendar year.
(Ord. 2006-BCC-35, passed 8-21-06)

§ 112.06 INVESTIGATION OF APPLICANT.

On receipt of an application for a license required by this chapter, the Sheriff shall cause an investigation of the applicant's business reputation, moral character and criminal background.
(Ord. 2006-BCC-35, passed 8-21-06)

§ 112.07 STANDARDS FOR ISSUANCE OF LICENSE.

(A) The Sheriff shall approve an application for a license required by this chapter and issue the license unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare.

(B) In particular, any of the following shall constitute valid reasons for disapproval of the application: tangible evidence that the applicant:

- (1) Has been convicted of a crime of moral turpitude.
- (2) Has made willful misstatements in the application.
- (3) Has committed prior violations or ordinances pertaining to peddlers, solicitors, and the like.
- (4) Has committed prior fraudulent acts.
- (5) Has a record of continual breaches of solicited contracts.
- (6) Has an unsatisfactory moral character. (Ord. 2006-BCC-35, passed 8-21-06)

§ 112.08 AGENT FOR SERVICE OF PROCESS.

(A) On the receipt of notice of approval of his or her application, an applicant for a license required by the provisions of this chapter shall file with the Sheriff an instrument appointing the County Auditor as his or her true and lawful agent with full power and authority to acknowledge service of process for and on behalf of the applicant in respect to any matter arising under this chapter.

(B) Forms for the required statement shall be available at the Sheriff's office. Such form or instrument shall contain recitals to the effect that the applicant consents and agrees that service of any

notice or process may be made on the agent, and when made shall be taken and held to be as valid as if personally served on the applicant, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment. (Ord. 2006-BCC-35, passed 8-21-06)

§ 112.09 DUTY OF AUDITOR.

Immediately on service of any process on the Auditor pursuant to this chapter, the Auditor shall send, by registered mail, a copy of the process to the person licensed under this chapter at his or her last known address. (Ord. 2006-BCC-35, passed 8-21-06)

§ 112.10 TERM OF LICENSE.

All licenses issued under this chapter shall automatically expire 60 calendar days after the date of the issuance thereof. (Ord. 2006-BCC-35, passed 8-21-06)

§ 112.11 TRANSFERABILITY OF LICENSE.

No license issued under the provisions of this chapter shall be transferable. (Ord. 2006-BCC-35, passed 8-21-06) Penalty, see § 112.99

§ 112.12 EXHIBITION OF REGISTRATION.

(A) The Sheriff shall issue a registration receipt to each peddler or solicitor licensed under this chapter. The registration shall contain the words "licensed peddler" or "licensed solicitor", the licensee's picture, the expiration date of the license, and the number of the license.

(B) All peddlers or solicitors shall exhibit their registration at the request of any person. (Ord. 2006-BCC-35, passed 8-21-06) Penalty, see § 112.99

§ 112.13 HOURS OF SOLICITING OR PEDDLING.

It shall be unlawful for any person to peddle or solicit goods or services from house to house at any time other than between 9:00 a.m. and 6:00 p.m. (Ord. 2006-BCC-35, passed 8-21-06) Penalty, see § 112.99

§ 112.14 GROUNDS FOR LICENSE REVOCATION.

A license granted under this chapter may be revoked for:

(A) Any fraud or misrepresentation contained in the license application.

(B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license.

(C) Any violation of this chapter.

(D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude.

(E) The licensee conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals or general welfare of the public. (Ord. 2006-BCC-35, passed 8-21-06)

§ 112.15 LICENSE REVOCATION PROCEDURE.

Any license granted under this chapter may be revoked by the Sheriff after notice of hearing to be held before the Sheriff or his designee. A notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten calendar days prior to the date set for the hearing. (Ord. 2006-BCC-35, passed 8-21-06)

§ 112.16 APPEAL TO COUNTY BOARD OF COMMISSIONERS.

(A) Any person aggrieved by a decision under §§ 112.07 or 112.15 shall have the right to appeal to the County Board of Commissioners. Such appeal shall be taken by filing with the County Board of Commissioners within 14 calendar days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The Board shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 112.15.

(B) The order of the County Board of Commissioners after such hearing shall be final. (Ord. 2006-BCC-35, passed 8-21-06)

§ 112.99 PENALTY.

(A) In addition to the revocation of license provided in § 112.15, any person, organization, partnership, firm or corporation who violates this chapter shall be subject to a fine not to exceed \$250 for a first offense, not to exceed \$500 for a second offense, and not to exceed \$1,000 for each subsequent offense. The Sheriff may impose such fines and such fines may be enforced, if necessary, by the County Board of Commissioners.

(B) In addition to all other remedies, actions and penalties provided for herein, the county in its discretion may seek injunctive relief to prevent ongoing violations of this chapter. (Ord. 2006-BCC-35, passed 8-21-06)

CHAPTER 113: TATTOO AND BODY PIERCING REGULATIONS

Section

- 113.01 Definitions
- 113.02 Facility permits
- 113.03 Artist/piercer permits
- 113.04 Fees
- 113.05 Inspection
- 113.06 Compliance and enforcement
- 113.07 Appeals

§ 113.01 DEFINITIONS.

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

HEALTH OFFICER. The duly appointed health officer or his or her duly authorized representative.

HEPATITIS B VACCINE SERIES. A series of vaccinations received at the recommended interval of 0 months, one month, and six months, as a measure to prevent the spread of Hepatitis B virus among individuals who are exposed to blood and body fluids. (Ord. 2009-BCC-04, passed 2-16-09)

§ 113.02 FACILITY PERMITS.

(A) *General.* It is unlawful for a person to operate any tattoo facility, body piercing facility, or temporary tattoo or piercing facility 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 facility. A separate permit shall be required for each tattoo or piercing facility operated by any person. Permits are not transferable from person to person or place to place.

(B) *Facility permit period.* A tattoo and/or body piercing facility permit shall be issued for a term beginning January 1, and/or before commencement of

operation, and expiring December 31 of the same year, and shall be applied for by the operator annually. The valid permit shall be posted in a conspicuous location within the facility.

(C) *Facility permit content.* The permit shall provide the name and address of the owner of the business and the name and address of the tattoo/piercing facility, the date of issue and the date of expiration. It shall bear the signature of the Health Officer and the County Seal. The permits shall not be transferable.

(D) *Facility permit application.* The Health Department shall provide the application forms for the facility permits. The permit application shall be completed, signed, and submitted by the operator, along with proof of annual Blood-Borne Pathogen Training for anyone employed by or acting on behalf of the facility that might reasonably be exposed to blood or body fluids.

(Ord. 2009-BCC-04, passed 2-16-09) Penalty, see § 113.06

§ 113.03 ARTIST/PIERCER PERMITS.

(A) *General.* It is unlawful for any tattoo artist who does not possess a valid tattoo artist permit to provide a tattoo to an individual, or any body piercer who does not possess a valid body piercer permit to perform body piercing on any individual. Permits are not transferable from person to person.

(B) *Tattoo artist permit or body piercer permit period.* The permit shall be issued for a term beginning January 1 and/or before performing any piercing or before providing a tattoo to an individual. The applicant shall submit an application provided by the Health Department, accompanied by proof of receipt of Hepatitis B vaccination series. After having

met all prerequisite requirements, a permit may be issued and shall expire on December 31 of the same year and shall be applied for by the artist or piercer annually, accompanied by required proof of vaccination series status, as required.

(C) *Tattoo artist or body piercer applicant qualification.* In addition to meeting all the regulations of the Indiana State Department of Health as found in Title 410 I.A.C. 1-5, each tattoo artist and each body piercer shall provide documentation showing at least the first of the series of Hepatitis B vaccinations has been received, and must show proof of completion of the series within six months of issue of first license.

(D) *Change of ownership.* The facility operator and each artist and body piercer have the responsibility to notify the County Health Department of any change of ownership or employee at the permitted facility.

(E) *Training responsibilities of the operator.* An individual or entity that is an operator shall comply with the following training responsibilities listed in 410 I.A.C. 1-5-24:

(1) Ensure that the training described in the Indiana Occupational Safety and Health Administration's blood-borne pathogens standard (as found in 29 C.F.R. 1910.1030) is provided to all tattoo artists and body piercers, anyone employed by the facility or anyone acting on behalf of the facility, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

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

(3) Ensure that a record of training described in division (E)(1) of this section is maintained, as required under the Indiana Occupational Safety and Health Administration's

blood-borne pathogens standard (as found in 29 C.F.R. 1910.1030) of an individual's participation in the training that is provided. The record shall be made available to the department for inspection upon request.

(4) Ensure that a record of training described in division (E)(2) of this section is maintained.

(F) *Operator responsibilities.* The operator shall comply with the following responsibilities listed in 410 I.A.C. 1-5-25.

(1) The operator shall ensure that tattoo artists, body piercers, or anyone employed by the facility or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood have and use personal protective equipment and expendables needed to implement the precautions required by this rule and the Indiana Occupational Safety and Health Administration's blood-borne pathogens standard (as found in 29 C.F.R. 1910.1030).

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

(3) The operator shall display a description of compliance with the requirements contained in division (F)(4) of this section.

(4) The operator shall display, and provide to each patron, written materials prepared or approved by the Department explaining universal precautions and patrons' rights under this rule. These materials shall include information on how to report violations of universal precautions and shall include information regarding the Department's duties to investigate. (Ord. 2009-BCC-04, passed 2-16-09) Penalty, see § 113.06

§ 113.04 FEES.

Permit fees and licensure fees under this chapter shall be set by the County Health Department Fee Collection Ordinance, as provided by the Statutes of the State of Indiana, I.C. 16-20-1-27.
(Ord. 2009-BCC-04, passed 2-16-09)

§ 113.05 INSPECTION.

The County Health Department shall inspect a tattoo or body piercing facility annually at a minimum, to determine compliance with this chapter. The Health Department may modify the interval between inspections by reviewing the facility's historical demonstration of compliance with inspection criteria.
(Ord. 2009-BCC-04, passed 2-16-09)

§ 113.06 COMPLIANCE AND ENFORCEMENT.

Any person who willfully violates any of the provisions of this chapter shall be subject to a fine of not more than five hundred dollars (\$2,500) for each violation. Each day the violation exists shall be considered a separate offense.
(Ord. 2009-BCC-04, passed 2-16-09)

§ 113.07 APPEALS.

Pursuant to I.C. 36-1-6-9(e), a person who received a penalty under this resolution may appeal the order imposing the penalty to a court of record in Howard County no later than 60 days after the day on which the order is entered.
(Ord. 2009-BCC-04, passed 2-16-09)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Diving and jumping from bridges
- 130.02 Firearms prohibited in the County Courthouse
- 130.03 Operation of skateboards and wheeling or sliding devices on certain county property prohibited

Cross-reference:

Non-smoking areas designated, see § 36.01
Use and access to the County Courthouse lawn, see § 36.03

§ 130.01 DIVING AND JUMPING FROM BRIDGES.

It shall be unlawful for any person to jump, dive or fish from any bridge located in Howard County outside the corporate limits of the City of Kokomo, Town of Greentown or the Town of Russiaville. ('83 Code, § 130.01) (Ord. 1970-9, passed 11-2-70; Am. Ord. 2007-BCC-42, passed 10-15-07) Penalty, see § 10.99

§ 130.02 FIREARMS PROHIBITED IN THE COUNTY COURTHOUSE.

(A) *Firearms prohibited.* No person shall enter the Howard County Courthouse in possession of a gun or firearm of any type, whether loaded or unloaded, concealed or not concealed, operable or inoperable, with a permit or without a permit; provided, that this prohibition shall not apply to uniformed law enforcement or court security officers, or to plain-clothes law enforcement or court security officers who publicly display identification.

(B) *Posting.* Notice of this section shall be conspicuously posted at all entrances to the Howard County Courthouse. (BCC Ord. 1995-18, passed 5-15-95) Penalty, see § 10.99

§ 130.03 OPERATION OF SKATEBOARDS AND WHEELING OR SLIDING DEVICES ON CERTAIN COUNTY PROPERTY PROHIBITED.

(A) *Definitions.* For the purpose of this section the following definitions shall apply:

(1) ***COUNTY PROPERTY.*** The areas owned by Howard County adjacent to the Howard County Court House, Howard County Government Building and the Howard County Administration Center, including the lawn, walks, disability ramps, steps, walls, retaining walls, planters or curbs, but excluding the city sidewalks which bound such property.

(2) ***OPERATION.*** The act of moving, using, riding or setting in motion.

(3) ***SKATEBOARD.*** A foot board mounted upon wheels and usually propelled by the user who sometimes stands, sits, kneels or lies upon the device while it is in motion.

(4) ***WHEELING OR SLIDING DEVICES.*** Include but are not limited to skateboards, roller skates, in-line skates or bicycles, or any other device containing wheels which can be ridden on or otherwise utilized by an individual or individuals in order to move about other than walking.

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(B) *Operation prohibited.* The operation of a skateboard or wheeling or sliding device shall be prohibited upon county property at any time.

(C) *Violation.* Any person who violates this section shall be guilty of an infraction and may be fined in the amount of \$50 for the first violation and the amount of \$75 for each subsequent violation, payable to the Howard County Violations Clerk within 30 days pursuant to the Code of Howard County, § 10.98.

(D) *Detention of violator.*

(1) Pursuant to I.C. 34-28-5-3, whenever any county law enforcement officer believes in good faith that a person has violated this section, such law enforcement officer may detain that person for a time sufficient to:

(a) Inform the person of the alleged violation;

(b) Obtain the person's name, address and date of birth or driver's license if in the person's possession; and

(c) Deliver to such person a written notice of violation.

(2) If a law enforcement officer detains a person because the law enforcement officer believes that person has committed an infraction or ordinance violation, the law enforcement officer may not, without the consent of the person, extract or otherwise download information from a cellular telephone or another wireless or cellular communications device possessed by the person at the time the person is detained unless:

(a) The law enforcement officer has probable cause to believe that the cellular telephone or other wireless or cellular communications device has been used in the commission of a crime;

(b) The information is extracted or otherwise downloaded under a valid search warrant; or

(c) Otherwise authorized by law.

(E) *Exclusions.* Notwithstanding the definition of skateboard or wheeling or sliding device, nothing in this section shall prohibit the use of a wheelchair, a stroller, or similar devices for the purpose of helping an elderly, disabled individual, infant or other individual needing assistance in moving from place to place; nor shall it prohibit the use of a bicycle for transportation purposes.

(F) *Enforcing authority.* The authority for enforcing this section shall be with the Howard County sheriff's department and the county court security officers.

(Ord. BCC 1999-34, passed 8-16-99)

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS**
- 151. FLOOD DAMAGE PREVENTION**
- 152. MAJOR STREETS AND HIGHWAYS AND
SUBDIVISION CONTROL REGULATIONS**
- 153. ZONING CODE**
- 154. STORM WATER MANAGEMENT IN NEW DEVELOPMENT
AND REDEVELOPMENT**
- 155. DIGGING OR TRENCHING REGULATIONS**
- 156. STORM WATER EROSION AND SEDIMENT CONTROL**

CHAPTER 150: BUILDING REGULATIONS

Section

- 150.01 Purpose
- 150.02 Conformance required
- 150.03 Adoption of regulations by reference
- 150.04 Administrative cooperation
- 150.05 Construction permit required
- 150.06 Permit and inspection fees
- 150.07 Appeals
- 150.08 Stop orders
- 150.09 Unsafe buildings; enforcement of building standards

Cross-reference:

Building Department, see § 31.01
Construction of private driveways, standards adopted, see § 94.01

§ 150.01 PURPOSE.

The purpose of this chapter is to provide for the protection of life, public safety and real and personal property in the design and construction of buildings and structures in the county.

(`83 Code, § 150.01) (Ord. 1977-41, passed 1-30-78)

§ 150.02 CONFORMANCE REQUIRED.

(A) All construction, enlargement, alteration, repair, relocation and use of buildings, structures and dwellings shall conform with this chapter and such ordinances as may be hereafter adopted for such purposes by the Board of County Commissioners.

(B) It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use,

occupy or maintain any building or structure, other than fences in the county, or cause or permit the same to be done, contrary to or in violation of the provisions of this chapter.

(`83 Code, § 150.02) (Ord. 1977-41, passed 1-30-78)
Penalty, see § 10.99

§ 150.03 ADOPTION OF REGULATIONS BY REFERENCE.

(A) The following rules, regulations and codes are hereby adopted by reference as the rules and regulations governing the construction, enlargement, alteration, repair, relocation and use of buildings and structures in the county.

(1) The *Indiana Construction Rules and Regulations*, Volume I, 1973 edition, amended 1974, promulgated by the Administrative Building Council of Indiana.

(2) The *One- and Two-Family Dwelling Code*, 1976 edition, promulgated by the Administrative Building Council of Indiana.

(3) The *National Electrical Code*, 1978 edition, adopted by the National Fire Protection Association.

(4) The *Plumbing Rules and Regulations*, Volume III, 1976 edition, amended 1976, promulgated by the Administrative Building Council of Indiana.

(5) The *Mechanical Rules and Regulations*, Volume IV, 1976 edition, amended 1977, promulgated by the Administrative Building Council of Indiana.

(B) Two copies of the foregoing rules and regulations are on file for reference in the office of the County Building Commission in the County Courthouse.

(`83 Code, § 150.03) (Ord. 1977-41, passed 1-30-78)

§ 150.04 ADMINISTRATIVE COOPERATION.

In the administration of this chapter, and any other ordinances incident hereto, the Department of Buildings shall cooperate with and coordinate its activities with all affected or related city, county and state agencies so as to prevent unnecessary overlapping, duplication and waste in the administrative process.

(`83 Code, § 150.04) (Ord. 1977-41, passed 1-30-78)

§ 150.05 CONSTRUCTION PERMIT REQUIRED.

(A) Prior to the construction of any building, structure, dwelling or any part thereof, no extension, repair or alteration of any existing building, no plumbing, no electrical work, no heating work, no ventilation work, nor air conditioning work having a contract price or estimated cost of more than \$100 shall be started until a statement in writing of the work proposed to be done shall first be submitted by the contractor or individual in charge of the work to and approved by the Building Commissioner, and a permit issued by him or her for the proposed construction, alteration, repair or extension work.

(B) The Building Commissioner, before issuing a permit therefor, may require the applicant to submit and file a set of detailed plans and specifications subject to the approval of the Building Commissioner, a copy of which shall be retained in his or her office. No changes from the approved plans or specifications shall be made until a revised copy thereof has been submitted to and approved by the Building Commissioner.

(C) The Building Commissioner shall refuse to issue a permit in any case where the construction or work proposed is in violation of any statute of the state or any provisions of any ordinance of the county.

(D) No permit shall be required for any outside or inside painting or other cosmetic repair or maintenance where the building is not altered or extended.

(`83 Code, § 150.05) (Ord. 1977-41, passed 1-30-78) Penalty, see § 10.99

§ 150.06 PERMIT AND INSPECTION FEES.

The fee for all permits and inspections shall be as follows.

(A) \$5 for construction costs not exceeding \$5,000.

(B) \$9 for construction costs of more than \$5,000 and less than \$10,000.

(C) \$13 for construction costs of more than \$10,000 and less than \$15,000.

(D) \$17 for construction costs of more than \$15,000 and less than \$20,000.

(E) \$20 for construction costs of more than \$20,000 and less than \$25,000.

(F) \$20 plus \$0.50 per \$1,000 for construction costs over \$25,000 and less than \$100,000.

(G) \$57.50 plus \$0.35 per \$1,000 for construction costs of \$100,000, with a maximum permit fee of \$100.

(H) An inspection fee of \$7.50 for each required inspection.

(`83 Code, § 150.06) (Ord. 1977-41, passed 1-30-78)

Cross-reference:

Board of Health service fees, see §§ 92.15 et seq.

§ 150.07 APPEALS.

All persons shall have the right to appeal the Building Commissioner's decision, first through a body appointed by the Board of County Commissioners, being the Board of Appeals, and then through the Executive Committee of the Administrative Building Council of Indiana, in accordance with provisions of I.C. 22-11-1-21.5. (⁸³ Code, § 150.07) (Ord. 1977-41, passed 1-30-78)

§ 150.08 STOP ORDERS.

Whenever any work is being done in violation of the provisions of this chapter, or in variance with the terms of any permit issued for such work, the Building Commissioner may order all work on the job stopped until such violations or variance is eliminated and any work or installation made in violation of this chapter is corrected. Such stop order, if oral, shall be followed by a written stop order within 35 hours excluding Saturday, Sunday or holidays. It shall be unlawful to do or perform any work in violation of such stop order except as may be necessary to prevent injury or damage to persons or property, or to correct such violation or variance. Such stop order may be revoked by the Building Commissioner. (⁸³ Code, § 150.08) (Ord. 1977-41, passed 1-30-78) Penalty, see § 10.99

**§ 150.09 UNSAFE BUILDINGS;
ENFORCEMENT OF BUILDING STANDARDS.**

(A) *Adoption of state law; application.* The provisions of I.C. 36-7-9-1 et seq. (the Act), concerning the enforcement of building standards, is hereby adopted in their entirety, and as they may be subsequently amended, and are made a part hereof by reference the same as if fully set out herein. As so adopted, the Act shall apply and be enforceable in the unincorporated area of the county.

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

DEPARTMENT. The Howard County Plan Commission shall be the executive department authorized by this section to administer the provisions of the Act.

ENFORCEMENT AUTHORITY. The enforcement authority shall be the Executive Director of the Howard County Plan Commission, the designated department.

HEARING AUTHORITY. That person or persons designated as such by the Board of County Commissioners under the authority of I.C. 36-7-9-2. The hearing authority shall perform those functions specified by the Act.

SUBSTANTIAL PROPERTY INTEREST. As set out in I.C. 36-7-9-2, the term is hereby specifically incorporated by reference into this section as if fully set out herein.

UNSAFE BUILDING. The description for the term contained in I.C. 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the county by adding the following definition: Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an **UNSAFE BUILDING**; provided, that such conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered.

(1) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the county, or of any law of the state or ordinance of the county relating to the conditions, location or structure of buildings.

(2) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(C) Designation of executive department.

Pursuant to I.C. 36-7-9-3, and consistent with the definitions contained in division (B), the County Plan Commission is hereby designated as the executive department of the county responsible for the administration of this section.

(BCC Ord. 1996-41, passed 8-19-96) Penalty, see § 10.99

CHAPTER 151: FLOOD DAMAGE PREVENTION

Section

| | | |
|--------|-------------------------------------|--|
| 151.01 | Statutory authorization | (1) To prevent unwise developments from increasing flood or drainage hazards to others; |
| 151.02 | Statement of purpose | (2) To protect new buildings and major improvements to buildings from flood damage; |
| 151.03 | Definitions | (3) To protect human life and health from the hazards of flooding; |
| 151.04 | Duties of the Administrator | (4) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations; |
| 151.05 | Regulatory flood elevation | (5) To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and |
| 151.06 | Improvement location permit | (6) To make federally subsidized flood insurance available for structures and their contents in the county by fulfilling the requirements of the National Flood Insurance Program. |
| 151.07 | Preventing increased damages | (BCC Ord. 1994-53, passed 1-23-95) |
| 151.08 | Protecting buildings | |
| 151.09 | Other development requirements | |
| 151.10 | Variances | |
| 151.11 | Disclaimer of liability | |
| 151.12 | Abrogation and greater restrictions | |
| 151.13 | Violations | |

§ 151.01 STATUTORY AUTHORIZATION.

The Indiana Legislature granted the power to local units of government (I.C. 36-7-4) to control land use within their jurisdictions in order to accomplish the provisions as set forth in this chapter. (BCC Ord. 1994-53, passed 1-23-95)

§ 151.02 STATEMENT OF PURPOSE.

(A) The purpose of this chapter is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief.

(B) Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Board of County Commissioners hereby adopt the following floodplain management regulations in order to accomplish the following:

(6) To make federally subsidized flood insurance available for structures and their contents in the county by fulfilling the requirements of the National Flood Insurance Program. (BCC Ord. 1994-53, passed 1-23-95)

§ 151.03 DEFINITIONS.

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

BUILDING. See **STRUCTURE**.

DEVELOPMENT.

(1) Any human-made change to improved or unimproved real estate including but not limited to:

(a) Construction, reconstruction or placement of a building or any addition to a building;

(b) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;

(c) Installing utilities, erection of walls and fences, construction of roads or similar projects;

(d) Construction of flood control structures such as levees, dikes, dams, channel improvements and the like;

(e) Mining, dredging, filling, grading, excavation or drilling operations;

(f) Construction or reconstruction of bridges or culverts;

(g) Storage of materials; or

(h) Any other activity that might change the direction, height or velocity of flood or surface waters.

(2) The term does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation or the construction of permanent buildings.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the

installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

FBFM. Flood Boundary and Floodway Map.

FEMA. Federal Emergency Management Agency.

FHBM. Flood Hazard Boundary Map.

FIRM. Flood Insurance Rate Map.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOODPLAIN. The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

FLOOD PROTECTION GRADE (FPG). The elevation of the regulatory flood plus two feet at any given location in the SFHA.

FLOODWAY. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

FLOODWAY FRINGE. Those portions of the floodplain lying outside the floodway.

LETTER OF MAP AMENDMENT (LOMA). An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

LETTER OF MAP REVISION (LOMR). An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations and elevations.

LOWEST FLOOR. The lowest elevation described among the following:

- (1) The lowest floor of a building;
- (2) The basement floor;
- (3) The garage floor, if the garage is connected to the building;
- (4) The first floor of a building elevated on pilings or constructed on a crawl space;
- (5) The floor level of an enclosure below an elevated building where the walls of the following requirements are satisfied:
 - (a) The walls are designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood water;
 - (b) At least two openings are designed and maintained for the entry and exit of flood water, and these openings provide a total area of at least one square inch for every one square foot of enclosed floor area subject to flooding. The bottom of an opening can be no more than one foot above grade. Doorways and windows do not qualify as openings under this clause.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term does not include a “recreational vehicle.”

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projections, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel or seasonal use.

REGULATORY FLOOD. The flood having a 1% probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in § 151.05. The term is also known as the “Base Flood.”

SPECIAL FLOOD HAZARD AREA (SFHA). Those lands within the jurisdiction of the county that are subject to inundation by the regulatory flood. The SFHAs of the county are generally identified as such on the Flood Insurance Rate Map of the county prepared by the Federal Emergency Management Agency and dated July 16, 1981.

STRUCTURE. A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary or safety code requirements or any alteration of a historic structure; provided, that the alteration will not preclude the structures continued designation as a historic structure.

(BCC Ord. 1994-53, passed 1-23-95; Am. BCC Ord. 2002-19, passed 6-3-02)

§ 151.04 DUTIES OF THE ADMINISTRATOR.

(A) The Plan Commission Director shall implement this chapter and hereafter be referred to as the Zoning Administrator.

(B) The Zoning Administrator for the county is appointed to review all development and subdivision proposals to ensure compliance with this chapter, including but not limited to the following duties:

(1) Ensure that all development activities within the SFHAs of the jurisdiction of the county meet the requirements of this chapter.

(2) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.

(3) Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to § 151.07, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).

(4) Maintain a record of the “as-built” elevation of the top of the lowest floor (including basement) of new and substantially improved buildings constructed in the SFHA. Inspect before, during and after construction.

(5) Maintain a record of the engineer's certificate and the “as-built” floodproofed elevation of all buildings subject to § 151.08.

(6) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this chapter. Submit reports as required for the National Flood Insurance Program.

(7) Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of Department of Natural Resources permits and letters of recommendation, federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this chapter.

(8) Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

(BCC Ord. 1994-53, passed 1-23-95)

§ 151.05 REGULATORY FLOOD ELEVATION.

(A) This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

(B) The regulatory flood elevation and floodway limits for the SFHAs of Wildcat Creek, Kokomo Creek, Little Wildcat Creek and Little Wildcat Creek West shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the county dated January 16, 1981, and the corresponding FBFM dated July 16, 1981, prepared by the Federal Emergency Management Agency.

(C) The regulatory flood elevation for each SFHA delineated as an “AH Zone” or “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the county.

(D) The regulatory flood elevation for each of the remaining SFHAs delineated as an “A Zone” on the Flood Insurance Rate Map of the county shall be according to the best data available as provided by the Department of Natural Resources.

(E) If the SFHA is delineated as “AH Zone” or “AO Zone,” the elevation (or depth) will be delineated on the county Flood Insurance Rate Map. If the SFHA is delineated as “ZONE A” on the county Flood Insurance Rate Map, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources.
(BCC Ord. 1994-53, passed 1-23-95)

§ 151.06 IMPROVEMENT LOCATION PERMIT.

(A) No person, firm, corporation or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining an improvement location permit from the Zoning Administrator. The Zoning Administrator shall not issue an improvement location permit if the proposed development does not meet all of the requirements of this chapter.

(B) The application for an improvement location permit shall be accompanied by the following:

- (1) A description of the proposed development.
- (2) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.
- (3) A legal description of the property site.
- (4) A site development plan showing existing and proposed development locations and existing and proposed land grades.
- (5) Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.

(C) Upon receipt of an application for an improvement location permit, the Zoning Administrator shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.

(1) If the site is in an identified floodway, the Zoning Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

(a) Under the provisions of I.C. 14-28-1, a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, paving and the like undertaken before the actual start of construction of the building.

(b) No action shall be taken by the Zoning Administrator until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Zoning Administrator may issue the local improvement location permit; provided, the provisions contained in §§ 151.07 and 151.08 have been met. The improvement location permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

(2) If the site is located in an identified floodway fringe, then the Zoning Administrator may issue the local improvement location permit; provided, the provisions contained in §§ 151.07 and 151.08 have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).

(3) If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Zoning Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

(a) No action shall be taken by the Zoning Administrator until either a permit for construction in the floodway or a letter of recommendation citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

(b) Once the Zoning Administrator has received the proper permit or letter of recommendation approving the proposed development, an improvement location permit may be issued provided the conditions of the improvement location permit are not less restrictive than the conditions received from Natural Resources and the provisions contained in §§ 151.07 and 151.08 have been met.

(4) If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Zoning Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100-year elevation for the site. Upon receipt, the Zoning Administrator may issue the local improvement location permit; provided, the provisions contained in §§ 151.07 and 151.08 have been met.

(BCC Ord. 1994-53, passed 1-23-95) Penalty, see § 10.99

§ 151.07 PREVENTING INCREASED DAMAGES.

(A) No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

(B) Within the floodway identified on the Flood Boundary and Floodway Map, the Flood Insurance Rate Map, or engineering analysis as provided in § 151.06(C)(4), the following standards shall apply:

(1) No development shall be allowed which acting alone or in combination with existing or future development will cause any increase in the elevation of the regulatory flood; and

(2) For all projects involving channel modifications or fill (including levees), the county shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

(C) Within all SFHAs identified as A Zones (no 100-year flood elevation or floodway or floodway fringe delineation has been provided), the following standard shall apply: the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than 0.1 foot and will not increase flood damages or potential flood damages.

(D) Public health standards in all SFHAs.

(1) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of § 151.08.

(2) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted; provided, all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight.

(BCC Ord. 1994-53, passed 1-23-95) Penalty, see § 10.99

§ 151.08 PROTECTING BUILDINGS.

(A) In addition to the damage prevention requirements of § 151.07, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

(B) This building protection requirement applies to the following situations:

(1) Construction or placement of any new building having a floor area greater than 400 square feet;

(2) Structural alterations made to an existing (previously unaltered) building, the cost of which equals or exceeds 40% of the value of the pre-altered building (excluding the value of the land), or structural alterations made to any previously altered building;

(3) Reconstruction or repairs made to a damaged building that are valued at or more than 40% of the market value of the building (excluding the value of the land) before damage occurred;

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

(5) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

(C) This building protection requirement may be met by one of the following methods. The Zoning Administrator shall maintain a record of compliance with these building protection standards as required in § 151.04.

(1) A residential or non-residential building may be constructed on a permanent land fill in accordance with the following:

(a) The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.

(b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) The top of the lowest floor including basements (see definition of lowest floor in § 151.03) shall be at or above the FPG.

(2) A residential or non-residential building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on posts, piers, columns, extended walls or other types of similar foundation; provided the walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade. Provided further, that any enclosure below the elevated floor is used for storage of vehicles and building access.

(b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice and floating debris.

(c) All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps and other waterproofed service facilities may be located below the FPG.

(3) Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

(a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

1. Outside a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood.

(b) This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(4) Recreational vehicles placed on a site shall either:

(a) Be on the site for less than 180 consecutive days;

(b) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(c) Meet the requirements for manufactured homes in division (C)(3) of this section.

(5) A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

(a) A registered professional engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(BCC Ord. 1994-53, passed 1-23-95) Penalty, see § 10.99

§ 151.09 OTHER DEVELOPMENT REQUIREMENTS.

(A) The Zoning Administrator shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by chapter. If the Zoning Administrator finds the subdivision to be so located, the Zoning Administrator shall forward plans and materials to the Department of Natural Resources for review and comment. The Zoning Administrator shall require appropriate changes and modifications in order to assure that:

(1) It is consistent with the need to minimize flood damages;

(2) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;

(3) Adequate drainage is provided so as to reduce exposure to flood hazards;

(4) On-site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(B) Developers shall record the 100-year flood elevation on all subdivision plats containing lands (identified elsewhere by this chapter) within a flood hazard area prior to submitting the plats for approval by the Plan Commission.

(C) All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the local Plan Commission and have it filed with and approved by the appropriate community emergency management authorities. (BCC Ord. 1994-53, passed 1-23-95)

§ 151.10 VARIANCES.

(A) The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this chapter provided the applicant demonstrates that:

- (1) There exists a good and sufficient cause for the requested variance;
- (2) The strict application of the terms of this chapter will constitute an exceptional hardship to the applicant, and
- (3) The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(B) The Board of Zoning Appeals may issue a variance to the terms and provisions of this chapter subject to the following standards and conditions:

- (1) No variance or exception for a residential use within a floodway subject to § 151.07(B) or (C) may be granted.

(2) Any variance or exception granted in a floodway subject to § 151.07(B) or (C) will require a permit from the Department of Natural Resources.

(3) Variances or exceptions to the building protection standards of § 151.08 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(4) Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;

(5) All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and

(6) The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums. (BCC Ord. 1994-53, passed 1-23-95)

§ 151.11 DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of the county or the Planning Commission, the Department of Natural Resources or the State of Indiana for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder. (BCC Ord. 1994-53, passed 1-23-95)

§ 151.12 ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals and replaces other ordinances adopted by the Board of County Commissioners to fulfill the requirements of the National Flood Insurance Program. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this chapter repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this chapter and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the Board of County Commissioners shall assure that all National Flood Insurance Program regulations and laws (312 I.A.C. 10, I.C. 14-28-1 and I.C. 14-28-3) are met.

(BCC Ord. 1994-53, passed 1-23-95; Am. BCC Ord. 2002-19, passed 6-3-02)

(D) Nothing herein shall prevent the county or the Planning Commission from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(BCC Ord. 1994-53, passed 1-23-95) Penalty, see § 10.99

§ 151.13 VIOLATIONS.

(A) Failure to obtain an improvement location permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and shall be treated as such in accordance with the provisions of the Zoning Code adopted in Chapter 153. All violations shall be punishable as provided in § 10.99.

(B) A separate offense shall be deemed to occur for each day the violation continues to exist.

(C) The Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

GENERAL PROVISIONS**§ 152.01 DEFINITIONS.**

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

ADJACENT PROPERTY OWNER. Those owners of property contiguous to the subject property, ignoring all intervening streams, street and railroad rights-of-way.

ALLEY. A right-of-way, other than a street, road, crosswalk or easement, that provides secondary access for the special accommodation of the abutting property.

BLOCK. Property having frontage on one side of a street and located between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street or railroad right-of-way, waterway or other barrier. When intersecting or intercepting streets and railroad rights-of-way, waterways or other barriers do not exist, within 330 feet on either side of the centerline of the area, the unit of 660 feet shall be used. The measurement may begin at a quarter section line and terminate each 660 feet unless intersected by a street.

BOARD. The Board of County Commissioners of Howard County, Indiana.

BOARD OF HEALTH. The Howard County Board of Health.

BUILDING LINE. Means the line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.

COMMISSION. The Howard County Plan Commission.

COUNTY. Howard County, Indiana

COUNTY DRAINAGE BOARD. The Howard County Drainage Board.

COUNTY ENGINEER. The Howard County Highway Engineer.

COUNTY SURVEYOR. The Howard County Surveyor.

COVENANT. A written promise or pledge.

CUL-DE-SAC, COURT or DEAD-END STREET. A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

DEBRIS BASIN. A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel or silt or other material.

DEVELOPER. Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself, herself or for another.

DIRECTOR. The officer or employee of the County Plan Commission who has authority to enforce this chapter.

DRAINAGE SWALE. A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

DRAINAGE SYSTEM. Any combination of surface and subsurface drainage components fulfilling the drainage requirements of this chapter.

EASEMENT. A grant by the property owner of the use of a strip of land by the public, a corporation or persons for specified purposes.

EROSION. The wearing away of the land surface by the action of wind, water or gravity.

GRADING. Any stripping, cutting, filling, stockpiling or any combination thereof, and shall include the land in its cut or filled condition.

JURISDICTION OF THE COMMISSION. The unincorporated territory of Howard County, Indiana.

LOT. For purposes of these regulations, a lot is a parcel of land of sufficient size to meet the minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved street, or on an approved private street.

MAJOR STREETS AND HIGHWAYS PLAN. The part of the Master Plan, now or hereafter adopted, which sets forth the location, alignment, dimensions, identification and classification of existing and proposed streets, highways and other thoroughfares.

MASTER PLAN. The complete plan, or any of its parts, for the development of the county, prepared by the Commission and adopted in accordance with I.C. 36-7-4-500 et seq., as now or may hereafter be in effect.

MULCHING. The application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place and aid in establishing plant cover.

OPEN DITCH. A relatively deep drainage channel which may have a continuous water flow the year round. Open ditches are outlets for both surface, subsurface or storm sewer drainage system.

PERSON. Includes a corporation, firm, partnership, association, organization or any other group that acts as a unit or legal entity.

PLAT. A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

PLAT REVIEW COMMITTEE. A group of persons with technical knowledge of various county, state, and federal regulations and standards regarding urban development, appointed by the Commission. The Committee is responsible for working with developers in reviewing the technical aspects of subdivision plans and other major development projects. The Committee makes technical findings and recommendations to the Commission.

PRIVATE STREET. A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated to the public use. A driveway which is located on a lot and which serves only the use on that lot is not considered as a private street.

REGULATED DRAIN. Any drainage system over which the County Drainage Board has legal control.

SEDIMENT. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SEDIMENT BASIN. See **DEBRIS BASIN.**

SHALL. The term is always mandatory.

SOIL. All unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.

SOIL AND WATER CONSERVATION DISTRICT. The Howard County Soil and Water Conservation District.

SOIL SURVEY. Refers to the Soil Survey of Howard County, Indiana, prepared by the United States Department of Agriculture, Soil Conservation Service, in cooperation with Purdue University Agricultural Experiment Station, which may be updated from time to time based on the National Cooperative Soil Survey.

STORM DRAINAGE SYSTEM. A system of open ditches, pipes or drainage swales used to collect and convey storm water runoff.

STORM SEWERS. A system of pipes, tiles or tubing installed beneath the ground surface which collects and conveys surface water from more than one parcel, lot or the discharge from a subsurface drain.

STREET or ROAD. A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name.

STREET, ARTERIAL. A street providing for through movement of large volumes of traffic. Arterial streets are intended to provide access to abutting property subject to necessary control of entrances and exits for traffic movement and where safety conditions warrant.

STREET (OR ALLEY) IMPROVEMENT. The construction of a street or alley to its full thickness, commencing at the subgrade according to the specifications contained in § 152.62. The placing of a new surface over an existing paved or closed surface street or alley shall not be considered as an improvement but as maintenance.

STREET PAVEMENT WIDTH. The usable traveled surface of the street. For streets with curb and gutter, the width is measured on the lip of gutter to lip of gutter or the face of curb to face of curb, whichever is the greater distance. For streets without curb or gutter, the width is measured from edge of pavement to edge of pavement. See Appendix B, Figures 1 and 2.

STREET, PRIMARY FEEDER. A street planned to facilitate the collection of traffic from local streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach principal arterial streets.

STREET, RESIDENTIAL. A street used primarily for access to abutting properties, usually residential.

STREET, SECONDARY FEEDERS. A street with lower traffic volumes fulfilling the same function as major collectors.

SUBDIVIDER. See **DEVELOPER.**

SUBDIVISION.

(1) The division of any parcel of land shown as a unit, part of a unit, or as contiguous units on the last preceding transfer of property into two or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership.

(2) The following divisions of land shall not be considered a subdivision.

(a) The sale or exchange of land between adjoining lot owners, where such sale or exchange does not create additional building sites;

(b) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division and all location of land as streets or other open spaces for common use by owners, occupants or lease holders; or

(c) Easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

SUBSURFACE DRAINAGE. A system of pipes, tile, conduit or tubing installed beneath the ground surface used to collect ground water from individual parcels, lots or building footings.

SURFACE DRAINAGE. A system by which the storm water runoff is conducted to an outlet. This would include the proper grading of parking lots, streets, driveways, yards and the like so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.

VEGETATIVE PROTECTION. Stabilization of erosive or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, producing long-term vegetative cover;
- (2) Short-term seeding producing temporary vegetative cover; or
- (3) Sodding, producing areas covered with a turf of perennial sod-forming grass

ZONING CODE. The part of the Master Plan, now or hereafter adopted, which includes an ordinance and zone maps which divides the area under the jurisdiction of the Commission into districts, with regulations and requirements and procedures for the establishment of land use controls. (See Chapter 153.)
(BCC Ord. 1977-38, passed 12-19-77)

§ 152.02 MAJOR STREETS AND HIGHWAY MAP AND DRAWINGS ADOPTED.

The Official Major Streets and Highways Plan consists of a map entitled “Major Street & Highway Plan, Howard County, Indiana” and drawings entitled “Thoroughfare Standard Cross-Sections” (see Appendix B, Figures 3, 4 and 5) which shows recommended design plans for the proposed streets and highways. This Official Major Streets and Highways Plan is hereby declared to be a part of this chapter and notations, references, indications and other details shown therein are as much a part of this chapter as if they were fully described in the text of this chapter, and is hereby adopted by reference.
(BCC Ord. 1977-38, passed 12-19-77)

§ 152.03 DESIGNATION OF MAJOR STREETS AND HIGHWAYS.

The major streets and highways comprising the Official Major Street and Highways Plan are hereby classified on the basis of width and type, in

accordance with their proposed function, as arterial, primary feeder, secondary feeder and residential.
(BCC Ord. 1977-38, passed 12-19-77)

§ 152.04 OPENING OR WIDENING OF STREETS.

Whenever a street designated in the Official Major Streets and Highway Plan is to be platted as a part of a subdivision, the required right-of-way width for such street shall be platted as specified in the Official Major Streets and Highways Plan; provided, that where a street borders a tract of land to be subdivided, the owner of such land shall be required to plat only one-half of the right-of-way designated for such street, measured at 90 degrees to the center line thereof.
(BCC Ord. 1977-38, passed 12-19-77)

§ 152.05 LOCATION OF STREETS.

(A) Wherever the location of a street is indicated in the Official Major Streets and Highways Plan as following an existing road or street, or a section or half-section or other established property line, the location of the street shall conform to such location; however; a street lying wholly within a subdivision, and not designated as following an existing road or established property line, may be varied in its alignment when such variance promotes the plan of a neighborhood development unit in accordance with good site planning principles, and if such alignment provides for the continuity of traffic movement.

(B) In the absence of any street being designated in each section of land on or approximately on the north-south and east-west section lines of such sections, it is the intent of the Official Major Streets and Highways Plan and this chapter that Primary Feeder Streets be established on such section lines.

(C) In the absence of any street being designated in each section of land on or approximately on the north-south and east-west half-section lines of such sections, it is the intent of the Official Major Streets

and Highways Plan and this chapter that Secondary Feeder Streets be established on such half-section lines.

(D) Wherever the location of a street is indicated in the Official Major Streets and Highways Plan as following an irregular alignment, or a reversed alignment, or is not referenced to an established line, it shall follow the alignment shown in the Official Major Streets and Highways Plan. Such alignment shall be subject to a detailed survey which may be provided by the Commission or other public agencies, or by the owners of land to be subdivided if required by the Commission. The survey for such street shall be subject to the approval of the Commission prior to the dedication of the street.

(BCC Ord. 1977-38, passed 12-19-77)

§ 152.06 CONSIDERATION BY PUBLIC AGENCIES.

(A) The Board shall be guided by and give consideration to the general policy and pattern of street development set out in the Official Major Streets and Highways Plan in the authorization, construction, widening, alteration, relocation or abandonment of the public streets, highways and related structures.

(B) No public way shall be abandoned or vacated until the Commission shall have first given notice and held public hearing on vacation or abandonment of such public way. The Commission shall forward its recommendation to the Board. The Board shall not override the recommendation of the Commission except by unanimous vote.

(BCC Ord. 1977-38, passed 12-19-77)

§ 152.07 ISSUANCE OF PERMITS.

Any permits authorized by the Board, including but not limited to improvement location permits,

permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Commission, shall be issued only if, in addition to satisfying the requirements of other ordinances, the proposed street right-of-way as set forth by this chapter will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front line of lots and tracts bordering such street.

(BCC Ord. 1977-38, passed 12-19-77)

§ 152.08 CONTINUING AUTHORITY OF THE COMMISSION.

Subsequent to the passage of this chapter, the Commission may determine lines for new, extended, widened or narrowed thoroughfares in any location of the area within the jurisdiction of the Commission, and certify to the Board the amended or additional plan under the same procedure as established for the certification and approval of the Official Major Streets and Highways Plan.

(BCC Ord. 1977-38, passed 12-19-77)

§ 152.09 VARIANCES.

Where the subdivider can show that a provision of this chapter would cause an unnecessary hardship if strictly adhered to and where, in the opinion of the Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Commission and the reasoning on which the departure was justified shall be set forth. Variances shall not be granted merely because it would be financially advantageous to the applicant or because he or she would suffer financial loss if it were denied.

(BCC Ord. 1977-38, passed 12-19-77)

SUBDIVISION CONTROL**§ 152.20 ESTABLISHMENT OF CONTROL.**

(A) No plat or replat of a subdivision of land located within the jurisdiction of Commission shall be recorded until it shall have been approved by the Commission, and such approval shall have been entered in writing on the plat by the President and Secretary of the Commission.

(B) Except as otherwise provided in this chapter, no subdivision of land shall be created, established or platted within the territorial jurisdiction of the Commission until there has been compliance with all provisions of this chapter and all other elements of the Master Plan.

(C) Any subdivision of a parcel of land for purposes other than agricultural use shall be reviewed by the Commission and a determination shall be made that such division is in accordance with the Master Plan.

(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.21 PRELIMINARY CONSIDERATION.

(A) In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner should consult with the Director, the County Surveyor, the technical representative of the Soil and Water Conservation District, the County Engineer, the Board of Health and other public officials prior to the preparation of the preliminary plat of the subdivision. The Master Plan should be reviewed to determine how the proposed plan will fit into the Master Plan; requirements of the Official Major Streets and Highways Plan; school and recreational sites; shopping centers; community facilities; sanitation; water supply and drainage; and relationship to other developments, existing and proposed in the vicinity,

should be determined in advance of the preparation of the subdivision. Consultation should also be held with those familiar with the economic factors affecting the subdivision. A thorough estimate of the situation will result in sound decisions with respect to the form, character and extent of the proposed subdivision.

(B) The Commission shall review all proposed subdivisions to determine whether the subdivision lies in a flood-prone area as defined in Chapter 151. If the Commission finds the subdivision to be so located, the petitioner shall forward all pertinent plans and materials to the Department of Natural Resources for review and comment. The Commission may require appropriate changes and modifications in order to assure that it is consistent with the need to minimize flood damages, all public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, adequate drainage is provided so as to reduce exposure to flood hazards, and that on-site waste disposal systems, if provided, will be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(BCC Ord. 1977-38, passed 12-19-77)

Cross-reference:

Flood damage prevention, see Chapter 151

§ 152.22 PRELIMINARY PLAT REQUIRED.

After the preliminary consideration stage, the subdivider shall submit a written application requesting for Preliminary Approval of a Subdivision Plat to the Commission. Such application shall be accompanied by the information, requirements and plans set forth in §§ 152.23 and 152.24, all in accordance with the requirements set forth in this chapter.

(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.23 PRELIMINARY PLAT PREPARATION.

(A) The subdivider shall provide a plan for the subdivision which shall show the manner in which the proposed subdivision is coordinated with the Master Plan and its provisions, specifically with relation to the requirements of the Official Major Streets and Highways Plan, and those items reviewed during the preliminary consideration; provided, however, that no land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.

(B) The subdivider shall provide the following:

(1) *Location map.* A location map, which may be prepared by indicating the data by notations on available maps, showing:

- (a) Subdivision name and location.
- (b) Any thoroughfares related to the subdivision.
- (c) Existing elementary and high schools, parks and playgrounds, shopping centers or stores serving the area proposed to be subdivided, and other community facilities.
- (d) Zoning of the site and adjoining property
- (e) Nearest approved drainage outlet.
- (f) Title, scale, north point and date.

(2) *Preliminary plat.* A preliminary plat showing:

- (a) Proposed name of subdivision.
- (b) Names and addresses of the owner, subdivider and the planner, land planning consultant, professional engineer or registered surveyor who prepared the plan.
- (c) Streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names (which shall not duplicate other names of streets in the community, except as designated by the Commission) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross-walks and tree planting.
- (d) Easement locations, widths and purposes.
- (e) Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the tract.
- (f) Layout of lots showing dimensions and numbers.
- (g) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public, or community purposes.
- (h) Contours at vertical intervals of two feet if the general slope of the site is less than 10% and at vertical intervals of five feet if the general slope is greater than 10%.
- (i) Tract boundary lines showing dimensions, bearings, angles and references to section, township and range lines or corners.
- (j) Building lines.
- (k) Legend and notes.
- (l) Other features or conditions which would affect the subdivision favorably or adversely.

(m) Scale, north point and date. The preliminary plat of the subdivision shall be drawn to a scale of 50 feet to 1 inch or 100 feet to 1 inch; provided, however, that if the resulting drawing would be over 36 inches in shortest dimension, a scale as recommended by the Commission may be used.

(n) Plans and specifications for the improvements required in this chapter.

(o) Detailed grading plans shall be submitted simultaneously with the preliminary plat to illustrate solutions to topography or drainage problems

1. These plans shall show topographically and by profile the elevation of the land prior to any phase of subdividing, and any proposed changes in elevations and flow of surface water resulting from proposed subdivision development. Such plans shall be of the same scale and size as the preliminary plat and shall be prepared in such a manner as will permit the topographic detail to be used as an overlay to the preliminary plat.

2. Upon the face of the subdivision plat, certification is required by a Registered Professional Engineer or Land Surveyor, and the owner of the land or his or her duly authorized attorney confirming that to the best of their knowledge and belief, the drainage of surface waters will not be significantly changed by the construction of such subdivision or any part thereof, or that if such surface water drainage will be changed, adequate provision has been made for such surface waters.

(3) *Description of protective covenants.* A description of the Protective Covenants or private restriction to be incorporated in the plat of the subdivision shall be submitted.

(4) *Soil report.* A soils report for the site shall be prepared by technical personnel of the Soil and Water Conservation District, or by an engineer registered in the state. This report shall indicate the

degree of limitations of the soils in the proposed subdivision with respect to the proposed building development, road, construction, drainage, sewage disposal system, erosion control, and such other information that might assist the Commission in its review of the preliminary plat.

(5) *Area Drainage Map.* An area drainage map showing the following shall be submitted:

(a) Total drainage area.

(b) Size and location of an outlet as defined in § 152.65 to which the water from the proposed subdivision will be taken.

(c) Size and location of any regulated drain which will be affected by the proposed subdivision.

(d) Cross-sections of open ditch outlets and invert elevations of tile outlets shall be shown.

(e) Proposed location of all surface and subsurface drainage systems, as required in § 152.65.

(f) Scale and north arrow.

(6) *Erosion control plan.* An erosion control plan which will adequately control soil erosion and the resulting sedimentation from occurring during and after the development of a subdivision shall be submitted. This erosion control plan shall include the following:

(a) Plans and specifications of all necessary soil erosion and sedimentation control measures in accordance with standards and specifications of the Soil and Water Conservation District.

(b) A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.

(C) The application shall be accompanied by a certified check or money order in the amount of \$50 plus \$5 for each lot in the proposed subdivision to cover the cost of checking and verifying the proposed plat, and such amount shall be deposited in the General Fund of the county.
(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.24 PRELIMINARY PLAT APPROVAL.

(A) *Tentative approval.* After an application for approval of a preliminary plat of a subdivision, together with ten copies of all maps and data, has been filed, the Director shall review the application and give it tentative approval, or return the application to the subdivider with suggestions for changes within a period of 30 days from the date of application. No application will be considered unless it has been filed with the Commission at least 15 days before the date of their regular scheduled monthly meeting. The Director shall have up to five days after filing of an application for determining the application is complete and ready to be accepted. Incomplete applications may not be acted on.

(B) *Public hearing.* After the Director has given tentative approval, he shall set the date for a public hearing and notify the applicant in writing. The applicant shall notify by general publication or otherwise all adjacent property owners and any person or governmental unit having a probable interest in the plat proposed in the application. The cost of publication of the notice of hearing shall be met by the applicant.

(C) *Approval.* Following the public hearing and within 30 days after which the application receives tentative approval, the Commission shall approve the plat proposed in the application subject to its receipt of an acceptable final plat, or disapprove the plat, setting forth its reasons in its own records and providing the applicant with a copy.

(D) *Approval period.* An approval shall be effective for a period of 36 months, unless upon request of the applicant to include all or only a part of

the approved plat, the Commission grants an extension. If the final plat is not received by the Commission within the period specified, all previous actions by the Commission with respect to the plat shall be deemed to be null and void.

(BCC Ord. 1977-38, passed 12-19-77; Am. Ord. 2008-BCC-36, passed 11-20-08)

§ 152.25 FINAL PLAT REQUIRED.

(A) Following the approval of the preliminary plat, the Commission will notify the applicant in writing that it is ready to receive the final plat.

(B) The final plat shall meet the specifications and requirements as set forth in §§ 152.26 and 152.27, all in accordance with the requirements set forth in this chapter.

(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.26 FINAL PLAT SPECIFICATIONS.

(A) The final plat may include all or only part of the preliminary plat which has received approval.

(B) The original drawing of the final plat of the subdivision shall be drawn to a scale of 50 feet to 1 inch; provided, that the resulting drawing shall be 18 inches x 24 inches with two inches on the left hand side reserved for binding. If necessary, in order to meet these dimensions, a scale of 100 feet to 1 inch may be used. Five black or blue line prints shall be submitted with the original final plat or, in order to conform to modern drafting and reproduction methods, five black line prints and a reproducible print shall be submitted.

(C) The following basic information shall be shown:

(1) Accurate boundary lines, with dimensions and angles which provide a survey of the tract, closing with an error of not more than 1 foot in 10,000 feet.

(2) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plat.

(3) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

(4) Accurate metes and bounds description of the boundary.

(5) Source of title of the applicant to the land as shown by the last entry in the books of the County Recorder.

(6) Street names.

(7) Complete curve notes for all curves included in the plan.

(8) Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.

(9) Lot numbers and dimensions.

(10) Accurate locations of easements for utilities and any limitations on such semi-public or community use.

(11) Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.

(12) Building lines and dimensions.

(13) Location, type, material and size of all monuments and lot markers.

(14) Restrictions of all types which will run with the land and become covenants in the deeds for lots.

(15) Name of the subdivision.

(16) Name and address of the owner and subdivider.

(17) North point, scale and date.

(18) Certification by a registered land surveyor.

(19) Certification of dedication of streets and other public property.

(20) Certificate for approval by the Commission.

(21) Certificate for approval by the Board.

(22) All subdivision plats containing lands identified in Chapter 151 as flood-prone areas shall have the elevations of the 100-year flood listed thereon.

(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.27 FINAL PLAT APPROVAL.

(A) When the final plat is submitted to the Commission, it shall be accompanied by notice from the Board stating that there has been filed with and approved by that body one of the following:

(1) A certificate that all improvements and installations except individual septic tanks and wells for the subdivision required for its approval have been made or installed in accordance with specifications; or

(2) A bond which shall:

(a) Run to the Board;

(b) Be in an amount determined by the Board to be sufficient to complete the improvements and installations in compliance with this chapter;

(c) Be with surety satisfactory to the Board; and

(d) Specify the time for the completion of the improvements and installations.

(B) Upon the completion of the improvements and installations, except individual septic tanks and wells, required of a subdivider for the approval of a final plat, and prior to the acceptance thereof for public maintenance by the Board or, if applicable, to any other governmental unit, the subdivider shall provide a three year maintenance bond which shall:

(1) Run to the Board and, if applicable, to any other governmental unit having a legal responsibility for the maintenance of such improvements and Installations.

(2) Be in an amount equal to 10% of the cost of such improvements and installations as estimated by the Board.

(3) Provide surety satisfactory to the Board.

(4) Warrant the workmanship and all materials used in the construction, installation and completion of such improvements and installations to be of good quality and have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this chapter and the satisfactory plans and specifications thereof.

(5) Provide that for a period of three years after such installations and improvements have been completed or are accepted for public maintenance by any appropriate governmental unit or agency thereof, the subdivider will at his or her own expense make all repairs to such improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials with such maintenance; however, not to include any damage to such improvements and installations resulting from forces or circumstances beyond the control of the subdivider or occasioned by the

inadequacy of the standards, specifications or requirements of this chapter.

(C) Within a reasonable time after application for approval of the final plat, the Commission shall approve or disapprove it. If the Commission approves, it shall affix the Commission's seal upon the plat, together with the certifying signature of its President and Secretary. If it disapproves, it shall set forth the reasons for such disapproval in its own records and provide the applicant with a copy.

(D) The final plat, if approved, shall be recorded with the County Recorder within 12 months from the date of approval by the Commission. If the final plat is not recorded within the period specified, all previous actions with respect to the plat shall be deemed to be null and void.

(BCC Ord. 1977-38, passed 12-19-77)

§ 152.28 PLAT CERTIFICATES AND DEED OF DEDICATION.

The forms set forth in Appendix A of this chapter shall be described upon the final plat and appropriate signatures affixed thereto.

(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

DESIGN STANDARDS

§ 152.40 STANDARDS OF DESIGN GENERALLY.

(A) The final plat of the subdivision shall conform to the principles and standards of design set forth in this subchapter.

(B) The subdivision plan shall conform to the principles and standards which are generally exhibited in the Master Plan.

(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.41 STREETS.

(A) The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.

(B) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

(C) Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

(D) Wherever a proposed subdivision lies adjacent to a dedicated or platted portion of a street or alley, the remainder of such street or alley shall be platted within the proposed subdivision to the prescribed width.

(E) Widths of streets and highways shall conform to the width specified in § 152.62 and the "Thoroughfare Standard Cross-Sections" located at Appendix B, Figures 3, 4 and 5.

(F) All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of 100 feet and shall not exceed 600 feet in length.

(G) Alleys shall be discouraged in residential districts but should be included in commercial and industrial areas where needed for loading and unloading or access purposes, and where platted shall be at least 20 feet in width.

(H) The center lines of streets should intersect as nearly at right angles as possible.

(I) At intersections of streets and alleys, property line corners shall be rounded by arcs of at least 20 feet radii or by the chords of such arcs.

(J) At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than 15 feet or by the chords of such arcs.

(K) If the smaller angle of intersection of two streets is less than 60 degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.

(L) Intersections of more than two streets at one point shall be avoided.

(M) Where parkways, limited access highways, arterials or special types of streets are involved, the Commission may apply special standards to be followed in their design. These may include provisions for a marginal access street or a parallel street at a distance acceptable for the appropriate use of the land between the highway and such street.

(N) Unobstructed sight distances measured from a point five feet above the proposed grade line, to permit horizontal visibility on curved streets and vertical visibility on all streets, must be established along the center line of such street as follows:

- (1) Arterial streets: 500 feet.
- (2) Feeder streets: 200 feet.
- (3) Residential streets: 150 feet.

(O) Curvature measured along the center line shall have a minimum radius as follows:

- (1) Arterial streets: 1,000 feet.
- (2) Feeder streets: 400 feet.
- (3) Residential streets: 300 feet.

(P) Between reversed curves on arterial streets, there shall be a tangent of not less than 200 feet, and on feeder and residential streets, such tangent shall be not less than 100 feet.

(Q) Maximum grades for streets shall be as follows:

- (1) Arterial streets: not greater than 4%.

(2) Feeder streets, residential streets and alleys: not greater than 6%.

(R) The minimum grade of any street gutter shall not be less than 0.4%.

(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.42 BLOCKS.

(A) Blocks should not exceed 1,320 feet in length.

(B) Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth except where an interior street parallels a limited access highway or arterial street or a railroad right-of-way.

(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.43 LOTS.

(A) All lots shall abut on a public or private street.

(B) Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

(C) Double frontage lots should not be platted except that, where desired along limited access highways or arterial streets, lots may face on an interior street and back on such thoroughfares. In that event, a planting strip for a screen and buffer at least 20 feet in width shall be provided along the back of each lot.

(D) Widths and areas of lots which are not served by community water and sanitary sewer systems shall be determined in accordance with regulations of the Board of Health. For subdivisions with community water and sanitary sewer systems, the width and area of lots shall be not less than that provided in the Zoning Code for single-family

dwellings for the district in which the subdivision is located. In no instance shall the width of the lot at the building setback line be less than 60 feet and the area of the lot be less than 7,200 square feet.

(E) The depth to width ratio of the usable area of a lot shall be a maximum of 3 to 1.

(F) Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for individual commercial use.

(G) Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets.

(H) Lots shall not be plotted within flood-prone areas as defined in § 152.65.

(I) Each lot shall be adequately graded in order to facilitate proper drainage away from the house. (BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.44 EASEMENTS.

(A) Where alleys are not provided, easements for utilities and drainage facilities shall be provided. Utility easements shall have minimum widths of 12 feet. Drainage easements shall have a minimum width of 16 feet. Where such utility and drainage easements are located along lot lines, one-half of the width may be taken from each lot. In the case of lots extending to the boundary of the lands platted and not adjoining another plat, the full width of the easement shall be provided on such peripheral lots.

(B) Before determining the location of utility easements, the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of such services.

(C) Drainage easements shall be provided for the drainage system approved by the County Drainage Board as set forth in § 152.65. (BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.45 BUILDING LINES.

Building lines shall be as provided in the Zoning Code, as adopted in Chapter 153. (BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.46 PUBLIC OPEN SPACES.

Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown on the Master Plan or where such sites appear to be desirable, the Commission may request their dedication for such purposes, or their reservation for a period of one year following the date of the final approval of the plat. In the event a governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six months. (BCC Ord. 1977-38, passed 12-19-77)

STANDARDS FOR IMPROVEMENTS

§ 152.60 STANDARDS FOR IMPROVEMENTS GENERALLY.

The improvement of the subdivision shall conform to the standards set forth in this subchapter. (BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.61 MONUMENTS AND MARKERS.

(A) Monuments and markers shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.

(B) Monuments shall be set:

(1) At the intersection of all lines forming angles in the boundary of the subdivision.

(2) At the corners of blocks where street right-of-way lines intersect.

(C) Markers shall be set:

(1) At the beginning and ending of all curves along street property lines.

(2) At all points where lot lines intersect curves, either front or rear.

(3) At all angles in property lines of lots.

(4) At all other lot corners not established by a monument.

(D) Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of 6 inches by 6 inches by 36 inches. They shall be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross. Markers shall consist of iron pipes or steel bars at least 36 inches long, and not less than 5/8-inch in diameter. (BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.62 STREETS.

(A) Streets (and alleys where provided) shall be completed to grades shown on plans, profiles and cross-sections provided by the subdivider, prepared by a licensed surveyor or registered professional engineer, and approved by the Commission.

(B) The streets shall be graded, surfaced and improved to the dimensions required by such plans, profiles and cross-sections and the work shall be performed in the manner prescribed in *Indiana State Highway Standard Specifications* (current edition). References in the following divisions refer to these *Standard Specifications*.

(C) The street pavement shall be of portland cement concrete or a flexible pavement of a width as shown by the illustration "Thoroughfare Standard Cross-Sections" in Appendix B, Figures 3, 4 and 5, and shall be constructed in accordance with design

characteristics at least equal to those given below except as modified by division (D) of this section:

| DESIGN CHARACTERISTICS OF STREET AND ALLEY PAVEMENTS | | | | |
|---|--------------------------|------------------------|-----------------------------|-----------------------|
| <i>Kind of Pavement and Thickness</i> | <i>Arterial (inches)</i> | <i>Feeder (inches)</i> | <i>Residential (inches)</i> | <i>Alley (inches)</i> |
| PORTLAND CEMENT CONCRETE Uniform thickness | 7½ | 6½ | 6 | 6 |
| FLEXIBLE | | | | |
| Surface - Asphaltic Concrete Type "B" | 1½ | 1½ | 1 | 1 |
| Binder - Asphaltic Concrete or Bituminous Coated - Blended Aggregate | 2 | 2 | 2 | 2 |
| Base Compacted Aggregate or Water Bound Macadam | 10 | 6 | 4 | 4 |
| Subbase - Type II | 6 | 6 | 4 | 4 |
| Total Thickness | 19½ | 15½ | 11 | 11 |
| DEEP STRENGTH ASPHALT | 11½ | 9½ | 7 | 7 |
| Material types as set out in <i>Indiana State Highway Commission Specifications</i> . Feeder street design to be used on local streets serving industrial or commercial developments. | | | | |

(D) Where arterial streets are located within the subdivision as specified in §§ 152.01 et seq., the subdivider shall construct such street pavement in accordance with the requirements for feeder streets set forth in division (C) of this section. For the purpose of constructing arterial street pavements according to the design characteristics set forth in division (C) of this section, the Board is authorized to use funds available for such purposes to participate with the subdivider in the cost of such construction; provided, however, that such participation shall be limited to that cost which is additional to the cost of constructing the required feeder street improvement.

(E) Prior to placing the street and alley surfaces, adequate drainage for the street shall be provided by the subdivider. Culvert drainage pipe, when required, shall be of a type approved by the Commission and not less than 12 inches in diameter.

Upon the completion of the street and alley improvements, plans and profiles as built shall be filed with the Commission.

(F) The pavement width of residential streets shall depend upon the density of dwelling units per gross acre included in the subdivision. The pavement width for residential streets shall be measured from the face of curbs.

| <i>Dwelling Units Per Gross Acre</i> | <i>Pavement Width</i> | <i>Residential Street Cross-Section</i> |
|--------------------------------------|-----------------------|---|
| Less than 2 | 24 feet | A |
| 2 to less than 3 | 28 feet | B |
| 3 or more | 34 feet | C |

(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.63 SEWERS.

(A) As used in this section, the phrase “the subdivider shall provide” shall be interpreted to mean that the developer shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that such facilities referred to in this section shall be installed by the developer of the lots in accordance with these regulation and those of the Board of Health.

(B) Depending upon the soil limitations, as determined by the Soil Conservation Service of the USDA and the regulations of the Board of Health, the subdivider shall provide for one of the following methods of sanitary sewage disposal:

(1) A complete sanitary sewer system which shall connect with an existing approved sanitary sewer outlet.

(2) A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider, in accordance with the minimum requirements of the Board of Health and the Indiana Stream Pollution Control Board.

(3) A private sewage disposal system on individual lots consisting of a septic tank and tile absorption field or other approved sewage disposal system meeting the minimum requirements of the Board of Health.

(C) The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the Indiana Stream Pollution Control Board pursuant to SPC-15 and the County Health Officer. Upon the completion of the sanitary sewer installation, the plans for such system, as built, shall be filed with the Commission.

(D) In no event will the installation of combined sanitary-storm sewers be permitted.
(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.64 WATER.

(A) As used in this section, the phrase “the subdivider shall provide” shall be interpreted to mean that the developer shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that such facilities referred to in this section shall be installed by the developer of the lots in accordance with these regulation and those of the Board of Health.

(B) The subdivider shall provide for one of the following methods of water supply.

(1) A complete water main supply system which shall be connected to an existing approved municipal or community water supply.

(2) A complete community water supply system to be provided by the subdivider in accordance with regulations of the County Board of Health and the State Board of Health.

(3) An individual water supply on each lot in the subdivision in accordance with the minimum requirements for individual well installations of the Board of Health.

(C) The plans for the installation of water main supply system shall be prepared by the subdivider and approved by State Board of Health and the County Board of Health. Upon the completion of the water supply installation, the plans for such system, as built, shall be filed with the Commission.
(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.65 DRAINAGE.

(A) The Commission shall reject any proposed subdivision which has lots platted with the building area situated in any of the following areas:

(1) Flood plains or flood ways, as defined by the Department of Natural Resources.

Howard County - Land Usage

(2) Areas subject to flooding with 100-year frequency floods, as determined by the Department of Natural Resources or defined by the soil survey as being Genesee, Shoals or any other soil series occurring on the first bottoms of streams. However, in no case shall it be necessary to exceed the 100-year flood elevation.

(3) Areas designated by the soil survey as being Carlisle Muck, Linwood Muck or any other soil series identified as organic soils.

(B) Drainage facilities shall be provided as follows;

(1) All lots in a subdivision being developed will be provided with subsurface drainage connected into a working drain, hereinafter called an outlet, of the following type;

- (a) Regulated drain;
- (b) Natural stream;
- (c) Storm sewers; or
- (d) Existing open ditch.

(2) A storm drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area which drains onto the subdivision. All areas draining onto the site will be considered as fully developed for purposes of designing necessary drainage facilities.

(3) All storm and subsurface drainage facilities necessary to provide adequate surface or storm water drainage will be installed by the developer.

(4) All storm sewers and subsurface drains will be designed and installed in accordance with procedures and standards set forth by the County Drainage Board.

(5) Any storm sewer or subsurface drain in working condition that is cut through or otherwise disturbed will be reconstructed around the construction area, subject to the approval of the Commission.

(6) The subsurface drainage requirement for individual lots may be waived if, in the opinion of the Commission, based upon the soil survey, the soil is of a type that does not have a seasonal water table above four feet from the surface of the undisturbed soil.

(7) No portion of any drainage system either surface, storm or subsurface including roof downspouts shall be permitted to empty into any sanitary sewer system.

(8) Houses will not be constructed in natural drainageways.

(9) All storm sewers and subsurface drainage facilities shall be provided with drainage easements as provided in § 152.44.

(C) The plans and specifications herein called for shall include the data necessary to determine whether or not the proposed installation will be adequate. The plans shall be submitted to the County Drainage Board for review and approval prior to final approval of the subdivision.

(D) Where proposed structures will penetrate the normal high water table, basements or crawl spaces shall be provided with peripheral drainage and be approved by the Director.

(E) Maintenance of drain systems.

(1) The developer or owner of each proposed subdivision shall dedicate easements for drainage, not less than 16 feet in width, on the plat of such subdivision, in which easements the drainage system for such subdivision shall be installed.

(2) The drainage easements, as provided in division (E)(1), shall run in favor of the County Drainage Board, which Drainage Board shall have perpetual jurisdiction to repair and maintain the drainage system in each subdivision as hereinafter provided.

(3) In the event that the owner of a lot in any subdivision, approved and platted after the effective date of this chapter, believes that the drainage system in such subdivision is not operating properly and is in need of repair, such owner shall file a written petition with the County Drainage Board, which petition shall set forth the name of the subdivision, the location of the requested repair, and a brief description of the problem necessitating the requested repair.

(4) Upon receipt of such petition, the County Drainage Board shall direct the County Surveyor to make an investigation of the requested repair. The County Surveyor shall make such investigation and file a written report therein to the County Drainage Board within ten days from the date upon which he or she receives the order for investigation. The surveyor's report shall include the following:

(a) An opinion as to whether the drainage system is in need of repair.

(b) An opinion as to the cause of the alleged drainage problem.

(c) An opinion as to the best method to correct such problem.

(d) The lots in such subdivision that are adversely affected by the drainage problem in question.

(e) An estimate of the cost to make the necessary repairs.

(5) Upon the filing of the surveyor's report, the County Drainage Board shall set a hearing on the petition for repair and the surveyor's report. Notice by ordinary mail shall be given to the owners of all lots affected as shown on the surveyor's report, and notice to the public shall be given by one publication in the *Kokomo Tribune* not less than five days prior to the hearing. At the hearing, the County Drainage Board shall make findings on each of the items contained in the surveyor's report.

(6) If the County Drainage Board shall find that the alleged problem with the drainage system is the sole fault of the owner of the lot where the problem is located, the Board shall order that such owner make the repairs necessary to correct such drainage problem within a reasonable time. In the event that such owner refuses or fails to comply with the order within the time specified by the County Drainage Board, the County Drainage Board shall have the right, power and authority to enter upon such real estate to make necessary repairs to the drainage system. If the County Drainage Board completes the repairs under the above provision, the cost thereof shall be paid from the County General Drain Fund, and the owner of the real estate where the repair was made shall be charged the entire cost thereof. If the owner fails to pay such sum into the County General Drain Fund within 30 days from the date of mailing the billings, then the amount of such cost, together with a penalty of 10% of such costs, shall be certified to the County Treasurer by the Secretary of the County Drainage Board, and the amount so certified shall be added to the owner's real estate tax statements or duplicates and shall be collected at the next consecutive time that real estate taxes become payable following such certification. Such certification shall contain a complete legal description of the lot and the name of each owner thereof. The Secretary shall also cause a copy of such certification to be recorded in the County Recorder's office.

(7) If the County Drainage Board finds that the problem with the drainage system was not caused by the fault of any one person or owner, then it shall order that the necessary work to correct such problem be done, and shall order that each lot owner affected by such a repair shall pay his or her proportionate share of the cost thereof. Upon the receipt by the County Drainage Board of a claim for the cost of such work, the Drainage Board shall mail a statement of the proportionate share of such cost to each affected lot owner, and each owner shall pay such amount billed into the County General Drain Fund within 30 days from date of mailing of the bill. If any such owner fails to pay such bill within 30 days from the date of the mailing thereof, then the amount of such unpaid bill, together with a penalty of 10%, shall be certified to the County Treasurer by the Secretary of the County Drainage Board, and the amount so certified shall be added to such owner's real estate tax statement or duplicates and shall be collected at the next consecutive time that real estate taxes become payable following such certification. Such certification shall contain a complete legal description of the lot and the name of each owner thereof. The Secretary shall also cause a copy of such certification to be recorded in the County Recorder's office.

(8) From and after the effective date of this chapter, each plat submitted for approval shall contain a covenant or other statement referring to § 152.65(E)(1) through (7), which covenant or statement shall read substantially as follows: "This subdivision is subject to the provisions of § 152.65(E)(1) through (7), inclusive, of the Howard County Subdivision Control Ordinance, as amended, which provides for the repair and maintenance of drainage systems in subdivisions, including the assessment of owners of lots to pay for the cost of repair and maintenance."

(F) A developer may petition the County Drainage Board to establish a regulated drain for all of the lots in the proposed subdivision without notice being issued as provided under I.C. 36-9-27-57

through 36-9-27-63 upon the condition that, upon information furnished to him or her by the developer, the County Surveyor issues his or her certificate to the County Drainage Board that no property owners other than the developer will be affected by the regulated drain petitioned for.

(G) A developer petitioning for a regulated drain under the provisions of division (F) shall pay all of the costs of such a petition including the attorney fees for bringing such petition and shall waive notice of hearing on the petition other than that served upon his or her attorney. Any such petition for a regulated drain filed under division (F) or this division shall comply in form and content with the provisions contained in I.C. 36-9-27-54.

(BCC Ord. 1977-38, passed 12-19-77; Am. BCC Ord. 1993-9, passed 3-22-93) Penalty, see § 10.99

§ 152.66 SOIL EROSION AND SEDIMENTATION CONTROL.

(A) Because considerable soil erosion can take place during the subdivision construction, development plans shall contain proposed erosion and sediment control measures. These measures shall be incorporated into the final plat and final construction drawings. Erosion and sediment control measures shall conform to the standards and specifications established by the Soil and Water Conservation District. The measures shall apply to all features of the construction site, including street and utility installations as well as to the protection of individual lots. Measures shall also be instituted to prevent or control erosion and sedimentation during the various stages of development. Technical standards for the design and installation of erosion and sediment control measures are on file at the office of the Soil and Water Conservation District and other governmental agencies.

(B) Practical combinations of the following general principles will provide effective sediment control when properly planned and applied:

(1) The development plan shall be fitted to the topography and soils so as to create the least erosion potential.

(2) Permanent vegetation and construction improvements such as streets, storm sewers or other features of the development shall be scheduled for installation to the greatest extent possible before removing the existing vegetation cover from an area.

(3) Whenever feasible, natural vegetation shall be retained and protected.

(4) Where inadequate vegetation (ground cover) exists, temporary or permanent vegetation shall be established.

(5) The smallest practical area of land shall be exposed at any one time during development.

(6) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

(7) Critical areas exposed during construction shall be protected with temporary vegetation or mulching.

(8) Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.

(9) Provisions shall be made to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development.

(10) The permanent final vegetation and structures shall be installed as soon as practical in the development.
(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.67 CURB AND GUTTER.

(A) All proposed subdivisions shall be provided with curbs and gutters as required in this chapter.

(B) The curb and gutters shall be of the construction type shown in Appendix B, Figures 1 and 2, and shall be constructed according to the following specifications:

(1) The base for the curb and gutter shall be well-compacted on the existing base or grade.

(2) The minimum specifications shall be as shown for the type of cross-section in Appendix B, Figures 1 and 2.

(3) All concrete used in the curb and gutter shall meet the *State Highway Specifications* for Class A concrete.

(4) Integral or monolithic curb of the same dimensions as shown in Appendix B, Figure 1, may be built on concrete pavement; provided, the pavement widths are maintained as required in this chapter.

(5) All machine-laid hot asphaltic concrete curbs shall meet the *Federal Housing Administration Specifications*, Third Addition, October 1966, Specifications Series #3 (SS-3), as revised, and/or the current *Indiana State Highway Specifications*, whichever is the more stringent.
(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.68 SIDEWALKS.

(A) Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks, or whenever the proposed subdivision will average three or more lots per gross acre included in the subdivision, the Commission shall require sidewalks to be installed so as to abut at least one lot line of each lot in the subdivision.

(B) When sidewalks are required, they shall be constructed of portland cement concrete at least four inches thick and three feet wide, and placed as shown by the illustration "Thoroughfare Standard Cross-Sections" in Appendix B, Figures 3, 4 and 5.

(C) All concrete used in sidewalks shall meet the *State Highway Specifications* for Class A concrete. (BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.69 STREET SIGNS.

The subdivider shall provide the subdivision with standard county street signs at the intersection of all streets.

(BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

§ 152.70 INSPECTION.

(A) *Notification.* It shall be the responsibility of the subdivider or developer to notify the Plan Commission Office and arrange for a pre-construction conference to take place at least 24 hours in advance of the commencement of construction. The meeting shall be held at the Plan Commission Office or other designated location. At this conference an inspection schedule shall be discussed and set up. The conference shall be made up of representatives of the subdivider, Plan Commission, County Engineer, County Surveyor, and the County Soil and Water Conservation District.

(B) *Inspection required.* All improvements shall be subject to inspection by duly authorized and qualified county inspectors both during the course of construction and after construction is complete. The inspector shall have authority over materials of construction, the methods of construction and workmanship to ensure compliance with working drawings and specifications. The contractor shall provide for reasonable tests and proof of quality of materials as requested by the inspector. Upon due

cause, the inspector may require that work will be suspended and due cause shall include weather conditions, questionable materials of construction, methods of construction, workmanship or non-adherence to specifications and drawings.

(C) *Inspector.* The inspectors referred to herein shall be duly qualified inspection officers appointed by the County Plan Commission.

(D) *Inspection Reports.* The inspector shall prepare and submit to the Board of County Commissioners from time to time a report stating progress of work and giving his or her findings as to quality and quantity of materials used and quality of methods and workmanship. He or she shall in particular call attention to any circumstances that entail departures from working drawings and specifications such as unforeseen difficulties of drainage, ground water, poor subsoil, unstable fill material, unconventional or faulty practices of contractors or other circumstances. Whenever, in his or her opinion, such departures are likely to cause either a lower ultimate standard of performance of a higher construction cost than could reasonably be anticipated, he or she shall immediately notify the Board of County Commissioners. When an improvement has been completed, he or she shall prepare a summary report.

(E) *Subdivider responsible.* Approval by the inspector or absence of inspection shall in no way relieve the subdivider or developer of full responsibility for adherence by his or her contractors to specifications and working drawings nor for high standards of materials, methods and workmanship. (BCC Ord. 1977-38, passed 12-19-77) Penalty, see § 10.99

APPENDIX A: PLAT CERTIFICATES AND DEED OF DEDICATION

§ 1 COMMISSION CERTIFICATE.

UNDER AUTHORITY PROVIDED BY I.C. 7-4-700 ET SEQ., ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF HOWARD, INDIANA, THIS PLAT WAS GIVEN APPROVAL AS FOLLOWS:

Approved by the Howard County Plan Commission at a meeting held _____, 19_____.

HOWARD COUNTY PLAN COMMISSION

President

Secretary

(SEAL)

§ 2 COUNTY COMMISSIONERS CERTIFICATE.

When all or any part of a subdivision is located in the unincorporated area of the county, the following certificate shall be shown on the final plat:

UNDER AUTHORITY PROVIDED BY I.C. 7-4-700 ET SEQ., AND BY THE GENERAL ASSEMBLY, STATE OF INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF HOWARD COUNTY, INDIANA, AT A MEETING HELD ON THE _____ DAY OF _____, 19_____.

BOARD OF COUNTY COMMISSIONERS

ATTEST:

COUNTY AUDITOR
(SEAL)

§ 3 SURVEYORS CERTIFICATE.

I, _____, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON _____, THAT ALL THE MONUMENTS SHOWN THEREON ACTUALLY EXIST, AND THAT THE LOCATION, SIZE, TYPE AND MATERIAL OF SAID MONUMENTS ARE ACCURATELY SHOWN.

(SEAL)

Signature

§ 4 DEED OF DEDICATION.

Each final plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form:

We, the undersigned _____, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance within the plat.

This subdivision shall be known and designated as _____.

An addition to _____. All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public. We also certify this property is well drained and any future drainage problems will be the responsibility of the property owners.

Front and side yard building lines are hereby established as shown on this plat, between which lines and the property lines of the street there shall be erected or maintained no building or structure.

There are strips of ground _____ feet in width as shown on this plat marked "Easement" reserved for the use of utilities for the installation of water and sewer mains, surface drainage, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or upon the recommendation of the Commission. Important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 19____ (a 25 year period is suggested) at which time said covenants (or restrictions) shall automatically extended for successive periods of 10 years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidity of any one of the foregoing covenants or restrictions, by judgment or court order, shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Witness our Hands and Seals this _____ day of _____, 19_____.

| | | |
|------------------|------|-----------|
| State of Indiana |) | _____ |
| |) SS | Signature |
| County of Howard |) | _____ |
| |) | Signature |

Before me the undersigned Notary Public, in and for the County and State, personally appeared _____, _____, and each instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 19_____.

Signature

APPENDIX B: FIGURES AND ILLUSTRATIONS

FIGURE 1: TYPICAL CURB AND CONCRETE CURB AND GUTTER DETAILS.

ROLLED CURB AND GUTTER

COMBINED CURB AND GUTTER

FIGURE 2: TYPICAL HOT ASPHALTIC CONCRETE CURB AND GUTTER DETAILS.

FIGURE 3: THOROUGHFARE STANDARD CROSS-SECTIONS; ARTERIALS.

LIMITED ACCESS

PRIMARY

PARKWAY

NOTE: The cross-sections in this figure have been split to indicate the maximum and minimum development standards. Each left-hand section indicates that maximum development in urban areas. The right-hand section indicates the minimum development in rural areas. For the residential streets, use the cross-section designated by § 152.62(F). Refer to the subdivision ordinance for specific minimum improvement standards and requirements.

FIGURE 4: THOROUGHFARE STANDARD CROSS-SECTIONS; FEEDERS.

PRIMARY

SECONDARY

NOTE: The cross-sections in this figure have been split to indicate the maximum and minimum development standards. Each left-hand section indicates that maximum development in urban areas. The right-hand section indicates the minimum development in rural areas. For the residential streets, use the cross-section designated by § 152.62(F). Refer to the subdivision ordinance for specific minimum improvement standards and requirements.

FIGURE 5: THOROUGHFARE STANDARD CROSS-SECTIONS; RESIDENTIAL.

A

B

C

NOTE: The cross-sections in this figure have been split to indicate the maximum and minimum development standards. Each left-hand section indicates that maximum development in urban areas. The right-hand section indicates the minimum development in rural areas. For the residential streets, use the cross-section designated by § 152.62(F). Refer to the subdivision ordinance for specific minimum improvement standards and requirements.

CHAPTER 153: ZONING CODE

Section

153.01 Zoning Code adopted by reference

Cross-reference:

Zoning Map amendments, see T.S.O. V

§ 153.01 ZONING CODE ADOPTED BY REFERENCE.

The Zoning Code, being Ordinance 1981-9, passed July 13, 1981, as may be amended from time to time, is hereby adopted by reference and made a part of this code as if fully set forth herein.

(`83 Code, § 153.01) (Ord. 1981-9, passed 7-13-81; Am. BCC Ord. 2002-37, passed 9-3-02; Am. Ord. 2004-BCC-11, passed 4-5-05; Am. Ord. 2009-BCC-19, passed 5-28-09; Am. Ord. 2011-BCCO-09, passed 5-2-11; Am. Ord. 2011-BCCO-21, passed 8-25-11; Am. Ord. 2012-BCCO-35, passed 12-27-12)

CHAPTER 154: STORM WATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT

Section

- 154.01 General provisions
 - 154.02 Definitions
 - 154.03 Performance criteria for stormwater management
 - 154.04 Stormwater management plan design criteria
 - 154.05 Stormwater management permit procedures and requirements
 - 154.06 Stormwater management plan review and approval
 - 154.07 Financial guarantee and as-built documents
 - 154.08 Site inspections and maintenance provisions
 - 154.09 Enforcement
 - 154.10 Appeals

 - 154.99 Penalty
- Appendix A: Fees

Cross-reference:

Illicit discharges, see Chapter 53
Storm water erosion and sediment control, see Chapter 156

§ 154.01 GENERAL PROVISIONS.

(A) *Findings of fact.* It is hereby determined that land development projects increase storm water runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition; and contributes to increased quantities of water-borne pollutants, and storm water runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of storm water runoff from development sites.

(B) *Purpose.* This chapter is intended to set standards to regulate the quantity and quality of storm water runoff when land use changes from open or agricultural to a use that may result in increased imperviousness. These minimum requirements are established to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. It shall be the policy of the county and the County Department of Storm Water Management that these minimum requirements shall be required for any new development, redevelopment and new construction located within the county area not exempt under this chapter. This chapter seeks to meet this purpose through the following objectives:

(1) Minimize increases in storm water runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;

(2) Minimize increases in non-point source pollution caused by storm water runoff from development which would otherwise degrade local water quality;

(3) Reduce storm water runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through storm water management controls, and to ensure that these management controls are properly maintained and pose no threat to public safety.

(C) *Applicability.* The performance standards herein must be met at all new development and redevelopment areas that disturb one or more acres of land or disturbances of less than one acre of land that are part of a larger common plan of development or

sale if the larger common plan will ultimately disturb one or more acres of land within the county area. The following activities may be exempt from these storm water performance criteria:

- (1) Developments that do not disturb more than one acre of land, provided they are not part of a larger common development plan; or
- (2) Activities granted a waiver by the Board under the specifications in § 154.04; or
- (3) Any logging and agricultural activity; or
- (4) Additions or modifications to existing single family structures; or
- (5) Repairs to any storm water treatment practice deemed necessary by the County Board; or
- (6) Activities implemented under the jurisdiction of the County Surveyor.

(D) *History and application.* This chapter repeals and replaces Ordinance No. 2006-BCC-36, which was amended by Ordinance No. 2007-BCCO-46. Ordinance 2006-BCC-36, as amended, repealed and replaced Ordinance No. 2001-BCC-38 (Storm water Erosion and Control) and 2004-BCC-38 (Storm water Management in New Development and Redevelopment). (Ord. 2010-BCC-13, passed 4-19-10)

§ 154.02 DEFINITIONS.

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

ADMINISTERING AUTHORITY. The County Department of Storm Water Management (“Department”), by and through the MS4 operator, Administrator, or other authorized designee, is hereby designated to implement and administer this chapter.

ADMINISTRATOR. The Executive Director of the Department, appointed by the Board.

APPLICANT. A property owner or agent of a property owner who has filed an application for a storm water management permit.

AVERAGE ANNUAL RAINFALL. A calendar year of precipitation, excluding snow, which is considered typical.

BEST MANAGEMENT PRACTICE (BMP). Any structural or non-structural control measure utilized to improve the quality and, as appropriate, reduce the quantity of storm water runoff. The term includes schedules of activities, prohibitions of practice, treatment requirements, operation and maintenance procedures, use of containment facilities, land use planning, policy techniques, and other management practices.

BOARD. The Board of Directors of the Department, as defined in I.C. 8-1.5-5-2 and exercising the powers granted under I.C. 8-1.5-5-6.

BUILDING. Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

BUSINESS DAY. A day the office of the Department is routinely and customarily open for business.

CEASE AND DESIST ORDER. A court-issued order to halt land-disturbing construction activity that is being conducted without the required permit.

CHANNEL. A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING. Any activity that removes the vegetative surface cover.

CONNECTED IMPERVIOUSNESS. An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

CONSTRUCTION ACTIVITY. Land-disturbing activities associated with the construction of infrastructure or structures. The term **CONSTRUCTION ACTIVITY** does not include routine ditch or road maintenance or minor landscaping projects.

CONSTRUCTION PROJECT SITE. The physical location(s) or legal boundaries within which a construction activity or a series of construction activities is planned to be or is being accomplished.

CONSTRUCTION SITE ACCESS. A stabilized stone surface at all points of construction related egress from a project site planned and installed in accordance with specification from an approved reference manual, and maintained throughout the period of land-disturbing activities for the purpose of capturing and detaining sediment carried by tires, tracks, or other surface contact components of vehicles, earth-moving equipment, or material and personnel transport conveyances.

COUNTY AREA. All territory of Howard County not located within the City of Kokomo, the Town of Russiaville, or the Town of Greentown.

DEDICATION. The deliberate appropriation of property by its owner for general public use.

DEPARTMENT. The Howard County Department of Stormwater Management created September 15, 2008 by Ordinance No. 2008 BCCO-29.

DESIGN STORM. A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

DETENTION. The temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

DETENTION FACILITY. A detention basin or alternative structure designed for the purpose of

temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

DEVELOPER. A project site owner or person financially responsible for construction activity, or an owner of property who sells, leases, or offers for sale or lease, any lot(s) in a subdivision or larger common plan of development or sale.

DRAINAGE EASEMENT. A legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

DRAINAGE WAY. Any channel that conveys surface storm water runoff.

EFFECTIVE INFILTRATION AREA. The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

EROSION. The process by which the land's surface is worn away by the action of wind, water, ice or gravity.

EROSION AND SEDIMENT CONTROL PLAN. A set of plans prepared by or under the direction of a licensed professional engineer, licensed land surveyor, or Certified Professional in Storm Water Quality (CPSWQ), indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

EROSION AND SEDIMENT CONTROL SYSTEM. Appropriate control measures combined to prevent or minimize the wearing away of soil, sediment, and rock fragments by water, wind, or ice, and to intercept detached or suspended particles to prevent their discharge from or within a project site.

FEE IN LIEU. A payment of money in place of meeting all or part of the storm water performance standards required by this chapter.

FINAL STABILIZATION. The establishment of permanent vegetative cover or the application of a permanent, non-erosive material to areas where all

land-disturbing activities have been completed and no additional land disturbing activities are planned under the current plan.

FINANCIAL GUARANTEE. A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Board by the responsible party to assure that requirements of this chapter are carried out in compliance with the storm water management plan.

GRADING. Excavation or fill of material, including the resulting conditions thereof.

HOTSPOT. An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

HYDROLOGIC SOIL GROUP (HSG). A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

IDEM. Indiana Department of Environmental Management.

IMPERVIOUS SURFACE. An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.

INDIVIDUAL BUILDING LOT. A single parcel or land in a multi-parcel development.

INDUSTRIAL STORMWATER PERMIT. A National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies on-site pollution control strategies.

INFILL AREA. An undeveloped area of land located within existing development.

INFILTRATION. The entry of precipitation or runoff into or through the soil.

INFILTRATION SYSTEM. A device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

JURISDICTIONAL WETLAND. An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

LAND-DISTURBING CONSTRUCTION ACTIVITY. Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading.

LANDOWNER. The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT. A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

MEASURABLE STORM EVENT. A precipitation event that results in a total measured accumulation of precipitation equal to or greater than one-half inch of rainfall.

MEP or MAXIMUM EXTENT PRACTICABLE. A level of implementing best management practices which takes into account the best available technology, cost effectiveness and other competing issues such as

human safety and welfare, endangered and threatened resources, historic properties and geographic features.

MS4 or MUNICIPAL SEPARATE STORM SEWER SYSTEM. A system of storm water conveyances either owned or operated or regulated by a governmental agency that IDEM has designated as responsible to eliminate or minimize pollutant loadings of the storm water entering waters of the state.

MS4 AREA. The area of Howard County permitted under an NPDES Permit regulated by 327 I.A.C. 15-13. The **MS4 AREA** within the county includes the sections designated and from time to time updated by the County Stormwater District, excluding incorporated limits of cities or towns. A map which shows the **MS4 AREA** shall be kept in the MS4 Operator's office for public review.

MS4 OPERATOR. The person locally responsible for development, implementation, or enforcement of the Storm Water Quality Management Plan (SWQMP) for the county as regulated under 327 I.A.C. 15-13, or authorized representative thereof.

NEWDEVELOPMENT. Development resulting from the conversion of previously undeveloped land or agricultural land uses.

NON-POINT SOURCE POLLUTION. Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NOTICE OF PLAN APPROVAL (NPA). A notification from the MS4 Operator to the project site owner that the construction plan for a project site has been reviewed and approved by the MS4 Operator. The project site owner must insert the NPA with the Notice of Intent sent to the Director of IDEM at least 48 hours prior to initiating land disturbing activities at the construction project site.

NPDES. The National Pollutant Discharge Elimination System, a program administered by IDEM

to reduce or eliminate the pollutant loadings into public waters.

OFF-SITE FACILITY. A storm water management measure located outside the subject property boundary described in the permit application for land development activity.

ON-SITE FACILITY. A storm water management measure located within the subject property boundary described in the permit application for land development activity.

PEAK DISCHARGE. The maximum rate of flow from a point of storm water discharge during or immediately following a storm event, usually in reference to a specific return period or 'design storm'.

PERCENT FINES. The percentage of a given sample of soil, which passes through a # 200 sieve. Note to Users: Percent fines can be determined using the *American Society for Testing and Materials*, Volume 04.02, "Test Method C117-95 Standard Test Method for Materials Finer than 75- μ m (No. 200) Sieve in Material Aggregates by Washing." Copies can be obtained by contacting the American Society for Testing and Materials, 100 Barr Harbor Drive, Conshohocken, PA 19428-2959, or phone 610-832-9585, or on line at: "<http://www.astm.org>".

PERIMETER CONTROL. A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PERMANENT STABILIZATION. The establishment, at a uniform minimum of 70% across the disturbed areas, of vegetative cover or permanent non-erosive material that ensures the resistance of the underlying soil to erosion, sliding, or other movement.

PERVIOUS SURFACE. An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

PHASING OF CONSTRUCTION. Sequential development of smaller portions of a large project site, stabilizing each portion before initiating land disturbing activities on the next portion, to minimize exposure of land to erosion.

POST-CONSTRUCTION SITE. A site following the completion of land-disturbing construction activity and final site stabilization.

PRE-DEVELOPMENT CONDITION. The extent and distribution of land cover types present before the initiation of land-disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

PROTECTIVE AREA. An area of land that commences at the delineated boundary of lakes, streams, rivers, or wetlands, and that is the greatest of the following widths, as measured horizontally from the boundary to the closest impervious surface. However, in this definition, **PROTECTIVE AREA** does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location. Six categories of protective area have been identified:

(1) For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest, 75 feet.

(2) For perennial and intermittent streams identified on a United States geological survey 7.5 minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.

(3) For lakes, 50 feet.

(4) For highly susceptible wetlands, 50 feet. **HIGHLY SUSCEPTIBLE WETLANDS** include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins. This division does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective

area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.

(5) For less susceptible wetlands, 10% of the average wetland width, but no less than ten feet nor more than 30 feet. **LESS SUSCEPTIBLE WETLANDS** include degraded wetlands dominated by invasive species such as reed canary grass.

(6) For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

RECHARGE. The replenishment of underground water reserves.

REDEVELOPMENT. Any construction, alteration, or improvement where structures and/or impervious surfaces are removed and/or replaced.

RESPONSIBLE PERSON. The person who is responsible for any violation of this chapter

RUNOFF. An accumulation of storm water flow that is moving across the surface of the earth as sheet flow or concentrated flow in natural surface watercourses, drains or waterways.

SEDIMENT. Solid material, both organic and mineral, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

SEDIMENT CONTROL. Measures that prevent eroded sediment from leaving the site.

SEDIMENTATION. The settling and accumulation of unconsolidated sediment carried by storm water runoff.

SITE. A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT PERMIT. A permit issued by the municipality for the construction or

alteration of ground improvements and structures for the control of erosion, runoff and grading.

START OF CONSTRUCTION. The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STOP WORK ORDER. An order issued by the MS4 Operator, Administrator, or designee, which requires that all construction activity on the site be stopped.

STORM WATER MANAGEMENT. The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

STORM WATER MANAGEMENT PLAN. A comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.

STORM WATER QUALITY MEASURE. A practice or combination of practices to control or minimize pollutants associated with storm water runoff.

STORM WATER RETROFIT. A storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

TEMPORARY STABILIZATION. The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive materials applied at a uniform minimum density of 70% across the disturbed areas of a project site.

TOP OF THE CHANNEL. An edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

TR-55. The United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), *Urban Hydrology for Small Watersheds*, Second Edition, Technical Release 55, June 1986.

TRACKING. The movement and re-depositing of dirt, mud, aggregate, sediment, or other storm water pollutants from a project site by the actions of wheels, tires, skids, tracks, or other surface contact components of cars, trucks, heavy equipment, or material and personnel transport conveyances.

TYPE II DISTRIBUTION. A rainfall-type curve as established in the *United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973.*

WATERCOURSE. Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated within the county.

WATER QUALITY VOLUME (WQ_v). The storage needed to capture and treat the “first flush” of runoff. The **WATER QUALITY VOLUME** is determined as the runoff resulting from the first one inch of rainfall upon the site. This volume would treat runoff of up to 75% of the storms annually because the total storm depth of those storms is less than one inch, according to information found in the *City of Indianapolis Drainage Design Standards and Specifications Manual.*

WATERWAY. A channel that directs surface runoff to a watercourse or to the public storm drainage system.
(Ord. 2010-BCC-13, passed 4-19-10)

§ 154.03 PERFORMANCE CRITERIA FOR STORM WATER MANAGEMENT.

Prior to design, applicants are required to consult with the Department to determine if they are subject to additional storm water design requirements. Unless judged by the Department to be exempt or granted a waiver, the following performance criteria shall be addressed for storm water management at all sites: All site designs shall establish storm water management practices to control the peak flow rates of storm water discharge associated with specified design storms and reduce the generation of storm water. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity. Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section. Such requirements are as follows:

(A) *Allowable storm water release rate (Q100 post to 0.3cfs per acre - critical duration storm).* The developer shall submit detailed computations of runoff after development, redevelopment or new construction, which demonstrates sufficient storm water storage to ensure that the 100-year return period storm of critical duration does not exceed a release rate of 0.3 cubic feet per second per acre of development. The critical duration storm is that storm duration which requires the greatest storm water storage.

(B) *Storm water quality requirements (treatment of the WQV upon development completion).* The water quality volume is the storage needed to capture and treat the runoff from the first one inch of rainfall. In numerical terms, it is equivalent to an inch of rainfall multiplied by the volumetric runoff coefficient (R_v) and the site area.

The following equation is used to calculate WQ_v (in acre-feet):
$$WQ_v = \frac{(P)(R_v)(A)}{12}$$

where:

| | |
|--------|---|
| WQ_v | = water quality volume (acre-feet) |
| P | = one inch of rainfall |
| R_v | = $0.05 + 0.009(I)$ where I is the percent impervious cover |
| A | = area in acres |

(C) *Impact drainage areas; special requirements in protective areas.*

(1) The Board is authorized, but is not required, to classify certain geographical areas as impact drainage areas and to enact and promulgate regulations, which are generally applied. In determining impact drainage areas, the Board shall consider such factors as topography, soil type, capacity of existing regulated drains, and distance from adequate drainage facilities. In addition to specific impact drainage areas classified by the Board, the following areas are hereby designated as impact drainage areas, unless good reason for not including them is presented and approved by the Board:

(a) A floodway or floodway fringe or floodplain boundary as designated by the Indiana Department of Natural Resources.

(b) A flood boundary area or floodway as designated by the Federal Emergency Management Agency National Flood Insurance Program.

(c) Land within 75 feet of each bank of any open channel regulated drain.

(d) Land within 75 feet of the centerline of any regulated drain tile.

(2) Impervious surfaces shall be kept out of the protective area to the maximum extent practicable.

(3) Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70% or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish

habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

Note to users. It is recommended that seeding of non-aggressive vegetative cover be used in the protective areas. Vegetation that is flood and drought tolerant and can provide long-term bank stability because of an extensive root system is preferable.

(4) Best management practices such as filter strips, swales, or wet detention basins, that are designed to control pollutants from non-point sources, may be located in the protective area.

(5) This division (C) does not apply to:

- (a) Redevelopment sites;
- (b) In-fill development less than five acres;

(c) Structures that cross or access surface waters such as boat landings, bridges and culverts.

(6) Storm water discharges to critical areas with sensitive resources (i.e. navigable waters, receiving waters with approved TMDL limits, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.

(D) *Fueling and vehicle maintenance areas.* Special requirements for new retail gasoline outlets, new municipal, state, federal, institutional or commercial refueling areas, or refueling areas that replace their existing tank systems. (Excludes individual or agricultural users.) Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such

that the runoff that enters waters of the state contains no visible petroleum sheen.

Note to users. A combination of the following BMPs may be used:

- (a) Oil and grease separators;
 - (b) Canopies;
 - (c) Petroleum spill cleanup materials;
- or

(d) Any other structural or non-structural method of preventing or treating petroleum in runoff.

(E) *Alternative requirements.* The Administrative Authority may establish storm water management requirements more stringent than those set forth in this section if the MS4 Operator determines that an added level of protection is needed to protect sensitive resources.

(Ord. 2010-BCC-13, passed 4-19-10) Penalty, see § 154.99

§ 154.04 STORM WATER MANAGEMENT PLAN DESIGN CRITERIA.

(A) *Minimum requirements.* All development or redevelopment disturbing at least one acre must include provisions to preserve or minimize impacts to predevelopment site hydrology and topography to the maximum extent practicable through runoff pollution prevention techniques. In addition to runoff pollution prevention measures, storm water treatment BMPs shall be incorporated into Plan Design as needed to meet the performance criteria in § 154.03.

(B) *Runoff pollution prevention.*

(1) Storm water management begins with thoughtful design. Site planning that integrates comprehensive storm water management from the outset is the most effective way to reduce and prevent pollution and flooding. Good site planning can also

reduce the size and cost of structural solutions; when BMP storm water structures are proposed only at the final stages of design and construction, the result is often unnecessarily large and costly facilities. Planning ahead can prevent the need for large structures.

(2) *Site planning practices.* With careful site planning, developers and municipalities can reduce the amount of impervious area created by pavement and roofs and thus reduce the volume of runoff and associated pollutants requiring control. Practices that could be considered:

- (a) Select site designs that preserve or minimize impacts to predevelopment site hydrology and topography;
- (b) Protect environmentally sensitive areas;
- (c) Practice conservation development;
- (d) Use cluster development;
- (e) Create open space;
- (f) Maximize the flow path from inflow points to outflow points;
- (g) Provide underdrain systems, where applicable;
- (h) Reduce hydraulic connectivity of impervious surfaces;
- (i) Practice rooftop greening;
- (j) Relax frontage and setback requirements;
- (k) Modify sidewalk standards;
- (l) Modify driveway standards;
- (m) Use alternative cul-de-sac designs;

(n) Use alternative parking lot surfaces.

(C) *Stormwater treatment BMPs.*

(1) Types of treatment BMPs. A variety of BMPs are effective in (1) filtering storm water, (2) reducing the speed at which it leaves a site, and (3) reducing the volume of runoff. These three actions are critical to reducing non-point-source water pollution and protecting downstream water bodies. Some types of storm water treatment BMPs are:

- (a) Retention systems;
- (b) Detention systems;
- (c) Infiltration systems;
- (d) Filtration systems;
- (e) Constructed wetlands;
- (f) Alternative outlet designs.

(2) Location and regional treatment options.

(a) All storm water storage facilities shall be constructed within a dedicated storm water storage easement which meets the following standards:

1. The boundary of the maximum water surface elevation of any storm water storage facility resulting from a post-development 100-year return period storm shall define the minimum dedicated storm water storage easement. Such storm water storage easement shall be bounded by not less than a 25-foot horizontal width combined utility/drainage easement to separate the storm water storage facility from any building or structure. A variance for locating any utility, building or structure within the said boundary or any building or structure within the said separation area may be granted for good cause as determined by the Administering Authority, such as allowances for underground storm water storage or for installation of community amenities.

2. The maximum water surface elevation of any storm water storage facility resulting from a post-development 100-year return period storm shall be at least two feet lower than the lowest ground floor or lowest unprotected basement opening of any building located on any property which uses the storm water storage facility as a drainage outlet.

3. Storm water storage facilities that rely on man-made berms of any kind to store storm water shall be provided with an automatic non-mechanical emergency bypass drainage device (overflow weir, and the like) capable of passing the flow resulting from a post-development 100-year return period storm without causing failure of the man-made berms or ponding greater than two feet above the maximum water surface elevation resulting from a post-development 100-year return period storm.

4. Only the dedicated storm water storage easements may be used for storm water storage facilities. Any portion of a residential lot, combined utility/drainage easements, utility easements, and traffic rights-of-way do not qualify for use as storm water storage facilities.

(b) BMPs may be located on-site or off-site as part of a regional storm water device, practice or system.

(c) The Administering Authority may approve off-site management measures provided that all of the following conditions are met:

1. The Administering Authority determines that the post-construction runoff is covered by a storm water management system plan that is approved by the local public agency and that contains management requirements consistent with the purpose and intent of this chapter.

2. The off-site facility meets all of the following conditions:

a. The facility is in place.

b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this chapter.

c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(d) Where a regional treatment option is utilized such that the Stormwater Board may exempt the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Stormwater Board. In determining the fee for post-construction runoff, the Stormwater Board shall consider an equitable distribution of the cost for land, engineering design, construction and maintenance of the regional treatment option.

(Ord. 2010-BCC-13, passed 4-19-10) Penalty, see § 154.99

§ 154.05 STORM WATER MANAGEMENT PERMIT PROCEDURES AND REQUIREMENTS.

(A) *Permit required.*

(1) No responsible party may commence a land-disturbing construction activity within the county area without first receiving prior approval of a site development permit.

(2) No developer shall be granted a site development permit without the approval of a storm water management permit application package by the Administering Authority for land-disturbing activity within the county area (individual building lots less than one acre: see division (A)(3) below.)

(3) The developer of an Individual building lot containing less than one acre, but which is part of a multi-lot construction project within the county area shall be required to complete a Declaration of Responsibility for Erosion and Sediment Control for

a Small Residential Lot prior to receipt of a site development permit. This declaration assigns responsibility for conformance to the storm water management plan as required in 327 I.A.C. 15-5-7.5 to the individual building lot developer.

(4) No site development permit is required for the following activities:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(B) *Permit application package requirements.*

(1) Written permit application. The appropriate application may be obtained through the County Surveyor's Office/Department Office.

(2) Construction plans. The following elements shall be included within the Construction Plan:

(a) Contact information. The name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; and other agents, as applicable.

(b) Legal description. A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(c) Location and vicinity map.

(d) Topographic base map; predeveloped condition. A topographic base map not exceeding 1 inch = 200 feet scale of the site which extends a minimum of 200 feet beyond the limits of the proposed development and indicates existing surface water drainage, including streams, ponds, culverts, ditches, and wetlands; predominant soil types

and hydrologic soil groups, current land use, including all existing structures; existing cover type and condition, topographic contours of the site at intervals not to exceed one foot, flow path and direction for all storm water conveyance sections, watershed boundaries used in hydrology determinations to show compliance with the performance standards, locations of utilities, roads, and easements; and significant natural and man-made features not otherwise shown.

(e) Soils information. If a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(f) Post-developed site conditions. A map not exceeding 1 inch = 200 feet scale of the site which extends a minimum of 200 feet beyond the limits of the proposed development and shows the following: post-construction pervious areas including vegetative cover type and condition, impervious surfaces including all buildings, structures, and pavement, post-construction topographic contours of the site at intervals not to exceed one foot, post-construction drainage network, dimensions of drainage easements, locations of maintenance easements specified in the maintenance agreement, flow path and direction for all storm water management conveyance and treatment practices, including on-site and off-site tributary drainage areas, watershed boundaries used in hydrology determinations to show compliance with the performance standards, locations of utilities and roads, and any changes to lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.

(3) Technical information report.

(a) Location factors. Explanation of the provisions to preserve and use natural topography

and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands. Also, an explanation of any restriction on storm water management measures in the development area imposed by wellhead protection plans and ordinances.

(b) Design calculations. Design calculations are required as part of the storm water permit application package and shall, at a minimum, specifically include:

1. Estimation of storm water runoff. Runoff rates during the required storm durations; C-values or SCS runoff curve numbers; and computed times of concentration.

a. Drainage area calculations;

b. Weighted curve number or runoff coefficient computations;

c. Time of concentration computation indicating overland flow time, shallow concentrated flow time, and flow time in the swale, gutter, pipe or channel.

2. Inlet grate and gutter flow computations;

3. Closed conduit and open channel design computations:

a. Size of pipe or channel cross-section;

b. Pipe or channel inverts slope in percent;

c. Material and roughness coefficient;

d. Flowing velocities in feet per second;

e. Design capacity in cubic feet per second.

4. Storm drain flow and hydraulic grade line (HGL) computations;

5. Detention/retention summary information.

(4) Erosion and Sediment Control Plan and details. The Erosion and Sediment Control Plan submitted shall include all documents and information required within 327 I.A.C. 15-5.

(5) BMP Calculations and Schedules. Pertinent calculations illustrating the water quality volumes, and the like, along with the installation schedule and maintenance requirements shall be submitted for each BMP selected.

(6) Operation and maintenance manual for BMPs. An operations and maintenance (O&M) manual for BMPs (when required) shall be submitted for the final plan approval and permit process and will become a compliance guideline for the BMP once development is complete. The O&M manual will include the following:

(a) BMP owner name, address, business phone number, home phone number, email address, cellular phone number, pager number;

(b) Site drawings (8-1/2 inches by 11 inches), showing both plan and cross-section views, showing the BMP and applicable features, including dimensions, easements, outlet works, forebays, signage, and the like;

(c) Guidance on owner-required periodic inspections and identification of inspection certification requirement to the Administering Authority;

(d) Requirement of owner to perform maintenance specified by Administering Authority inspection, if any;

(e) Guidance on routine maintenance, including mowing, litter removal, woody growth removal, signage, and the like;

(f) Guidance on remedial maintenance, such as inlet replacement, outlet works maintenance, and the like;

(g) Guidance on sediment removal, both narrative and graphical, describing when sediment removal should occur in order to ensure that the BMP remains effective as a water quality and/or quantity control device;

(h) A statement that the Administering Authority's representatives have the right to enter the property to inspect the BMP;

(i) A tabular schedule showing inspection and maintenance requirements; and

(j) Identification of the property/BMP owner as the party responsible for maintenance, including cost.

(C) *Application review fees.* A filing fee in accordance with the attached 'Appendix A' shall be submitted with the completed permit application package.

(D) *Application procedures.*

(1) Applications for site development permits must be filed with the Department on any regular business day.

(2) Permit applications shall include: One digital copy of all plans in a PDF format and one copy of the construction plan, erosion and sediment control plan, and details containing all required elements, along with any required review fees.

(3) The Administrative Authority shall determine if the application package is complete within four business days of receipt of items noted in division (D)(2) of this section. If application package is determined incomplete, the review period indicated in § 154.06(A) shall not commence.

(E) *Permit conditions.* All permits issued under this chapter shall be subject to the following conditions, and holders of permits issued under this

chapter shall be deemed to have accepted these conditions. The MS4 Operator or Administrator may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Administering Authority to suspend or revoke this permit may be appealed in accordance with § 154.10.

(1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations;

(2) The responsible party shall design and install all runoff pollution prevention and/or storm water treatment BMPs in accordance with the approved storm water management plan and this permit.

(3) The responsible party shall notify the MS4 Operator or Administrator at least two business days before commencing any work in conjunction with the storm water management plan.

(4) The responsible party shall notify the Administering Authority of any significant modifications it intends to make to an approved storm water management plan. The Administering Authority may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.

(5) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the county, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(6) The responsible party authorizes the Administrative Authority to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property or to charging such costs against the financial guarantee posted under § 154.07.

(F) Permit duration

(1) Initial term. The permit shall be valid for the shorter of five years from the date of issuance, or until:

(a) The permit is revoked through enforcement action;

(b) The permit is transferred; or

(c) The permit is terminated as stated in division (F)(2) of this section.

(2) Permit termination. Upon completion of all construction activities associated with the site development permit and prior to any use of the constructed site/facilities, the applicant shall submit a Notice of Termination (NOT) letter to the MS4 Operator. Termination of permit will be issued by the MS4 Operator only if the following conditions are met:

(a) All land-disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized.

(b) All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.

(c) The applicant may submit an NOT letter to obtain early release from compliance with this rule if the following conditions are met:

1. The remaining, undeveloped acreage does not exceed five acres, with contiguous areas not to exceed one acre.

2. A map of the project site, clearly identifying all remaining undeveloped lots, is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all undeveloped lots.

3. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.

4. All permanent storm water quality measures have been implemented and are operational.

(3) Permit renewal.

(a) The project owner may file a Request for Permit Renewal with the Administering Authority if construction of the permitted site will exceed the initial permit term of five years and is not yet eligible for permit termination. Such request shall be filed at least 30 days prior to the expiration of the initial permit term. Such request shall include the following information:

1. Construction plans as defined in division (B)(2) of this section that indicate which portions of the initially permitted construction plans remains under development, including ownership information for each individual parcel remaining undeveloped; and

2. An updated schedule indicating anticipated timing for installation of BMPs, final stabilization and completion of development.

(b) Two types of permit renewal are available:

1. Type I. If all public and common improvements, including infrastructure, have been completed but other requirements for permit termination have not yet been met, a Type I permit renewal may be issued. A Type I renewal shall not require changes or additions to public and/or common improvements, including infrastructure, that have been approved and completed in compliance with the original permit.

2. Type II. If all public and common improvements, including infrastructure, have NOT been completed, and other requirements for permit termination have not yet been met, a Type II permit renewal may be issued. A Type II renewal may

require changes or additions to proposed public and/or common improvements, including infrastructure, that were approved in the original permit, but are not yet completed, if requirements or regulations current at time of permit renewal are, in the discretion of the Stormwater Board and/or MS4 Operator, different than those previously approved.

(Ord. 2010-BCC-13, passed 4-19-10) Penalty, see § 154.99

§ 154.06 STORMWATER MANAGEMENT PLAN REVIEW AND APPROVAL.

(A) Review period.

(1) Within 28 days of the receipt of a complete permit application, including all documents as required by this chapter, the Department shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.

(2) If the project site owner does not receive notification within 28 days after the completed permit application is received by the Administering Authority, stating that the plan is disapproved, the project site owner may submit the Notice of Intent (NOI) letter information to IDEM in accordance with 327 I.A.C. 15-5-6(a) and § 154.07(B).

(3) If notification of a disapproved plan is received after the review period outlined above and following commencement of construction activities, the plans must be modified to meet the requirements of this chapter and resubmitted within 14 days of receipt of the notification of disapproved plans.

(4) The initiation of construction activity following notification by the Administering Authority that the plan does not meet the requirements of this chapter is a violation and subject to enforcement action.

(B) Review actions available.

(1) Approve. The permit application is found to be completely consistent with the requirement within this chapter; therefore, the Administering

Authority shall issue a Notice of Plan Approval (NPA);

(2) Approve with conditions. The permit application is generally consistent with the requirements within this chapter, but specific minor modification are required to meet all of the applicable requirements. Therefore, the Administering Authority shall issue the permit subject to these written conditions along with a Conditional Notice of Plan Approval (CNPA); or

(3) Disapprove. The permit application does not meet the requirements of this chapter and requires modifications that would result in significant changes to the construction plan, or erosion and sediment control plan. Therefore, the Administering Authority shall disapprove the application indicating the reason(s) and procedure for submitting a revised application and/or submission.

(C) Notification to the Indiana Department of Environmental Management. The developer must include the NPA or CNPA as verification of plan approval with the Notice of Intent (NOI) and proof of advertisement sent to the Director of IDEM in accordance with 327 I.A.C. 15-5-6(a) at least 48 hours prior to land-disturbing activities. (Ord. 2010-BCC-13, passed 4-19-10)

§ 154.07 FINANCIAL GUARANTEE AND AS-BUILT DOCUMENTS.

(A) Performance bonds or irrevocable letter of credit for storm water treatment BMPs. If not required by other local agencies or regulations, the Administering Authority may, at its discretion, require the submittal of a performance bond or letter of credit prior to issuance of a permit in order to ensure that the storm water practices listed below in division (A)(1) and (2) of this section are installed by the permit holder as required by the approved storm water management plan. The performance security shall contain forfeiture provisions for failure to complete such work as specified in the storm water management plan. The amount of the installation performance security shall be the total estimated construction cost

plus 25% of the storm water management practices approved under the permit, including:

- (1) Total installed cost for storm drain pipe, culvert, manhole, and box inlet installation; and
- (2) Total cost for site filling and grading, including construction of open drainage swales and detention/retention facilities.

(B) *Maintenance bonds.* If a financial guarantee is required under division (A) of this section, then prior to the release of the storm water facility performance surety, a maintenance surety will be required. The maintenance surety will be in an amount not to exceed 20% of the cost of construction and cover a period of three years from the date of acceptance by the Administering Authority.

(C) *As-built documents required.*

(1) As part of the final acceptance process, as-built documents, being plans and calculations of the as-built conditions, of the storm water facilities, must be submitted to the Administering Authority, as set forth herein, for the following types of developments:

- (a) All platted subdivisions;
- (b) Industrial and commercial sites.

(2) As-built drawings shall be prepared and certified by either a land surveyor or a professional engineer licensed in the State of Indiana and provide the following information:

- (a) Building pad elevations;
- (b) Structure inverts, pipe inverts, top-of-casting elevation and the flow line of rear and/or side yard swales at 50-foot intervals or at lot lines;
- (c) Horizontal alignment of storm drain pipes, culverts, streets, and storm drain structures, to a minimum accuracy of +/- two feet;
- (d) The horizontal location and/or bank cross-sections for all detention/retention facilities

or other information sufficient to verify that the constructed detention/retention facility provides the required minimum runoff storage volume; and

(e) A tag reference to the operations and maintenance manual for each BMP will be included.

(3) As-built plans will be submitted as both digital and paper copy. The digital submittal will be in a format compatible with the county's Geographical Information System (GIS) database. If notice of noncompliance is not given within 30 calendar days from the date of submission of as-built documents, the documents shall be construed as approved.

(D) *Release of sureties.* Notice of scheduled date for completion of construction shall be provided to the Administering Authority at least 72 hours prior to its planned completion. The contractor or owner will schedule the final inspection with the Administering Authority's observer. Upon final approval and acceptance, the performance bond or letter of credit will be released at the subsequent meeting of the Board.

(Ord. 2010-BCC-13, passed 4-19-10) Penalty, see § 154.99

§ 154.08 SITE INSPECTIONS AND MAINTENANCE PROVISIONS.

(A) *Notice of construction commencement.* The applicant must notify the Administering Authority 48 hours in advance before the commencement of construction. It shall be a condition of every site development permit that the Administering Authority has the right to enter the construction project site periodically to inspect for compliance with the site development permit and this chapter.

(B) *Inspections during construction.*

(1) By permitted project owner.

(a) The permittee shall maintain a copy of the approved stormwater management plan on site. When required, the permittee shall designate a

responsible person for “self-monitoring” and provide all contact information for such individual to the Administering Authority. Self-monitoring shall be conducted within 24 hours of a measurable rain event, or at minimum once per week. All inspections shall be documented and written reports prepared that contain the following information:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved storm water management plan;
3. Any remedial action needed to maintain compliance with the approved storm water management plan;
4. Schedule and designated party for proposed remedial actions.

(b) Written reports shall be kept on-site and be made available to the Administering Authority within 48 hours of request for review.

(2) By Administering Authority.

(a) Regular inspections of the storm water management system construction shall be conducted by the staff of the Administering Authority. All inspections shall be documented and written reports prepared that contain the following information:

1. The date, location and name of inspector;
2. Whether construction is in compliance with the approved storm water management plan;
3. Variations from the approved construction specifications;
4. Any violations that exist.

(b) Inspectors shall notify the on-site personnel or the developer in writing when violations are being observed, describing items to address and actions to be taken.

(C) *Post-construction.*

(1) Maintenance agreement required. A maintenance agreement shall be required for storm water management practices and shall be an agreement between the Department and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Recorder as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.

(2) Maintenance covenants. The maintenance agreement shall contain the following information and provisions:

(a) Identification of the storm water facilities and designation of the drainage area served by the facilities.

(b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under § 154.05 and the requirement that the responsible party(s), organization, or city, county, or town shall maintain the practices in accordance with the schedule.

(c) Identification of the responsible party(s), organization or city, county, or town responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under § 154.05.

(d) Authorization for the Administrative Authority to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement. The party designated as responsible for long-term maintenance of the storm water management practices shall be notified by the

Administrative Authority of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Administering Authority.

(e) Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five years. These records shall be made available to the Administrative Authority during inspection of the facility and at other reasonable times upon request.

(f) At minimum, annual inspection of the storm water management facility shall be the responsibility of the party designated in this section. Record of the inspection and certification by a qualified individual that the storm water management system has been adequately maintained shall be submitted to the Administering Authority.

(g) Authorization of the Administering Authority to perform the corrected actions identified in the inspection report if the responsible party does not make the required corrections in the specified time period. The Administering Authority shall enter the amount due on the tax rolls and collect the money as a special charge against the property.

(h) The Board, in lieu of a maintenance covenant, may accept dedication of any existing or future storm water management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance. (Ord. 2010-BCC-13, passed 4-19-10) Penalty, see § 154.99

§ 154.09 ENFORCEMENT.

(A) *Violations.* Any land-disturbing construction activity or storm water runoff initiated after the effective date of this chapter by any person, firm, association, or corporation subject to provisions of this chapter shall be deemed a violation unless

conducted in accordance with the requirements of this chapter. Both the owner of the property upon which a violation is committed, and the person actually committing the violation, if different from the owner, may jointly or severally be a “responsible person” subject to the enforcement provisions of this section.

(B) *Notice of violation.* When the MS4 Operator, Administrator, or designee determines that an activity is not being carried out in accordance with the requirements of this chapter, he or she shall issue by certified mail a written notice of violation to the responsible person, including the owner of the property if applicable. The notice of violation shall contain:

(1) The name and address of the owner of the property;

(2) The address when available or a description of the building, structure or land upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the development activity into compliance with this chapter and a time schedule for the completion of such remedial action;

(5) A notice that all construction activities must halt in accordance with division (D) of this section;

(6) A statement of the penalty or penalties that shall or may be assessed by the Board against the responsible person;

(7) A statement that the determination of violation may be appealed to the Board by the responsible person by filing a written notice of appeal within 15 days of service of notice of violation.

(C) *Remediation.* Upon receipt of written notification from the MS4 Operator, Administrator, or designee under division (B) of this section, the responsible person shall correct work that does not

comply with the storm water management plan or other provisions of this permit. The responsible person shall make corrections as necessary to meet the specifications and schedule set forth by the MS4 Operator, Administrator, or designee in the notice.

(D) *Stop work orders.* Persons receiving a notice of violation will be required to halt all construction activities. This stop work order will be in effect until the MS4 Operator, Administrator, or designee confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil or monetary penalties in accordance with the enforcement measures authorized in this chapter.

(E) *Emergency stop work orders.* If the MS4 Operator, Administrator, or designee determines that a violation of this chapter constitutes an immediate and material threat to water quality and/or health and safety, he or she may issue an emergency stop work order to the responsible person by oral, phone, FAX, e-mail or similar communication. Persons receiving such emergency notice are required to halt all construction until the violation is corrected. If necessary, the MS4 Operator, Administrator, or designee shall immediately follow-up an emergency order by issuing a Notice of Violation under division (B) above.

(F) *Miscellaneous enforcement provisions.* The Department and the MS4 Operator, Administrator, or designee shall administer, implement and enforce the provision of this chapter. For this purpose, the MS4 Operator, Administrator and his agents shall have the right to enter upon and inspect real estate and facilities subject to regulation under this chapter as often as necessary during reasonable times to determine compliance or noncompliance with this chapter. The remedies listed in this chapter are not exclusive of any other remedies available under any federal, state or local laws or regulations.

(G) *Transfer of permit.* Prior to termination of the permit, if all or part of the construction site transfers from one MS4 area to another through annexation or other means, the site development

permit, bond, and enforcement authority shall transfer through a Notice of Transfer between the two MS4 entities. This shall not indemnify the permit holder from any pending enforcement action.
(Ord. 2010-BCC-13, passed 4-19-10)

§ 154.10 APPEALS.

(A) *Appeal Authority.* The Board shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the MS4 Operator, Administrator or designee in administering this chapter. The Board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Board may authorize variances from the provisions of this chapter that are not contrary to the public interest, and where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary hardship.

(B) *Who may appeal.* Appeals to the Board may be taken by any aggrieved person or by an officer, department, or board of a corporation affected by any decision of the MS4 Operator, Administrator or designee.

(Ord. 2010-BCC-13, passed 4-19-10)

§ 154.99 PENALTY.

(A) In the event the MS4 Operator, Administrator, or designee is unable to obtain compliance through the procedures prescribed under § 154.09(B), (C) and/or (D), the MS4 Operator, Administrator or designee shall, after determining in his sole discretion which course of action will best result in a correction of the violation:

(1) File the notice of violation with the Board, which shall conduct a hearing, with notice to the responsible person, within 30 days of such filing. If the Stormwater Board finds by a preponderance of the evidence that a violation of this chapter has occurred, it may impose fines upon the responsible person in an amount not to exceed \$7,500, all in

accordance with I.C. 36-1-6-9(d), and/or issue orders to correct violations. In the event the responsible person does not pay any fine imposed by the Board or correct the violation as ordered by the Board, the Board may commence a court action to enforce any fine or to obtain compliance with any order under I.C. 34-28-5-1(b); or

(2) Commence a court action under I.C. 34-28-5-1(b) to enforce this chapter. Such action may be for injunctive relief restraining the responsible person from activities causing a violation or compelling such person to perform abatement or remediation of the violation. In addition, or in the alternative, the court, in its discretion, may impose fines not exceeding \$7,500.

(3) For purposes of this section, a separate violation shall be deemed to have occurred for each day during which a particular violation occurs or continues to occur.

(B) Any appeal under § 154.10(A) by a responsible person of an order of fine issued by the Board must be filed with the court not more than 60 days after the day on which the Board order is entered, all in accordance with I.C. 36-1-6-9(e) and (f).

(C) The Board may from time to time adopt and publish a schedule of fines to be imposed for violations of this chapter. Any such schedule shall serve as a guideline to the Board, from which the Board may deviate if, in the Board's sole discretion, the facts require.

(Ord. 2010-BCC-13, passed 4-19-10)

APPENDIX A: FEES

| | Inside City Limits | Outside City Limits |
|-------------------------------|---------------------------|----------------------------|
| RESIDENTIAL | | |
| Single Family Dwelling | \$325 | \$575 |
| Multi-Family Dwelling | \$550 per building | \$1,000 per building |
| Demolition | \$150 | \$300 |
| Additions | \$150 | \$300 |
| Declaration of Responsibility | \$50 | \$50 |
| SUBDIVISION | | |
| 2-4 Lots | \$450 | \$800 |
| 5 Lots or more | \$300 + \$50/lot | \$550 + \$100/lot |
| Planned Unit Development | \$300 + \$50/lot | \$550 + \$100/lot |
| COMMERCIAL/INDUSTRIAL | | |
| Principal | \$950 + \$50/acre | \$1,500 + 100/acre |
| UTILITY | | |
| Per Acre Disturbed | \$150 | \$300 |
| POND | | |
| Per Acre Disturbed | \$150 | \$300 |
| RETURNED CHECK FEE | \$30 | \$30 |

Any land-disturbing activity requiring its own NOI (Notice of Intent) will be subject to the above fees.

Please make check or money orders payable to the Howard County Stormwater District.

If a check is returned due to insufficient funds, the plan will NOT be reviewed.

Fees are non-refundable.

(Ord. 2010-BCC-13, passed 4-19-10)

CHAPTER 155: DIGGING OR TRENCHING REGULATIONS

Section

- 155.01 Definitions
- 155.02 Requirements
- 155.03 Inspections
- 155.04 Indemnity
- 155.05 Enforcement

- 155.99 Penalty

obtaining a permit from the County Surveyor. Any person desiring to dig or trench in or upon county property shall make written application to the County Surveyor, specifying the location, necessity for and details of the proposed digging or trenching, together with proof of liability insurance coverage with limits of not less than \$1,000,000, covering the county as an additional insured, and proof of worker's compensation coverage. All permits issued shall state the time period within which the proposed digging or trenching shall be completed.

§ 155.01 DEFINITIONS.

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

COUNTY PROPERTY. Any drain (including tile), easement or right-of-way (excluding road pavement) in which the county owns or possesses an interest, whether by grant or by law.

PERMITTEE. Any person granted a permit to dig or trench in accordance with § 155.02(B).

PERSON. Includes an individual, firm, corporation, partnership, utility or similar entity. (Ord. BCC-2003-05, passed 2-3-03)

§ 155.02 REQUIREMENTS.

(A) It shall be unlawful for any person to plow, cut, grade or otherwise disturb the soil in or upon county property other than by digging or trenching. This prohibition does not apply to plowing for strictly agricultural purposes.

(B) It shall be unlawful for any person to dig or trench in or upon any county property without first

(C) It shall be unlawful for any person who digs or trenches in or upon any county property pursuant to a permit obtained under division (B) of this section to:

(1) Fail to restore the digging or trenching site to the same condition as before the digging or trenching; or

(2) Fail to repair at its sole expense any damage to county property which occurs as a result of the digging or trenching; or

(3) Fail to repair at its sole expense any damage to private drains or tiles which occurs as a result of the digging or trenching.

(Ord. BCC-2003-05, passed 2-3-03)

§ 155.03 INSPECTIONS.

The County Surveyor shall inspect the progress of any digging or trenching for which a permit has been issued at such times as he deems appropriate.

(Ord. BCC-2003-05, passed 2-3-03)

§ 155.04 INDEMNITY.

By applying for and obtaining a permit to dig or trench under § 155.02(B), the permittee agrees to indemnify and hold the county harmless from any loss, damage, claim or suit (including costs and reasonable attorneys fees) incurred, suffered or threatened by reason of any activity of the permittee, its agents, employees, contractors or subcontractors. (Ord. BCC-2003-05, passed 2-3-03)

§ 155.05 ENFORCEMENT.

(A) Whenever the County Surveyor shall have reason to believe that any person has violated any provision of this chapter, he shall report such violation to the Board. Upon receipt of such report, the Board may, in its discretion, cause a written notice to be served upon the alleged violator, specifying the provisions of this chapter alleged to be violated, and may order that corrective action be taken within a reasonable time. Any such order shall become final unless, no later than five days after the order is served, the alleged violator requests in writing a hearing before the Board. After any hearing, the Board shall affirm, modify or rescind its orders or issue other orders for the prevention, abatement or control of the violation involved.

(B) In lieu of proceeding under division (A) of this section, or in conjunction therewith, the Board may at any time and within its discretion, institute legal or equitable action against an alleged violator to enforce the provisions of this chapter, by injunction or otherwise, and may in addition or in the alternative, seek the imposition of penalties under § 155.99. (Ord. BCC-2003-05, passed 2-3-03)

§ 155.99 PENALTY.

(A) Any person who violates any provision of this chapter shall be subject to a fine not to exceed \$2,500. Each day of violation shall constitute a separate violation.

(B) Nothing in this chapter shall be construed to abridge, limit or otherwise impair the right of any person to maintain any action or other appropriate proceedings relating to any digging or trenching which might be subject to this chapter. (Ord. BCC-2003-05, passed 2-3-03)

CHAPTER 156: STORM WATER EROSION AND SEDIMENT CONTROL

Section

General Provisions

- 156.01 Introduction
- 156.02 Purpose
- 156.03 Definitions

Permit Procedures

- 156.10 Permit requirements
- 156.11 Review and approval of the permit application

Administration and Enforcement

- 156.20 Inspections
- 156.21 Notice
- 156.22 Violation
- 156.23 Appeals
- 156.24 Remedies not exclusive
- 156.25 Transfer of permit
- 156.26 Termination of permit

Cross-reference:

Illicit discharges, see Chapter 53

Storm water drainage, see Chapter 154

GENERAL PROVISIONS

§ 156.01 INTRODUCTION.

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates

repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

(Ord. 2004-BCC-38, passed 11-1-04)

§ 156.02 PURPOSE.

(A) As a result, the purpose of this chapter is to safeguard persons, protect property, and prevent damage to the environment in the MS4 Area.

(B) This chapter will also promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land within the MS4 Area.

(Ord. 2004-BCC-38, passed 11-1-04)

§ 156.03 DEFINITIONS.

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

BEST MANAGEMENT PRACTICE* or *BMP.

Any structural or nonstructural control measure utilized to improve the quality and, as appropriate, reduce the quantity of storm water runoff. The term includes schedules of activities, prohibitions of practice, treatment requirements, operation and maintenance procedures, use of containment facilities, land use planning, policy techniques, and other management practices.

CLEARING. Any activity that removes the vegetative surface cover.

CONSTRUCTION ACTIVITY. Land-disturbing activities associated with the construction of infrastructure or structures. The term **CONSTRUCTION ACTIVITY** does not include routine ditch or road maintenance or minor landscaping projects.

CONSTRUCTION PLAN. An ordered collection of drawings, narratives, data and documents assembled for review, approval, authorization and establishment of guidelines for the initiation, management and completion of construction activities at a project site regulated by this chapter. A Storm Water Pollution Prevention Plan (SWP3) is a part of the construction plan.

CONSTRUCTION PROJECT SITE. The physical location(s) or legal boundaries within which a construction activity or a series of construction activities is planned to be or is being accomplished.

CONSTRUCTION SITE ACCESS. A stabilized stone surface at all points of construction-related egress from a project site, planned and installed in accordance with specification from an approved reference manual, and maintained throughout the period of land-disturbing activities to capture and detain sediment carried by tires, tracks or other surface-contact components of vehicles, earthmoving equipment, or material and personnel transport conveyances.

DEPARTMENT. The Indiana Department of Environmental Management (IDEM).

DEVELOPER. A project site owner or person financially responsible for construction activity; or an owner of property who sells, leases, or offers for sale or lease, any lot(s) in a subdivision or larger common plan of development or sale.

DIRECTOR. The chief executive officer of IDEM.

DRAINAGE WAY. Any channel that conveys surface storm water runoff.

EROSION AND SEDIMENT CONTROL PLAN. A set of plans prepared by, or under the direction of, a licensed professional engineer, licensed land surveyor, or certified professional in storm water quality (CPSWQ), indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

EROSION AND SEDIMENT CONTROL SYSTEM. Appropriate control measures combined to prevent or minimize the wearing away of soil, sediment and rock fragments by water, wind or ice, and to intercept detached or suspended particles to prevent their discharge from or within a project site.

EROSION CONTROL. A measure that prevents erosion.

FINAL STABILIZATION. The establishment of permanent vegetative cover, or the application of a permanent, non-erosive material to areas where all land-disturbing activities have been completed and no additional land-disturbing activities are planned under the current plan.

GRADING. Excavation or fill of material, including the resulting conditions thereof.

INDIVIDUAL BUILDING LOT. A single parcel of land in a multi-parcel development

LAND-DISTURBING ACTIVITY. Any manmade change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading.

MEASURABLE STORM EVENT. A precipitation event that results in a total measured accumulation of precipitation equal to or greater than one-half inch of rainfall.

MS4 AREA. The area of Howard County permitted under an NPDES Permit and regulated by 327 I.A.C. 15-13. The **MS4 AREA** includes the sections designated, and from time to time updated by the County Commissioners, excluding incorporated limits of cities or towns. A map showing the **MS4 AREA** shall be kept in the MS4 Operator's office for public review.

MS4 OPERATOR. The person locally responsible for development, implementation or enforcement of the Storm Water Quality Management Plan (SWQMP) for Howard County, as regulated under 327 I.A.C. 15-13, or an authorized representative thereof.

MUNICIPAL SEPARATE STORM SEWER SYSTEM or **MS4.** A system of storm water conveyances, either owned or operated or regulated by a governmental agency that IDEM has designated as responsible to eliminate or minimize pollutant loadings of the storm water entering waters of the state.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM or **NPDES.** A program administered by IDEM to reduce or eliminate pollutant loadings into public waters.

NOTICE OF PLAN APPROVAL or **NPA.** A notification, from the MS4 Operator to the project site owner, that the construction plan for a project site has been reviewed and approved by the MS4 Operator.

PEAK DISCHARGE. The maximum rate of flow from a point of storm water discharge during or immediately following a storm event, usually in reference to a specific return period or design storm.

PERIMETER CONTROL. A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PERMANENT STABILIZATION. The establishment, at a uniform minimum of 70% across the disturbed areas, of vegetative cover or permanent non-erosive material that ensures the resistance of the underlying soil to erosion, sliding or other movement.

PHASING OF CONSTRUCTION. Sequential development of smaller portions of a large project site, stabilizing each portion before initiating land-disturbing activities on the next portion, to minimize exposure of land to erosion.

RESPONSIBLE PERSON. The person who is responsible for any violation of this chapter.

RUNOFF. An accumulation of storm water flow that is moving across the surface of the earth as sheet flow or concentrated flow in natural surface watercourses, drains or waterways.

SEDIMENT. Solid material, both organic and mineral, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface.

SEDIMENT CONTROL. Measures that prevent eroded sediment from leaving the site.

SEDIMENTATION. The settling and accumulation of unconsolidated sediment carried by storm water runoff.

SITE. A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT PERMIT. A permit issued by the municipality for the construction or

alteration of ground improvements and structures for the control of erosion, runoff and grading.

START OF CONSTRUCTION. The first land-disturbing activity associated with a development, including land preparation, such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STORM WATER POLLUTION PREVENTION PLAN or SWP3. A plan developed to minimize the impact of storm water pollutants resulting from construction and post-construction activities, including the erosion and sediment control plan.

STORM WATER QUALITY MEASURE. A practice or combination of practices to control or minimize pollutants associated with storm water runoff.

TEMPORARY STABILIZATION. The covering of soil to ensure its resistance to erosion, sliding or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive materials applied at a uniform minimum density of 70% across the disturbed areas of a project site.

TRACKING. The movement and re-depositing of dirt, mud, aggregate, sediment or other storm water pollutants from a project site by the actions of wheels, tires, skids, tracks or other surface-contact components of cars, trucks, heavy equipment, or material and personnel transport conveyances.

WATERCOURSE. Any body of water, including but not limited to, lakes, ponds, rivers, streams, and bodies of water delineated within the county.

WATERWAY. A channel that directs surface runoff to a watercourse or to the public storm drainage system.
(Ord. 2004-BCC-38, passed 11-1-04)

PERMIT PROCEDURES

§ 156.10 PERMIT REQUIREMENTS.

(A) (1) For land-disturbing activity within the MS4 Area uncovering one or more acres of land, no developer shall be granted a site development permit without the approval by the MS4 Operator of a Storm Water Pollution Prevention Plan.

(2) For individual building lots less than one acre, see division (B) below.

(B) (1) The developer of an individual building lot containing less than one acre, but which is a part of a multi-lot construction project within the MS4 Area, shall be required to complete a Declaration of Responsibility for Erosion and Sediment Control for a Small Residential Lot, prior to receipt of an improvement location permit.

(2) This declaration assigns responsibility for conformance to the construction plan, as required in 327 I.A.C. 15-5-7.5, to the individual building lot developer.

(C) No responsible party may commence a land-disturbing construction activity within the MS4 Area, without first receiving prior approval of a site development permit, as required in division (A) or (B) above.

(D) The Storm Water Pollution Prevention Plan submitted to the MS4 Operator shall include all documents and information required within 327 I.A.C. 15-5.

(E) No site development permit is required for the following activities:

(1) Any emergency activity that is immediately necessary for the protection of life, property or natural resources.

(2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(F) (1) Each site development permit application shall bear the name(s) and address(es) of the developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee.

(2) The developer or his or her authorized agent shall sign the application.

(G) A site development permit may be denied if, in the opinion of the MS4 Operator, the proposed plan is likely to result in runoff that causes undue channel erosion, increases water pollution by scouring or the transportation of particulate matter, or endangers property or public safety.
(Ord. 2004-BCC-38, passed 11-1-04)

§ 156.11 REVIEW AND APPROVAL OF THE PERMIT APPLICATION.

(A) The MS4 operator will review each application for a site development permit to determine its conformance with the provisions of this chapter.

(1) Within 28 days after receiving an application, the MS4 Operator shall approve, approve with conditions, or disapprove the application.

(2) Possible actions are further defined as:

(a) **APPROVE.** The permit application is found to be completely consistent with the requirement within this chapter. Therefore, the MS4 Operator shall issue a Notice of Plan Approval (NPA);

(b) **APPROVE WITH CONDITIONS.**

The permit application is generally consistent with the requirements within this chapter, but specific minor modifications are required to meet all of the applicable requirements. Therefore, the MS4 Operator shall issue the permit, subject to these written conditions, along with a Conditional Notice of Plan Approval (CNPA); or

(c) **DISAPPROVE.** The permit application does not meet the requirements of this chapter, and requires modifications that would result in significant changes to the construction plan. Therefore, the MS4 Operator shall disapprove the application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

(B) The developer must include the NPA or CNPA, as verification of plan approval, with the Notice of Intent (NOI) sent to the Director of IDEM, in accordance with 327 I.A.C. 15-5-6(a), at least 48 hours prior to land-disturbing activities.

(C) The initiation of construction activity, following notification by the MS4 Operator that the plan does not meet the requirements of this chapter, is a violation and subject to enforcement action.

(D) If, within 28 days after the plan is received by the MS4 Operator, the project site owner does not receive notification stating that the plan has been disapproved, the project site owner may submit the NOI letter information to IDEM, in accordance with 327 I.A.C. 15-5-6(a).

(E) If notification of a disapproved plan is received after the review period outlined in division (A)(1), and following commencement of construction activities, the plans must be modified to meet the requirements of the chapter, and resubmitted within 14 days of receipt of the notification of disapproved plans.

(F) The developer shall be required to submit a copy of the NOI to the MS4 Operator.

(G) The permit shall be valid for the shorter of five years from date of issuance, or until:

(1) The permit is terminated under § 156.26.

(2) The permit is transferred under § 156.25.

(3) The permit is revoked under § 156.22(B).
(Ord. 2004-BCC-38, passed 11-1-04)

ADMINISTRATION AND ENFORCEMENT

§ 156.20 INSPECTIONS.

(A) The permittee shall have a copy of the approved Storm Water Pollution Prevention Plan readily available.

(B) Every active site having a Storm Water Pollution Prevention Plan should be inspected by the MS4 Operator for compliance with the plan.

(C) Inspectors shall prepare written reports after every inspection.

(D) Inspectors shall notify the on-site personnel or the developer, in writing, when violations are being observed, describing items to address and actions to be taken.

(E) It shall be a condition of every site development permit that the MS4 Operator has the right to enter the construction project site periodically to inspect for compliance with the site development permit and this chapter.

(F) (1) The County Drainage Board and the County Surveyor shall administer, implement and enforce the provisions of this chapter.

(2) For this purpose, the County Surveyor and his or her agents shall have the right to enter upon, and to inspect real estate and facilities subject to regulation under this chapter, as often as necessary to determine compliance or non-compliance with this chapter.

(Ord. 2004-BCC-38, passed 11-1-04)

§ 156.21 NOTICE.

(A) The County Surveyor shall issue a notice of violation letter by certified mail to any responsible person committing a violation of this chapter.

(B) The notice of violation letter will:

(1) Describe the violation that has been committed; and

(2) State that such violation must be corrected within 15 days of the date of notice or further action may be taken, including possible fines.

(Ord. 2004-BCC-38, passed 11-1-04)

§ 156.22 VIOLATION.

(A) If the violation is corrected within the 15 days from the postmarked date of notice, no further action will be taken.

(B) If the violation is not so corrected, the Surveyor shall, after determining which course of action best will result in a correction of the violation:

(1) File the notice of violation with the County Drainage Board, which shall conduct a hearing, with notice to the responsible person, within 30 days of such filing.

(a) If the Drainage Board finds by a preponderance of the evidence that a violation of this Chapter has occurred, it may:

1. Impose fines upon the responsible person in an amount not to exceed \$2,500, all in accordance with I.C. 36-1-6-9(d), and/or

2. Issue orders to correct violations.

(b) In the event the responsible person does not pay any fine imposed by the Drainage Board or correct the violation as ordered by the Drainage Board, the Drainage Board may commence a court action to enforce any fine or to obtain compliance with any order under I.C. 34-28-5-1(b); or

(2) Commence a court action under I.C. 34-28-5-1(b) to enforce this chapter.

(a) Such action may be for injunctive relief, restraining the responsible person from activities causing a violation, or compelling such person to perform abatement or remediation of the violation.

(b) In addition or in the alternative, the court, at its discretion, may impose fines not exceeding \$2,500.
(Ord. 2004-BCC-38, passed 11-1-04)

§ 156.23 APPEALS.

Any appeal by a responsible person of an order or fine issued by the Drainage Board must be filed with the Court not more than sixty (60) days after the day on which the Drainage Board Order is entered, all in accordance with I.C. 36-1-6-9(e) and (f).
(Ord. 2004-BCC-38, passed 11-1-04)

§ 156.24 REMEDIES NOT EXCLUSIVE.

The remedies listed in this chapter are not exclusive of any other remedies available under any federal, state or local laws or regulations.
(Ord. 2004-BCC-38, passed 11-1-04)

§ 156.25 TRANSFER OF PERMIT.

(A) Prior to termination of the permit, if all or part of the construction site transfers from one MS4 Area to another through annexation or other means, the site development permit, bond and enforcement authority shall transfer, through a Notice of Transfer between the two MS4 entities.

(B) This shall not indemnify the permit holder from any pending enforcement action.
(Ord. 2004-BCC-38, passed 11-1-04)

§ 156.26 TERMINATION OF PERMIT.

(A) Upon completion of all construction activities associated with the site development permit, the applicant shall submit a Notice of Termination (NOT) letter to the MS4 Operator.

(B) Termination of Permit will be issued by the MS4 Operator only if the following conditions are met:

(1) All land-disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized.

(2) All public and common improvements, including infrastructure, have been completed and permanently stabilized, and have been transferred to the appropriate local entity.

(C) The applicant may submit an NOT letter to obtain early release from compliance with this rule, if the following conditions are met:

(1) The remaining, undeveloped acreage does not exceed five acres, with contiguous areas not to exceed one acre.

(2) A map of the project site, clearly identifying all remaining undeveloped lots, is attached to the NOT letter.

(3) The map must be accompanied by a list of the names and addresses of individual lot owners or individual lot operators of all undeveloped lots.

(4) The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.

(5) All permanent storm water quality measures have been implemented and are operational. (Ord. 2004-BCC-38, passed 11-1-04)

TABLE OF SPECIAL ORDINANCES

Table

- I. ECONOMIC DEVELOPMENT**
- II. INTERLOCAL AGREEMENTS**
- III. REAL ESTATE TRANSACTIONS**
- IV. THOROUGHFARE PLAN AMENDMENTS**
- V. ZONING MAP AMENDMENTS**

TABLE I: ECONOMIC DEVELOPMENT

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|------------------|--------------------|---|
| CC Res. 1986-5 | 2-25-86 | Designating certain property as an economic revitalization area giving Dan Wood option of buying the property described in Exhibit "A." |
| CC Res. 1989-9 | - -89 | Designating certain property owned by Delco Electronics Corporation as an economic revitalization area described in Exhibit "A." |
| BCC Res. — | 6-20-88 | Authorizing the Economic Development Administration to use the Overall Economic Development Program Annual Report (1988) as the basis to continue county eligibility as a redevelopment area under the Public Works and Economic Development Act of 1965. |
| BCC Res. 1989-11 | 6-19-89 | Adopting the Howard County Overall Economic Development Program Annual Report (1989). |
| CC Res. 1990-1 | 2-13-90 | Designating property located on the west side of South Dixon Road and south of Center Road as an economic revitalization area. |
| BCC Res. — | 6-11-90 | Establishing an economic revitalization area in the City of Kokomo with Continental Medical Systems, Inc. |
| CC Res. 1990-9 | 6-25-90 | Adopting the Howard County Overall Economic Development Program Annual Report (1990). |
| CC Res. — | 7-31-90 | Establishing an economic revitalization area in the City of Kokomo with Delco Electronics Corporation. |
| CC Res. — | 9-10-90 | Establishing an economic revitalization area in the City of Kokomo with DuPont Photomask, Inc. |
| BCC Res. 1991-11 | 6-24-91 | Adopting the Howard County Overall Economic Development Program Annual Report (1991). |
| BCC Res. 1992-6 | 6-22-92 | Adopting the Howard County Overall Economic Development Program Annual Report (1992). |
| BCC Res. — | 6-21-93 | Adopting the Howard County Overall Economic Development Program Annual Report (1993). |

Howard County - Table of Special Ordinances

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-------------------|--------------------|--|
| CC Res. 1994-3 | 3-22-94 | Designating property located on the north side of 50S, west of 200W, owned by Mohr Construction Company, Inc., as an economic revitalization area. |
| BCC 1996-44 | 8-19-96 | Pledging a portion of the economic development income tax revenues. |
| BCC 1996-55 | 9-3-96 | Amending BCC Ord. 1996-44 which pledged a portion of the economic development income tax revenues. |
| BCC Res. 1997-21 | 6-2-97 | Adopting the Howard County Overall Economic Development Program (OEDP) Annual Report (1997). |
| CC Res. 2000-09 | 3-28-00 | Designating an economic revitalization area located in Lincoln Business Park. |
| Res. 2007-BCC-25 | 9-17-07 | Supporting a combined economic group to coordinate economic development activities in the county. |
| 2010-BCC-20 | 6-21-10 | Designating Howard county as a recovery zone under Section 1400U-1 of the Internal Revenue Code for the purpose of issuing recovery zone economic development bonds or recovery zone facility bonds. |
| Res. 2012-BCCR-10 | 5-22-12 | Approving an economic development agreement with Wildcat Wind Farm II, LLC. |
| Res. 2012-HCCR-11 | 5-22-12 | Approving an economic development agreement with Wildcat Wind Farm II, LLC. |
| Res. 2012-HCCR-12 | 5-22-12 | Wildcat Wind Farm II, LLC requesting approval of a ten year real and personal property tax deduction and designating the real property an economic revitalization area. |
| Res. 2012-HCCR-18 | 6-26-12 | Wildcat Wind Farm II, LLC requesting approval of a ten year real and personal property tax deduction and designating the real property an economic revitalization area. |

TABLE II: INTERLOCAL AGREEMENTS

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|------------------|--------------------|--|
| BCC Res. 1987-7A | 8-17-87 | Approving and ratifying an agreement between the City of Kokomo and the county for cooperative action described in “Exhibit A.” |
| CC Res. 1987-7B | 8-25-87 | Approving and ratifying an agreement between the City of Kokomo and the county for cooperative action described in “Exhibit A.” |
| CC 1988-16 | 8-2-88 | Ratifying amendments to an agreement between the City of Kokomo and the county for cooperative action described in CC Ord. 1988-16. |
| CC Res. 1988-8 | 10-4-88 | Approving and ratifying an agreement between the City of Kokomo and Howard County for cooperative action for Center Road (U.S. 31 West). |
| BCC 1988-27 | 10-4-88 | Authorizing execution of an interlocal agreement known as “An Interlocal Agreement Establishing an Interjurisdictional Agency to be Known as the Howard County Department of Civil Defense.” |
| BCC Res. — | 12-5-88 | Establishing a joint City-County Public Safety Telecommunication Center for the City of Kokomo and Howard County. |
| CC Res. 1989-2 | 1-24-89 | Approving and ratifying an agreement between the City of Kokomo and Howard County for cooperative action described in Exhibit “A.” |
| CC Res. 1991-14 | - -91 | Approving and ratifying an agreement between the City of Kokomo and Howard County for a certain “Agreement for Improvement of Lincoln Road from James Drive to 350 Feet West of Webster Street.” |
| BCC — | 3-9-92 | Providing a procedure for municipalities to enter into interlocal cooperative agreements with county executives to prosecute joint highway construction, improvement and maintenance projects. |

Howard County - Table of Special Ordinances

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|--|
| CC Res. 1992-3 | 3-24-92 | Approving and ratifying an agreement between the City of Kokomo and the county known as Project RRP-K120(1) Alto Road at Central Railroad Crossing Reconstruction. |
| CC Res. 1992-9 | 9-1-92 | Approving and ratifying an agreement between the City of Kokomo and the county for the modernization and improvement of Dixon Road from Alto Road to Judson Road. |
| CC Res. 1993-12 | 5-17-93 | Approving and ratifying an agreement between the City of Kokomo and the county to make certain improvements to Albright Road from Alto Road to Lincoln Road and Goyer Road from Boulevard to Carter Street. |
| BCC Res. 1994-7 | 1-31-94 | Approving an agreement between the City of Kokomo and the state and other parties for interlocal cooperation for improvements to Markland Avenue and that portion of Goyer Road lying 500 feet north and 1,300 feet south of the intersection of Markland Avenue and Goyer Road. |
| CC Res. 1994-8 | 2-15-94 | Approving an agreement between the City of Kokomo and the state and other parties for interlocal cooperation for improvements to Markland Avenue and that portion of Goyer Road lying 500 feet north and 1,300 feet south of the intersection of Markland Avenue and Goyer Road. |
| CC Res. | 2-15-94 | Approving an interlocal cooperation agreement the City of Kokomo and the county known as the "Kokomo-Howard County Interlocal Cooperation Agreement No. 1994-1." |
| 98-06 | 1-27-98 | Approving and ratifying an amended agreement between Howard County and the City of Kokomo for cooperative action establishing a Joint City-County Public Safety Tele-Communications Center. |
| 98-CC-20 | 3-24-98 | Approving and ratifying an interlocal governmental agreement between the City of Kokomo and Howard County for the Cannon-Goyer Open Ditch project. |
| 1998-BCC-41 | 11-2-98 | Adopting an amended and restated capital improvement plan and approving an amendment to an agreement with the City of Kokomo specifying the intended uses of economic development income tax revenues. |

Interlocal Agreements

6A

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|------------------|--------------------|--|
| CC 1999-46 | 10-26-99 | Approving and ratifying an agreement between the City of Kokomo and Howard County for cooperative action to improve Alto Road and Park Road. |
| 2004-HCC-15 | 4-27-04 | Approving an interlocal agreement between the City of Kokomo and Howard County, concerning Howard County's utilization of the municipal Weights and Measures Inspector. |
| 2004-HCC-24 | 6-22-04 | Approving an interlocal agreement between Howard County and the New London Conservancy District, concerning a \$35,000 loan. |
| Res. CC-2005-10 | 5-17-05 | Approving a county and municipality joint highway maintenance agreement. |
| Res. CC-2005-13 | 5-17-05 | Approving the Indiana Statewide Mutual Aid Agreement for the County Board of Health. |
| Res. BCC-2005-32 | 11-21-05 | Authorizes the execution of an emergency management, homeland security, emergency medical services, law enforcement, fire, hazardous materials, communications, transportation, public health, animal health, human support services, public works, planning and information services, resource support and search and rescue "Mutual Interlocal Cooperation Agreements" with other local governments (and/or state agencies). |
| Res. CC-2005-36 | 12-13-05 | Approving the proposal of the County Board of Commissioners with respect to the Joint Plan Commission Office Interlocal Agreement. |
| Res. 2006-CC-10 | 5-23-06 | Approving an amended Interlocal Agreement providing for the continued operation of a Joint Plan Commission Office. |
| Res. 2006-BCC-12 | 6-15-06 | Approving an amendment to the Interlocal Cooperative Agreement between Howard County and the City of Kokomo concerning the operation of the Joint Plan Commission Office. |
| Res. 2006-CC-43 | 10-24-06 | Approving an Interlocal Agreement with the Town of Greentown providing for the joint use and operation of a firing range. |

Howard County - Table of Special Ordinances

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|--------------------|--------------------|--|
| Res. 2009-CC-5 | 4-28-09 | Approving the second amended Interlocal Cooperative Agreement on Joint Plan Commission Office. |
| Res. 2010-HCCR-20 | 10-26-10 | Approving an Interlocal Cooperative Agreement between the Howard County, the City of Kokomo and the Howard County Sheriff concerning the creation and operation of a consolidated communications center. |
| Res. 2010-BCCR-22A | 11-1-10 | Confirming the prior approval of the Interlocal Cooperative Agreement between Howard County and the City of Kokomo concerning the creation and operation of a consolidated communication center. |

TABLE III: REAL ESTATE TRANSACTIONS

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-------------------|--------------------|--|
| BCC Res. 1986-13 | 11-17-86 | Disposing of real estate known as Mendota Park, Running Water Park and Mohawk Park used for park purposes. |
| CC Res. 1990-7 | 4-24-90 | Purchasing of six parcels of land for the Howard County Jail and Juvenile Center. |
| BCC 1990-28 | 6-26-90 | Authorizing purchase of a part of the West half of the Southeast Quarter of Section 35, Township 24 North, Range 3 East for a new jail facility and juvenile detention facility. |
| CC 1990-43 | 12-18-90 | Authorizing purchase of two parcels of land, Parcel I containing 12.766 acres and Parcel II containing 9.49 acres. |
| BCC Res. 1991-7 | 5-6-91 | Appropriating two parcels of land from Miller Packing Company, Inc., for construction of a county jail and juvenile detention facility. |
| CC Res. 1993-15 | 5-25-93 | Authorizing disposal of the Boys' Shelter Care Home located at 531 East Taylor Street and the Girls' Shelter Care Home located at 640 South Main Street in Kokomo, Indiana. |
| BCC Res. 1993-28 | 8-30-93 | Authorizing disposal of the old Howard County Jail located at 623 South Berkley Road. |
| BCC Res. 1993-32 | 10-4-93 | Authorizing sale of shelter care homes for less than 90% of appraised value. |
| BCC Res. 1993-36 | 11-22-93 | Disposing of the old Howard County Jail located at 623 South Berkley Road. |
| BCC Res. 1993-36A | 12-13-93 | Accepting proposal regarding disposition of the old Howard County Jail at 623 South Berkley Road. |

Howard County - Table of Special Ordinances

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|------------------|--------------------|--|
| BCC Res. 1993-37 | 11-22-93 | Authorizing execution of warranty deeds to Harold Richard Gilliam and Beverley Grace Gilliam, and David D. Pickens and Linda L. Pickens to complete the disposition and sale of the girls and boys shelter care homes. |
| BCC Res. 1996-25 | 7-1-96 | Approving purchase of real estate for county road improvements for the Chrysler Corporation Expansion Project. |
| BCC Res. 1996-35 | 9-3-96 | Appropriating real estate for a public highway improvement known as Project M-MG-K320(1). |
| BCC Res. 1996-43 | 10-21-96 | Approving lease of the old Howard County Jail to Correctional Management Company. |
| BCC Res. 1996-44 | - - | Approving purchase of real estate for county road improvements related to the Chrysler Corporation Expansion Project. |
| CC 1996-46 | 8-20-96 | Approving a lease between the Howard County Redevelopment Authority and the Howard County Redevelopment Commission. |
| CC Res. 1996-46 | 10-22-96 | Approving lease of the old Howard County Jail to Correctional Management Company. |
| BCC Res. 1996-47 | 11-4-96 | Approving purchase of real estate for county road improvements related to the Chrysler Corporation Expansion Project. |
| CC 1996-47 | 8-20-96 | Approving transfer of certain real estate to and the assignment of certain right from the Howard County Redevelopment Commission. |
| BCC Res. 1996-49 | - - | Approving purchase of real estate for county road improvements related to the Chrysler Corporation Expansion Project. |
| BCC Res. 1996-55 | - - | Approving purchase of real estate for county road improvements related to the Chrysler Corporation Expansion Project. |
| BCC Res. 1997-13 | 4-7-97 | Approving purchase of real estate for county road and drain improvements related to the Chrysler Corporation Expansion Project. |

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|------------------|--------------------|--|
| BCC Res. 1997-22 | 6-2-97 | Approving purchase of real estate for county road and drain improvements related to the Chrysler Corporation Expansion Project. |
| CC 1997-28 | - - | Authorizing Howard County Automotive Heritage Museum and Civic Center Building Corporation to purchase land located at 1500N Reed Road in Kokomo, Indiana. |
| BCC Res. 1997-29 | 7-21-97 | Authorizing Howard County Automotive Heritage Museum and Civic Center Building Corporation to issue its bonds and apply proceeds from to finance and acquisition, construction, improvements and remodeling of certain real property located at 1500N Reed Road, Kokomo, Indiana, and lease the real property to the county for use as an automotive heritage museum and civic center. |
| BCC 1997-34 | - -97 | Authorizing Howard County Automotive Heritage Museum and Civic Center Building Corporation to issue its bonds and apply proceeds from to finance and acquisition, construction, improvements and remodeling of certain real property located at 1500N Reed Road, Kokomo, Indiana and lease the real property to the county for use as an automotive heritage museum and civic center. |
| CC Res. 1997-39 | 8-26-97 | Declaring an interest in the possible purchase of real estate from Richard Clarkson, such real estate being more particularly described in Exhibit A. |
| Res. BCC 1998-22 | 6-1-98 | Ratifying the execution of a deed transferring certain real estate of Howard County to the Howard County Redevelopment Commission. |
| Res. 1998-BCC-30 | 8-17-98 | Appropriating real estate for a public highway improvement known as Project STP-K320(2). |
| Res. 1998-BCC-31 | 8-17-98 | Appropriating real estate for a public highway improvement known as Project STP-RS-8334(2). |
| Res. CC-2005-14 | 6-28-05 | Declaring an interest in buying a residential floodplain property. |
| Res. 2008-CC-25 | 12-9-08 | Declaring an interest in purchasing 2700 Dellwood Drive under Howard County's Mitigation Program. |

Howard County - Table of Special Ordinances

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-------------------|--------------------|--|
| Res. 2011-BCCR-12 | 6-6-11 | Authorizing transfer of property to the Ivy Tech Community College of Indiana. |
| Res. 2011-BCCR-33 | 10-3-11 | Authorizing offers to purchase flood mitigation properties. |
| Res. 2012-BCCR-7 | 4-16-12 | Authorizing transfer of tax sale parcels. |
| Res. 2012-BCCR-38 | 12-27-12 | Accepting transfer of 80 parking spaces in the new parking garage from the City of Kokomo. |
| Res. 2015-BCCR-02 | 1-5-15 | Assigning 87 tax sale certificates to the City of Kokomo. |
| Res. 2015-BCCR-08 | 4-20-15 | Transferring 127 parcels of real estate to the City of Kokomo. |

TABLE IV: THOROUGHFARE PLAN AMENDMENTS

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|--|
| BCC 1986-14 | 7-28-86 | Deleting a 100-foot Parkway Thoroughfare between 50S at 800E and 850E. |
| BCC 1987-7 | - -87 | Deleting 150W between 450S and 500S. |
| BCC 1987-13 | 6-22-87 | Deleting a proposed 100 foot Parkway Thoroughfare between 100E and 300S. |
| BCC 1987-16 | 8-24-87 | Deleting a proposed 100 foot Parkway Thoroughfare through Lakeside Subdivision at 621N and 600E. |
| BCC 1988-5 | - -88 | Deleting a proposed 100 foot Parkway Thoroughfare through East Brook Subdivision between 180 and 200S. |
| BCC 1988-21 | 9-6-88 | Vacating a portion of Nancy Drive. |
| BCC 1988-29 | 11-28-88 | Vacating two public alleys for 3959S and 135E. |
| BCC 1990-5 | 2-26-90 | Vacating Parkway Thoroughfare and vacating and relocated W. Carter Street at the 4000 Block of West Carter Street. |
| BCC 1990-11 | 3-26-90 | Vacating 12-foot alley between 13 and 20 in original plat of Fairfield (Oakford), at 1209E and 400S. |
| BCC 1990-23 | 5-29-90 | Vacation of section line right-of-way on 700W from 320S of the center line of Honey Creek. |
| BCC 1990-24 | 5-29-90 | Vacation of half section line right-of-way on 50N from 450W to 480W. |
| BCC 1990-32A | - -90 | Vacating half section line right-of-way on 450S from 100W to 200W. |
| BCC 1990-40 | 11-26-90 | Vacating a portion of quarter section line right-of-way designed for proposed 250W located between 50S and 100S. |

Howard County - Table of Special Ordinances

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|--|
| BCC 1990-41 | - -90 | Vacation of quarter section line of proposed 450N and vacation of proposed beltway for property at 4470N and 200E. |
| BCC 1991-10 | 4-22-91 | Vacating portion of proposed parkway along 1150E at 300S. |
| BCC 1991-13 | 6-3-91 | Vacating 50 feet of thoroughfare of 1000W between 00NS and 50S. |
| BCC 1991-14 | 6-3-91 | Vacating 80 feet of thoroughfare along the south section line of Section 32 between 440W and 500W. |
| BCC 1991-15 | 6-3-91 | Reducing proposed right-of-way from 100 feet to 60 feet along 440W between Old Sycamore Road and 50S. |
| BCC 1991-26 | 9-23-91 | Vacating alley at 4000S Block of 200W. |
| BCC 1992-4 | 1-27-92 | Vacating a portion of thoroughfare along West Markland Avenue between Berkley Road and Dixon Road. |
| BCC 1992-5 | 1-27-92 | Vacating a portion of thoroughfare along 550E between 50S and 100S. |
| BCC 1992-6 | 1-27-92 | Vacating a portion of thoroughfare along 100E between 300S and approximately 3208S. |
| BCC 1992-28 | 9-28-92 | Vacating section line normally designated as 250E. |
| BCC 1992-32 | 10-26-92 | Vacating section line normally designated as 900W. |
| BCC 1993-4 | 2-22-93 | Vacating quarter section right-of-way for proposed 650E. |
| BCC 1993-6 | 2-22-93 | Vacating of quarter section line along proposed 250W between 50S and 100S. |
| BCC 1993-15 | - -93 | Vacating half section line right-of-way for proposed 1250W. |
| BCC 1994-14 | 2-28-94 | Vacating the right-of-way easements for quarter section line for proposed 450S and for section line for 800W. |
| BCC 1994-13 | 2-28-94 | Vacating section line right-of-way for proposed 100W. |

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| BCC 1994-15 | 2-28-94 | Vacating right-of-way for section line for proposed 00NS. |
| BCC 1994-23 | 4-25-94 | Vacating right-of-way on quarter section line for proposed 450S for development of Charles Rawls Subdivision. |
| BCC 1994-27 | 6-6-94 | Vacating right-of-way for proposed Matt Lane located in Walton Lake Estates Subdivision. |
| BCC 1994-28 | 6-6-94 | Vacating right-of-ways on quarter section lines for proposed 150W and 350S. |
| BCC 1994-29 | 6-6-94 | Vacating right-of-ways on the quarter section lines for proposed 350S and for proposed 150E for McWhorter Subdivision. |
| BCC 1994-31 | 8-1-94 | Vacating right-of-way on quarter section line for proposed 850W for Hawthorne Major Subdivision. |
| BCC 1994-35 | 9-6-94 | Vacating right-of-way for portion of Main Street in Cassville, Indiana. |
| BCC 1994-36 | 9-6-94 | Vacating the right-of-way quarter section line for proposed 250N for Vonderahe Estates Subdivision. |
| BCC 1994-42 | 10-3-94 | Vacating right-of-way for proposed 450E for Jane Isaac Subdivision. |
| BCC 1994-52 | 12-5-94 | Vacating the right-of-ways on quarter section lines for proposed 250N for Ortman Acres Subdivision. |
| BCC 1995-12 | 4-3-95 | Vacating right-of-way for quarter section line for proposed 250E for Walton Lake Estates Subdivision. |
| BCC 1995-20 | 6-5-95 | Vacating right-of-ways on section lines for proposed 50N and 65W for Fox Den Subdivision. |
| BCC 1995-21 | 6-5-95 | Vacating right-of-way on quarter section line for proposed 300W. |
| BCC 1995-26 | 7-31-95 | Vacating right-of-ways on Cleveland Street and alleys in Center, Indiana. |
| BCC 1995-35 | 9-25-95 | Vacating a portion of the right-of-way of the thoroughfare on quarter section line for proposed 650W for Rasmussen Subdivision. |

Howard County - Table of Special Ordinances

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|--|
| BCC 1995-39 | 10-23-95 | Vacating four right-of-ways on quarter section lines for Hampton Point Subdivision. |
| BCC 1995-40 | 10-23-95 | Vacating the right-of-ways on quarter section lines for 400N and 350N. |
| BCC 1996-1 | 1-2-96 | Vacating right-of-way on half section line for proposed 350S. |
| BCC 1996-2 | 1-2-96 | Vacating right-of-way on half section line for proposed 50S for Rick Shaw Subdivision. |
| BCC 1996-3 | 2-5-96 | Vacating right-of-way on section line for proposed 600W for Greg Hill Subdivision. |
| BCC 1996-17 | 4-1-96 | Removing section line for proposed 1200W. |
| BCC 1996-18 | 4-1-96 | Removing half section line for proposed 950W. |
| BCC 1996-19 | 4-1-96 | Removing half section line for proposed 550N. |
| BCC 1996-29 | 6-3-96 | Removing quarter section line for proposed 300S for Wester Ridge Subdivision. |
| BCC 1996-31 | 7-1-96 | Removing portion of half section line for proposed 1050W for Shaffer Homestead Subdivision. |
| BCC 1996-32 | 7-1-96 | Vacating portion of the right-of-way For Lewis Street. |
| BCC 1996-32A | 8-5-96 | Vacating portion of the right-of-way for South Lewis Street. |
| BCC 1996-38 | 8-5-96 | Vacating right-of-way for proposed 50N and to delete secondary feeder for proposed 50N between 300W and 350W for 512 South Hickory Lane. |
| BCC 1996-39 | 8-5-96 | Deleting proposed parkway and half section line thoroughfare. |
| BCC 1996-45 | 9-3-96 | Vacating right-of-way for Main Street (1033E) in the Jerome, Indiana. |
| BCC 1996-57 | 10-7-96 | Removing proposed Primary Arterial Thoroughfare for 250S between 200E and Brooke Road. |
| BCC 1996-58 | 10-7-96 | Removing proposed Secondary Feeder Thoroughfare for 550N between 500E and 600E. |

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| BCC 1996-59 | 9-30-96 | Vacating the right-of-way for alley north of Lot 13 in George Lowry's Addition to the Town of Fairfield (Oakford) at 3893 South 128E. |
| BCC 1996-69 | 1-6-97 | Deleting thoroughfare for proposed 800W between 200N and 300N. |
| BCC 1996-70 | 1-6-97 | Deleting thoroughfare for proposed 100S between 650W and 680W. |
| BCC 1996-71 | 1-6-97 | Deleting the thoroughfare for proposed 300W between 275S and 300S. |
| BCC 1997-10 | 4-21-97 | Removing the proposed thoroughfares for 650W from 90S to proposed 100S; and for 100S from proposed 600W to 650W. |
| BCC 1997-24 | 7-7-97 | Deleting the primary feeder for proposed 450E between 50N and 00NS. |
| BCC 1997-45 | 11-3-97 | Vacating a portion of Carr Drive, west of cul-de-sac and adjacent to Lots 8 and 9 in Flowing Wells Estates Subdivision, at 2200 & 2201 Carr Drive. |
| BCC 1997-48 | 12-1-97 | Changing the proposed thoroughfare for 450S between 1000E and 1100E from a secondary feeder (60 foot right-of-way) to a local street (50 foot right-of-way). |
| 1998-10 | 3-2-98 | Deleting primary feeder thoroughfare for proposed Co. Rd. 550 East between Co. Rd. 200 South and Co. Rd. 300 South, for a distance of one mile. |
| BCC 1998-18 | 4-6-98 | Deleting the proposed primary feeder thoroughfare for Co. Rd. 300 South between Co. Rd. 870 West and Co. Rd. 800 West, a distance of 0.75 miles. |
| BCC 1998-19 | 4-6-98 | Removing the primary feeder thoroughfare for proposed Co. Rd. 1200 West between Co. Rd. 100 North (St. Rd. 22) and proposed Co. Rd. 00 North/South, a distance of one mile. |
| BCC 1998-23 | 5-4-98 | Removing the secondary feeder thoroughfare for proposed County Road 450 South, between County Road 400 West and County Road 350 West, a distance of ½ mile. |

Howard County - Table of Special Ordinances

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|------------------|--------------------|---|
| BCC 1998-24 | 5-4-98 | Deleting the proposed secondary feeder thoroughfare for proposed Co. Rd. 550 East between Co. Rd. 500 South and proposed Co. Rd. 450 South, a distance of one half mile. |
| BCC 1998-27 | 6-15-98 | Removing the proposed secondary feeder thoroughfare for proposed Co. Rd. 150 West between Co. Rd. 250 South and Co. Rd. 300 South, for a distance of one half mile. |
| BCC 1998-48 | 11-2-98 | Removing the proposed secondary feeder thoroughfare for proposed Co. Rd. 1050 East, between Co. Rds. 00 North/South and 100 North, for a distance of one mile. |
| BCC 1999-11 | 4-5-99 | Removing the secondary feeder thoroughfare for proposed County Road 550 West, between County Road 80 South and County Road 50 South for a distance of approximately ½ mile. |
| BCC 1999-32 | 8-2-99 | Removing a portion of the secondary feeder Co. Rd. 450S between Co. Rd. 400E and 450E. |
| BCC 1999-33 | 8-2-99 | Removing a portion of the secondary feeder Co. Rd. 300S between Co. Rd. 675W to 700W. |
| BCC 1999-47 | 12-6-99 | Removing a portion of the secondary feeder Co. Rd. 650S between Co. Rds. 650W to 700W. |
| BCC Res. 2000-07 | 2-21-00 | Confirming approximately one-half mile of road located west of 1250 West and heretofore marked and maintained as County Road 160N. |
| BCC 2000-24 | 6-5-00 | Removing proposed thoroughfare for the secondary feeder proposed County Road 800W between County Road 00 north-south and 50S. |
| BCC 2000-25 | 6-5-00 | Removing proposed thoroughfare for the secondary feeder proposed County Road 300S between County Road 350W and 400W. |
| BCC 2000-32 | 7-3-00 | Removal of the secondary feeder thoroughfare for proposed County Road 450S, between County Road 800E and State Road 213 for a distance of approximately one mile. |
| BCC 2000-33 | 7-3-00 | Remove proposed secondary feeder thoroughfare for proposed Co. Rd. 50W (Webster St.) between Co. Rd. 300N (Smith Rd.) and proposed Co. Rd. 350N. |

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| — | 10-2-00 | Removing thoroughfare for the extension of 400W from 50S to 00NS. |
| — | 10-2-00 | Removing the proposed secondary feeder thoroughfare for proposed 550N, between 00EW and 50E. |
| — | 10-23-00 | Removing thoroughfare requirement for a portion of proposed thoroughfare for 350S for a distance of 2640 feet west of 450W. |
| — | 2-19-01 | Deleting the proposed thoroughfare 350W between 200N and 300N. |
| BCC 2001-25 | 5-7-01 | Removal of proposed primary feeder thoroughfare, on a new alignment, connecting 1010E with 1030E, between 100S and 150S. |
| BCC 2001-26 | 5-7-01 | Remove secondary feeder thoroughfare for proposed 950E, north of 100N and south of 200N, for a distance of approximately 1 mile. |
| BCC 2001-27 | 5-7-01 | Remove the proposed thoroughfare 250E, a secondary feeder, between 250N and proposed 300N, a distance of 0.5 miles. |
| BCC 2001-39 | 8-6-01 | Removing the proposed Parkway thoroughfare paralleling the Wildcat Creek between 00NS and 50S and between proposed 750E and proposed 800E, for a distance of 0.5 miles. |
| BCC 2001-44 | 9-4-01 | Removing primary feeder thoroughfare for a proposed county road running north-south between 00NS and 100N, along the section line between sections 34 and 35, for a distance of approximately 1 mile. |
| BCC 2002-05 | 2-4-02 | Vacating a portion of the right-of-way on Harrison Street, as platted in Simpson's Second Addition to Center, Indiana. |
| BCC 2002-13 | 3-25-02 | Removing primary feeder for the proposed 870W between 00NS and 150S, and a portion of 100S between 820W and 950W. |

Howard County - Table of Special Ordinances

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| BCC 2002-14 | 3-25-02 | Removing primary feeder thoroughfare for proposed 900W between 200S and 250S. |
| BCC 2002-23 | 6-3-02 | Removing the primary feeder for proposed 850W between 400S and 500S. |
| BCC 2002-27 | 7-1-02 | Removing primary feeder connecting 100S with 150S between Windy Hill Court and 550W. |
| BCC 2002-31 | 8-5-02 | Removing primary feeder for proposed 250E between 50N and 100N. |
| BCC 2002-36 | 9-3-02 | Removing primary feeder for proposed 950E between 400S and 500S. |
| BCC 2002-44 | 10-7-02 | Removing primary feeder for proposed 400E between 500N and 600N. |
| BCC 2002-52 | 11-4-02 | Removing primary feeder between 550W and 600W along 100S. |
| 2003-BCC-09 | 3-3-03 | Removing primary feeder for proposed County Road 150 South lying between County Road 750 West and County Road 820 West. |
| 2003-BCC-10 | 3-3-03 | Removing secondary feeder for proposed County Road 550 North running east-west between County Road 1030 West and 1000 West, north of County Road 500 North and South of County Road 600 North, for distance of approximately 1/4 mile; changing proposed thoroughfare right-of-way along County Road 1030 West to 80-foot secondary feeder between County Road 500 North and County Road 600 North. |
| 2003-BCC-12 | 3-17-03 | Vacating 8-foot easements platted between Lot 43 and 44 in Replat of Lots 46, 47, and 48 in Section 6, Lot 45 in Section 5, Lot 49 in Section 4 and Lots 38 to 44 inclusive, in Replat of said Lots in Section 5 of Bookshire Subdivision, beginning at east boundary of said lots to point 8 feet east of west boundary thereof. |
| 2003-BCC-30 | 8-4-03 | Removing thoroughfares for County Road 350 South from 200 West to 250 West and 250 West from 300 South to 400 South, Harrison Township. |

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| 2003-BCC-37 | 8-18-03 | Vacating 15-foot easement along east line of Lot 23 in Deer Knoll Planned Unit Development, Section 3, addition to Liberty Township, as recorded in Plat Book 9, Page 414. |
| 2003-BCC-38 | 9-2-03 | Vacating 10-foot drainage and utility easement which separates Lot 24 and Lot 25, Champagne Shores Subdivision, Section II, Harrison Township. |
| 2003-BCC-45 | 10-6-03 | Vacating 15-foot easement in West Point Subdivision Section 1, Clay Township, between Lot 3A and Lot 2B and recorded in Plat Book 6 Page 113. |
| 2003-BCC-51 | 11-17-03 | Vacating alley beginning at northeast corner of Lot 5 in Town of Cassville, being original plat of said town, as recorded in Recorder's Plat Book 1, Page 110; thence east 12 feet to northwest corner of Lot 1 in said town; thence south parallel with west line of said Lot 1 a distance of 132 feet; to Southwest corner of Lot 2 in said town; thence west 12 feet to southeast corner of Lot 6 in said town; then north 132 feet to place of beginning. |
| 2003-BCC-52 | 12-1-03 | Vacating 12-foot easements or public ways along east line and south line of Lots 9 and 10 in West Liberty, Union Township, Greentown Indiana, as recorded in Plat Book 1, Page 170. |
| 2004-BCC-20 | 6-7-04 | Removing the thoroughfare for 180 South, between 500 West along the north bank of Little Wildcat Creek to 560 West, Harrison Township. |
| 2004-BCC-21 | 6-7-04 | Removing the thoroughfare for 250 West, between 100 North and 200 North, Center Township. |
| 2005-BCC-12 | 3-7-05 | Removing the proposed right-of-way along County Road 50 North between 600 West and 650 West, Clay Township. |
| 2005-BCC-15 | 4-18-05 | Vacating alleys in the town of West Liberty. |
| 2005-BCC-28 | 6-6-05 | Vacating an easement, part of the Moors of Chippendale, Section 3, Harrison Township. |
| 2005-BCC-48 | 9-6-05 | Vacating an easement in Lot 13 in Southwood Subdivision to the City of Kokomo. |

Howard County - Table of Special Ordinances

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| 2005-BCC-55 | 10-3-05 | Removing thoroughfare for County Road 300 South between County Road 400 West and County Road 500 West, Harrison Township. |
| 2005-BCC-56 | 10-3-05 | Removing proposed thoroughfare of 1000 West between County Road 200 South and 250 South, Monroe Township. |
| 2005-BCC-57 | 10-3-05 | Removing proposed secondary feeder thoroughfare 1150 East from 00NS to 100 South, Union Township. |
| 2005-BCC-61 | 10-17-05 | Vacating a 12-foot wide utility easement lying on the north side of Lot 1 in the Lynn Griffin Minor Subdivision, Liberty Township. |
| 2005-BCC-71 | 12-19-05 | Removing thoroughfare for County Road 550 East between County Road 400 North and 300 North, Harrison Township. |
| 2005-BCC-72 | 12-19-05 | Vacating a 15-foot wide alley lying between Lots 13 and 14 in Highlawn Addition to the Town of West Middleton. |
| 2006-BCC-08 | 2-20-06 | Vacating a 12-foot utility easement on the east and north side of Lot 3, Decker Minor Subdivision, Harrison Township. |
| 2006-BCC-16 | 5-15-06 | Vacating a utility easement located in Lakeside Subdivision of Lots 8 and 9, Howard Township. |
| 2006-BCC-30 | 7-17-06 | Vacating utility and drainage easements on Lot 1 in the Rick Keck Subdivision, Taylor Township. |
| 2006-BCC-34 | 8-21-06 | Vacating a utility easement on Lot 324 of Section 5 of Terrace Meadows Subdivision. |
| 2006-BCC-45 | 11-20-05 | Vacating a dedicated right-of-way, part of Lot 1 in Honningford Subdivision, Honey Creek Township. |
| 2007-BCC-11 | 3-5-07 | Vacating a public way 40 feet in width and 132 feet in length, south of and contiguous to Lot 81 in the M.R. Wickersham's Addition to the Town of New London. |
| 2007-BCC-15 | 4-16-07 | Vacating a public way, east 33 feet of plotted Locust Street lying adjacent to Parcel ID #s 34-11-11-331-001.000-016. |

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|------------------|--------------------|---|
| 2008-BCC-16 | 6-2-08 | Vacating Railroad Street in the Town of Hemlock. |
| Res. BCC-2008-23 | 11-17-08 | Extending the U.S. 31 Freeway Moratorium. |
| Res. BCC-2009-26 | 12-15-09 | Extending the U.S. 31 Freeway Moratorium. |
| 2010-BCC-2 | 1-19-10 | Vacating a 12-foot easement along the south side of Lot 1 in King's Acre Subdivision. |
| 2013-BCCO-29 | 12-16-13 | <p>Vacating the following:</p> <ol style="list-style-type: none"> 1. A public way 40 feet in width and 132 feet in length between Lots 103 and 104 in M.R. Wickersham's Addition to the Town of New London, Howard County, Indiana. 2. A public way 40 feet in width and 132 feet in length between lots 105 and 106 in M.R. Wickersham's Addition to the Town of New London, Howard County, Indiana. 3. A public way 10 feet in width running from the south line of Lot 103 extended east 10 feet to the south line of Lot 107 extended east 10 feet and contiguous to the east end of Lots 104, 105, 106, and 107, in M.R. Wickersham's Addition to the Town of New London, Howard County, Indiana. |

TABLE V: ZONING MAP AMENDMENTS

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|--|
| BCC 1990-9 | 3-26-90 | Amending the Zoning Map by the vacation of part of Sugar Mill Subdivision, Section 1, Harrison Township. |
| BCC 1991-5 | 3- -91 | Changing the zoning classification at 1900 Block of East Markland Avenue from R-1 (Residential) to B-2 (Business). |
| BCC 1991-9 | 4-22-91 | Changing the zoning classification at 0241 North 300W from A-1 (Agriculture) to C-1 (Commercial). |
| BCC 1991-11 | 4-22-91 | Changing the zoning classifications at 288 Nancy Drive from R-1 (Residential) to B-1 (Business). |
| BCC 1991-20 | 7-22-91 | Changing the zoning classification at 3618 South Dixon Road from A-1 (Agriculture) to B-2 (General Business). |
| BCC 1991-24 | 8-26-91 | Changing the zoning classification at 2097 Alto Road West from R-1 (Residential) to B-2 (General Business). |
| BCC 1991-27 | 9-23-91 | Changing the zoning classification for Lot 3 and 22B from R-1 (Residential) to B-2 (General Business). |
| BCC 1991-28 | 9-23-91 | Changing the zoning classification at 3767 East 300S from A-1 (Agriculture) to B-2 (General Business). |
| BCC 1991-32 | 11-25-91 | Changing the zoning classification at 1919 East Markland Avenue from B-1 (Local Business) and R-1 (Residential) to B-2 (General Business). |
| BCC 1991-33 | 11-25-91 | Changing the zoning classification at 2301 East Markland Avenue from B-1 (Local Business) and R-1 (Residential) from B-2 (General Business). |
| BCC 1991-34 | 11-25-91 | Changing the zoning classification at 2464 South 750W from R-1 (Residential) and A-1 (Agriculture) to C-1 (Commercial). |
| BCC 1991-39 | 12-23-91 | Changing the zoning classification at 4602 West 100N from A-1 (Agriculture) to C-1 (Commercial). |

Howard County - Table of Special Ordinances

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|--|
| BCC 1991-40 | 12-23-91 | Changing the zoning classification at 2233 South 465W from R-1 (Residential) to A-1 (Agriculture). |
| BCC 1992-3 | - - | Changing the zoning classification at 3400 Block of West Lincoln Road from R-1 (Residential) to B-2 (General Business). |
| BCC 1992-8 | - - | Changing the zoning classification at 2900 Block of East Markland Avenue from R-1 (Residential) to B-2 (General Business). |
| BCC 1992-12 | 4-22-92 | Changing the zoning classification at 1241 East 400S from R-1 (Residential) to B-2 (General Business). |
| BCC 1992-13 | 4-27-92 | Changing the zoning classification at 0087, 0127 and 0211 South 440W from A-1 (Agriculture) to R-1 (Residential). |
| BCC 1992-17 | 6-1-92 | Changing the zoning classification at 2233 South 465W from R-1 (Residential) to A-1 (Agriculture). |
| BCC 1992-23 | - - | Changing the zoning classification at 2980 West Sycamore Road from R-1 (Residential) to B-2 (General Business). |
| BCC 1992-26 | 9-28-92 | Changing the zoning classification at 1985 West 400S from A-1 (Agriculture) to R-1 (Residential). |
| BCC 1992-27 | 9-28-92 | Changing the zoning classification at 6539 and 6583 West 400S from R-1 (Residential) to B-2 (General Business). |
| BCC 1992-38 | 1-4-93 | Changing the zoning classification at 2605 Jefferson Street from R-1 (Residential) to B-2 (General Business) and C-1 (Commercial). |
| BCC 1993-10 | 3-22-93 | Changing the zoning classification at 11 West Alto Road from R-1 (Residential) to B-1 (Local Business). |
| BCC 1993-20 | 6-28-93 | Changing the zoning classification at the 8100 Block of Deer Creek Road from A-1 (Agriculture) and FP (Flood Plain) to R-1 (Residential) and FP (Flood Plain). |
| BCC 1993-29 | - -93 | Changing the zoning classification at 1034 South Goyer Road from R-1 (Residential) to B-1 (Local Business). |

Zoning Map Amendments

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| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|--|
| BCC 1993-30 | - -93 | Changing the zoning classification at 2409 and 2411 East Markland Avenue from R-1 (Residential) to B-1 (Local Business). |
| BCC 1993-39 | 12-27-93 | Changing the zoning classification at 4230 North 00EW from C-1 (Commercial) to B-2 (General Business). |
| BCC 1993-40 | 12-27-93 | Changing the zoning classification at 317 West Alto Road from R-1 (Residential) and A-1 (Agriculture) to B-2 (General Business). |
| BCC 1994-41 | 10-3-94 | Changing the zoning classification at 2401 East Foster Street from R-1 (Residential) to B-1 (Local Business). |
| BCC 1994-46 | 11-7-94 | Changing the zoning classification at 2509 East Markland Avenue from R-1 (Residential) to B-2 (General Business). |
| BCC 1994-47 | - - | Changing the zoning classification at 1626 East North Street from R-1 (Residential) to B-2 (General Business). |
| BCC 1994-49 | - - | Changing the zoning classification at 4112 North 00EW from R-1 (Residential) to B-2 (General Business). |
| BCC 1994-50 | 12-5-94 | Changing the zoning classification at 1009 South Emery Street from R-1 (Residential) to B-2 (General Business). |
| BCC 1994-51 | 12-5-94 | Changing the zoning classification at 2605 East Markland Avenue from R-1 (Residential) to B-2 (General Business). |
| BCC 1995-23 | 7-6-95 | Changing the zoning classification at 1004 and 1012 South Clark Street from R-1 (Residential) to B-2 (General Business). |
| BCC 1996-12 | - -96 | Changing the zoning classification at 1719 and 1720 North Faith Road from B-1 (Local Business) to B-2 (General Business). |
| BCC 1996-26 | 5-6-96 | Changing the zoning classification at 2755 Commerce Drive from B-1 (Agriculture) to C-1 (Commercial). |

Howard County - Table of Special Ordinances

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| BCC 1996-56 | 10-7-96 | Changing the zoning classification at 2850 East Markland from R-1 (Residential) to B-2 (General Business). |
| BCC 1996-63 | 11-4-96 | Changing the zoning classification at 2389 South 200W from R-1 (Residential) to B-2 (General Business). |
| BCC 1997-4 | 3-3-97 | Changing the zoning classification at the southwest corner of 300S (Center Road) and 150E from A-1 (Agriculture) to R-1 (Residential) and B-1 (Local Business). |
| BCC 1997-23 | - -97 | Changing the zoning classification at the 3500 Block of South Dixon Road from A-1 (Agriculture) to B-2 (General Business). |
| BCC 1997-42 | 10-6-97 | Changing the zoning classification at 1650 West 300S from A-1 (Agriculture) to R-1 (Residential). |
| BCC 1997-43 | 10-6-97 | Changing the zoning classification at 613 & 615 West Lincoln Road from R-1 (Residential) to B-1 (Local Business). |
| 1997-55 | 1-5-98 | Changing the zoning classification at 1282 West Co. Rd. 300 South from B-1 (Local Business) to B-2 (General Business). |
| 1998-03 | 2-2-98 | Changing the zoning classification at 1924 West Co. Rd. 300 South from A-1 (Agriculture) to R-1 (Residential). |
| 1998-07 | 5-4-98 | Changing the zoning classification at 2943 West Co. Rd. 100 South from A-1 (Agriculture) to B-1 (Local Business). |
| 1998-08 | 3-2-98 | Changing the zoning classification at 2825 West Co. Rd. 100 South from A-1 (Agriculture) to R-1 (Residential). |
| 1998-09 | 3-2-98 | Changing the zoning classification at 2618 and 2620 South Albright Road from R-1 (Residential) to B-1 (Local Business). |
| BCC-1998-16 | 4-6-98 | Changing the zoning classification at 1003 S. Clark Street from R-1 (Residential) to B-1 (Local Business). |
| BCC-1998-17 | 4-6-98 | Changing the zoning classification at 703 N. Touby Pike from R-1 (Residential) to C-1 (Commercial). |

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| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|--|
| BBC 1998-35 | 8-3-98 | Changing the zoning classification at 2801 and 2815 E. Markland Ave. from R-1 (Residential) to B-2 (General Business). |
| BBC 1998-36 | 8-3-98 | Changing the zoning classification at 302 S. Reed Rd. from B-2 (General Business) to C-1 (Commercial). |
| BBC 1998-40 | 8-31-98 | Changing the zoning classification at 2719 S. Webster St. from R-1 (Residential) to B-1 (Local Business). |
| 1998-BCC-46 | 11-2-98 | Changing the zoning classification at 125 and 135 N. Dixon Road from R-1 (Residential) to B-1 (Local Business). |
| BCC 1998-47 | 11-2-98 | Changing the zoning classification in the 2600 Block of North Washington Street from R-1 (Residential) to B-2 (General Business). |
| BCC 1998-54 | 12-7-98 | Changing the zoning classification at 3000 West Sycamore Street from R-1 (Residential) to B-2 (General Business). |
| BCC 1999-10 | 4-5-99 | Changing the zoning classification at 1327 East Co. Rd. 200 North from R-1 (Residential) to I-1 (Industrial). |
| BCC 1999-14 | 5-3-99 | Changing the zoning classification at the 1600 block of North Reed Road (U.S. #31 By-Pass) from R-1 (Residential) to B-2 (General Business). |
| BCC 1999-36 | 9-7-99 | Changing the zoning classification for property located in a fractional part of the southwest quarter of Section 13, Township 24 north, range 4 east, containing 73.037 acres more or less from A-1 (Agriculture) and R-1 (Residential) to C-1 (Commercial). |
| BCC 2000-01 | 1-3-00 | Changing the zoning classification for property located at 2828 East Markland Avenue from R-1 (Residential) to B-2 (General Business). |
| BCC 2000-02 | 1-3-00 | Changing the zoning classification for property located at 811 East Co. Rd. 400S from R-1 (Residential) to B-1 (Local Business). |
| BCC-2000-08 | 3-6-00 | Changing the zoning classification for property located at the 100 block of West Alto Road from A-1 (Agricultural) and R-1 (Residential) to C-1 (Commercial). |

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| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| BCC 2000-09 | 3-6-00 | Changing the zoning classification for Lots 117 and 118 in Kenwood Gardens Addition at 933 and 935 South Lewis Street from R-1 (Residential) to B-2 (General Business). |
| BCC 2000-10 | 3-6-00 | Changing the zoning classification for property located more or less at 3025 West Jefferson Street from R-1 (Residential) to C-1 (Commercial). |
| BCC 2000-30 | 7-3-00 | Changing the zoning classification for property located at 2800 block of E. Southway Boulevard from A-1 (Agricultural) to C-1 (Light Industrial). |
| BCC 2000-31 | 7-3-00 | Changing the zoning classification for property located at 2980 West Sycamore from R-1 (Residential) to B-2 (General Business). |
| BCC 2000-34 | 7-3-00 | Changing the zoning classification for property located at 2828 East Markland Avenue from R-1 (Residential) to B-2 (General Business). |
| BCC 2000-35 | 7-3-00 | Changing the zoning classification for property located at 1201 West Alto Road from R-1 (Residential) to B-2 (General Business). |
| — | 8-7-00 | Changing the zoning classification at 250 West Co. Road 300N from C-1 (Light Industrial) to R-1 (Residential). |
| — | 8-7-00 | Changing the zoning classification for 1501 through 1935 S. Dixon and 2400 W. Boulevard from R-1 (Residential) to B-1 (Local Business). |
| — | 10-23-00 | Changing the zoning classification at the 2000 block of West Co. Road 400S from A-1 (Agricultural) to B-2 (General Business). |
| BCC 2001-12 | 3-5-01 | Changing the zoning classification at 2145 East CR 00NS from R-1 (Residential) to B-1 (Local Business). |
| BCC 2001-13 | 3-5-01 | Changing the zoning classification at 1013 S. Lewis Street from R-1 (Residential) to B-1 (Local Business). |
| BCC 2001-23 | 5-7-01 | Changing the zoning classification at 2110 W. Alto Road from A-1 (Agricultural) to B-1 (Local Business). |

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|-----------------|--------------------|--|
| BCC 2001-24 | 5-7-01 | Changing the zoning classification at 2046 W. Alto Road from A-1 (Agricultural) to B-1 (Local Business). |
| BCC 2001-43 | 9-4-01 | Changing the zoning classification at the 3301 block of S. Dixon Road from A-1 (Agricultural) to B-2 (General Business). |
| — | 10-1-01 | Changing the zoning classification at 3999 South Co. Road 500E from A-1 (Agricultural) to B-1 (Local Business). |
| BCC 2002-22 | 6-3-02 | Changing the zoning classification at 2229 East Rd. 00NS from R-1 (Residential) to B-2 (General Business). |
| BCC 2002-32 | 8-2-02 | Changing the zoning classification at 3025 W. Jefferson from C-1 (Light Industrial) to R-1 (Residential). |
| BCC 2002-35 | 9-3-02 | Changing the zoning classification at 1805 E. Sycamore St. from R-1 (Residential), B-2 (General Business), FW/R-1 (Floodway/Residential) and FF/R-1 (Floodway Fringe/Residential) to B-2 (General Business), FW/B-2 (Floodway/General Business) and FF/B-2 (Floodway Fringe/General Business). |
| BCC 2002-43 | 10-7-02 | Changing the zoning classification at 4950 East 400S from A-1 (Agricultural) to B-1 (Local Business). |
| BCC 2002-51 | 11-4-02 | Changing the zoning classification at 1013 S. Lewis from B-1 (Local Business) to B-2 General Business. |
| BCC 2002-56 | 12-2-02 | Changing the zoning classification at 1865 W. Zartman Rd. from A-1 (Agricultural) to R-1 (Residential). |
| BCC 2002-57 | 12-2-02 | Changing the zoning classification at 1881 W. Zartman Rd. from A-1 (Agricultural) to B-2 (General Business). |
| BCC 2002-58 | 12-2-02 | Changing the zoning classification at 3001 & 3005 N. Washington St. from A-1 (Agricultural) & R-1 (Residential) to B-2 (General Business). |
| 2003-BCC-13 | 4-7-03 | Changing the zoning classification for property located at 1220 South Goyer Road from R-1 (Residential) to B-1 (Local Business). |

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| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| 2003-BCC-21 | 6-2-03 | Changing the zoning classification for property located at 4802 West Road 250 South from R-1 (Residential) to C-1 (Light Industrial). |
| 2003-BCC-31 | 8-4-03 | Changing the zoning classification of property located at 671 East Co. Road 400 South from R-1 & A-1 to B-2 (General Business). |
| 2003-BCC-32 | 8-4-03 | Changing the zoning classification of property located at 2211 West Alto Road from A-1 (Agricultural) to B-2 (General Business). |
| 2003-BCC-41 | 10-6-03 | Changing the zoning classification of property located at 2322 South Co. Road 750 West from R-1 (Residential) to B-1 (Local Business). |
| 2003-BCC-42 | 10-6-03 | Changing the zoning classification of property located at 3240 Weston Place from A-1 (Agricultural) to R-1 (Residential). |
| 2003-BCC-43 | 10-6-03 | Changing the zoning classification of property located at 323 South Road 00 EW Road from R-1 & A-1 to B-2 (General Business). |
| 2003-BCC-44 | 10-6-03 | Changing the zoning classification of property located at 300 West and Boulevard Street from B-1 (Local Business) to R-1 (Residential). |
| 2004-BCC-02 | 1-5-04 | Changing the zoning classification for property located at 3020 West Jefferson from R-1 (Residential) and A-1 (Agricultural) to B-2 (General Business). |
| 2004-BCC-12 | 4-5-04 | Changing the zoning classification for property located at 4084 North Co. Road 00EW from R-1 (Residential) to B-1 (Local Business). |
| 2004-BCC-19 | 6-7-04 | Changing the zoning classification for property located at 311 West Co. Road 300 South from A1 (Agricultural)/A1FP (Agricultural/Floodplain) to R1 (Residential)/R1FP (Residential/Floodplain). |
| 2004-BCC-25 | 7-6-04 | Changing the zoning classification for property located at 2906 West Jefferson Street from A-1 (Agricultural) and R-1 (Residential) to R-1 (Residential). |

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| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| 2004-BCC-42 | 12-6-04 | Changing the zoning classification for property located at 2848 East Markland Avenue from A-1 (Agricultural) to B-2 (General Business). |
| 2005-BCC-06 | 2-7-05 | Changing the zoning classification for property located at 3718 North County Road 700 East from A-1 (Agricultural) to B-1 (Local Business). |
| 2005-BCC-14 | 4-4-05 | Changing the zoning classification for property located at 2040 West Alto Road from B-1 (Local Business) to B-2 (General Business). |
| 2005-BCC-16 | 5-2-05 | Changing the zoning classification for property located at 4610 North County Road 600 East from A-1 (Agricultural) to B-1 (Local Business). |
| 2005-BCC-24 | 6-6-05 | Changing the zoning classification for property located at 1717 North Faith Road, from R-1 (Residential) to B-2 (General Business). |
| 2005-BCC-25 | 6-6-05 | Changing the zoning classification for property located at 490 North County Road 600 West from A-1 (Agricultural) to R-1 (Residential). |
| 2005-BCC-26 | 6-6-05 | Changing the zoning classification for property located at 3437 West Sycamore from R-1 (Residential) to A-1 (Agricultural). |
| 2005-BCC-36 | 8-3-05 | Changing the zoning classification for property located at 2101, 2105 and 2109 South Dixon Road from R-1 (Residential) to B-1 (Local Business). |
| 2005-BCC-63 | 11-7-05 | Changing the zoning classification for property located at 2007 East County Road 00NS from R-1 (Residential) to B-2 (General Business). |
| 2005-BCC-66 | 12-5-05 | Changing the zoning classification for property located at 2113 and 2201 South Dixon Road from R-1 (Residential) to B-1 (Local Business). |
| 2006-BCC-38 | 10-2-06 | Changing the zoning classification for property located at 2001 West County Road 400 South from A-1 (Agricultural) to B-2 (General Business). |

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| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| 2006-BCC-39 | 10-2-06 | Changing the zoning classification for property located at 3021 South County Road 400 East from A-1 (Agricultural) to RS1 (Residential Suburb 1). |
| 2006-BCC-40 | 10-2-06 | Changing the zoning classification for property located at 2126 West County Road 400 South from A-1 (Agricultural) to B-2 (General Business). |
| 2007-BCC-10 | 3-5-07 | Changing the zoning classification for property located at 4379 West County Road 250 South from R-1 (Residential) to B-2 (General Business). |
| 2007-BCC-14 | 4-16-07 | Changing the zoning classification for property located at 4974 West County Road 250 South from A-1 (Agricultural) to B-1 (Local Business). |
| 2007-BCC-18 | 5-7-07 | Changing the zoning classification for property located at 3532 East County Road 400 South from A-1 (Agricultural) to R-1 (Residential). |
| 2007-BCC-23 | 6-4-07 | Changing the zoning classification for property located at 2500 East Markland Avenue from R-1 (Residential) to B-1 (Local Business). |
| 2007-BCC-27 | 7-2-07 | Changing the zoning classification for property located at 2722 East Boulevard from R-1 (Residential) to C-1 (Light Industrial). |
| 2007-BCC-33 | 8-6-07 | Changing the zoning classification for property located at 1935 South Dixon Road from R-1 (Residential) to B-1 (Local Business). |
| 2007-BCC-39 | 10-1-07 | Changing the zoning classification for property located at 341 South County Road 00EW from R-1 (Residential) to B-2 (General Business). |
| 2008-BCC-05 | 2-4-08 | Changing the zoning classification for property located at 2409 East Markland Avenue from B-1 (Local Business) to B-2 (General Business). |
| 2008-BCC-32 | 11-3-08 | Changing the zoning classification for property located at 3618 South Dixon Road from B-2 (General Business) to C-1 (Light Industrial). |
| 2008-BCC-33 | 11-3-08 | Changing the zoning classification for property located at 2333 West Markland Avenue from R-1 (Residential) to B-1 (Local Business). |

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| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| 2008-BCC-35 | 12-1-08 | Changing the zoning classification for property located at 76 North County Road 300 East from A-1 (Agricultural) to B-2 (General Business). |
| 2009-BCC-09 | 3-2-09 | Changing the zoning classification for property located at 3039 South County Road 150 East from A-1 (Agricultural) to B-1 (Local Business). |
| 2009-BCC-17 | 6-1-09 | Changing the zoning classification for property located at 5794 North County Road 00EW from B-1 (Local Business) to B-2 (General Business). |
| 2009-BCC-29 | 10-10-09 | Changing the zoning classification for property located at 3437 West Sycamore Street from A-1 (Agricultural) to B-2 (General Business). |
| 2009-BCC-30 | 10-5-09 | Changing the zoning classification for property located at 2296 South County Road 750 West from R-1 (Residential) to B-1 (Local Business). |
| 2009-BCC-39 | 1-4-10 | Changing the zoning classification for property located at 3211 West Jefferson Street from R-1 (Residential) to C-1 (Light Industrial). |
| 2012-BCCO-15 | 6-4-12 | Changing the zoning classification for property described as the east half of the Southwest Quarter Section 25, Township 24 North, Range 1 East, containing 80 acres from AG (Agricultural) to PR (Parks and Recreation). |
| 2012-BCCO-20 | 9-4-12 | Changing the zoning classification for property located in part of the Southeast Quarter of Section 32, Township 24 North, Range 2 East, Ervin Township from AG (Agricultural) to RR (Rural Residential). |
| 2012-BCCO-21 | 9-4-12 | Changing the zoning classification for property described as a part of the Southeast quarter of Section 18, Township 24 North, Range 3 East, from AG (Agricultural) to RR (Rural Residential). |
| 2012-BCCO-22 | 9-4-12 | Changing the zoning classification for property described as a part of the west half of Section 16, Township 24 North, Range 5 East Liberty Township, from AG (Agricultural) to RR (Rural Residential). |

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| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|--|
| 2014-BCCO-09 | 4-7-14 | Changing the zoning classification for property described as part of the Southeast Quarter of Section 12, Township 24 North, Range 3 East from AG (Agricultural) to C1 (Small to Medium General Commercial). |
| 2014-BCCO-23 | 9-2-14 | Changing the zoning classification for property described as part of the Southwest quarter of Section 7, Township 23 North, Range 3 East, Harrison Township, at 1594 S.W. Russiaville, from AG (Agricultural) to R1(Very Low Density Residential). |
| 2015-BCCO-15 | 6-1-15 | Changing the zoning classification for property described as part of the northwest quarter of Section 31, Township 24 North, Range 5 East, Liberty Township, at 60 North 600 East Greentown, from AG (Agricultural) to RR (Rural Residential). |
| 2015-BCCO-19 | 8-3-15 | Changing the zoning classification for property described as part of the southeast quarter of Section 12, Township 22 North, Range 5 East, Union Township, at 11678 East 200 South Greentown, from AG (Agricultural) to RR (Rural Residential). |
| 2015-BCCO-26 | 9-8-15 | Changing the zoning classification for property described as part of the northeast quarter of Section 3, Township 24 North, Range 5 East, Liberty Township, at 8919 East 600 North Greentown, from AG (Agricultural) to RR (Rural Residential). |
| 2015-BCCO-27 | 9-8-15 | Changing the zoning classification for property described as part of the southeast quarter of Section 13, Township 2 North, Range 2 East, Monroe Township, at 6185 West 250 South Russiaville, from AG (Agricultural) to RR (Rural Residential). |
| 2015-BCCO-26 | 9-8-15 | Changing the zoning classification for property described as part of the southwest quarter of Section 33, Township 24 North, Range 5 East, Liberty Township at 614 West Main Street, Greentown, from RR (Rural Residential) and R-1 (Residential) to C-1 (Small to Medium Commercial). |
| 2016-BCCO-11 | 4-4-16 | Changing the zoning classification for property described as part of the southeast quarter of Section 35, Township 23 North, Range 2 East, Honey Creek Township, at 7050 W 600 S Russiaville, from AG (Agricultural) to RR (Rural Residential). |

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| 2016-BCCO-22 | 7-5-16 | Changing the zoning classification for property described as part of the northeast quarter of Section 23, Township 24 North, Range 4 East, Howard Township, at 4802 E 250 S, Kokomo, from AG (Agricultural) to RR (Rural Residential). |
| 2016-BCCO-23 | 7-5-16 | Changing the zoning classification for property described as part of the northwest quarter of Section 6, Township 24 North, Range 4 East, Howard Township, at 5606 N 00 EW, Kokomo, from C2 (Medium to Large Scale General Commercial) to RR (Rural Residential). |
| 2016-BCCO-24 | 7-5-16 | Changing the zoning classification for property described as the east one-half of the southeast quarter of Section 7, Township 24 North, Range 3 East, Clay Township, at 4337 N 500 W, Kokomo, from AG (Agricultural) to IA (Intense Agricultural). |
| 2016-BCCO-31 | 9-6-16 | Changing the zoning classification for property described as a fractional part of the northeast quarter of Section 27, Township 24 North, Range 4 East, Howard Township, at 1735 N 400 E, Kokomo, from AG (Agricultural) to RR (Rural Residential). |

PARALLEL REFERENCES

References to Indiana Code
References to 1983 Code of Ordinances
References to County Council Resolutions
References to County Council Ordinances
References to Board of County Commissioners Resolutions
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REFERENCES TO INDIANA CODE

| <i>Indiana Code Section</i> | <i>Code Section</i> |
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| 22-11-1-21.5 | 150.07 |
| 25-37-1-2 et seq. | 112.02 |
| 25-39-4-1 | 52.03 |
| 26-1-20.2-8 | 32.02 |
| 33-0-11.5 | 33.34 |
| 33-6-3-1 et seq. | 10.98 |

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| 33-9-11.5 | 33.30 |
| 33-40-7-3 | 31.08 |
| 33-40-7-3(a) | 31.08 |
| 33-40-7-3(b) | 31.08 |
| 33-40-7-3(c) | 31.08 |
| 33-40-7-3(d) | 31.08 |
| 33-40-7-3(e) | 31.08 |
| 33-40-7-3(f) | 31.08 |
| 33-40-7-6 | 31.08 |
| 34-1-52-1 | 50.12 |
| 34-4-30.1 | 33.28 |
| 34-4-30.5 | 33.28 |
| 34-4-32-1 et seq. | 50.02 |
| 34-28-1-5(b) | 53.17, 53.20, 156.22 |
| 34-28-5-1 | 96.13, 111.05 |
| 34-28-5-1(b) | 53.17, 53.20, 154.99, 156.22 |
| 34-28-5-3 | 130.03 |
| 35-41-1-17(b) | 36.14 |
| 35-42-4 | 32.03 |
| 35-43-5-5(e) | 33.09 |
| 35-46-3 | 32.03 |
| 35-47-2-3(b) | 33.07 |
| 35-50-5-4 | 36.05 |
| 36-1-3-8(a)(10) | 10.99 |
| 36-1-6-2 | 50.99 |
| 36-1-6-3 | 90.09 |
| 36-1-6-3(b) | 36.07, 95.99 |
| 36-1-6-4 | 95.99 |
| 36-1-6-9(d) | 53.17, 53.20, 154.99, 156.22 |
| 36-1-6-9(e) | 50.17, 53.18, 92.35, 111.06, 113.07, 154.99, 156.23 |
| 36-1-6-9(f) | 53.18, 53.20, 154.99, 156.23 |
| 36-1-8.5-4 | 36.16 |
| 36-1-8.5-4.5 | 36.16 |
| 36-1-8.5-6 | 36.16 |
| 36-1-8.5-7 | 36.16 |
| 36-1-8.5-11 | 36.16 |
| 36-2-2-4 | 30.15 |
| 36-2-2-4.7 | 30.15 |
| 36-2-2-8 | 30.02 |
| 36-2-2-8(b) | 30.02 |
| 36-2-3-4 | 30.15 |
| 36-2-4-10 | 30.02 |
| 36-2-5-2 | 33.28 |
| 36-2-6-3(d) | 36.13 |

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| 36-2-6-4 | 36.13 |
| 36-2-6-4.5 | 36.13 |
| 36-2-7-10(b) | 33.06 |
| 36-2-7-15 | 33.07 |
| 36-2-7.5-6(b)(2) | 33.32 |
| 36-2-11-14 | 33.04 |
| 36-2-13-15(d)(3) | 36.05 |
| 36-2-14-22.3 | 34.03 |
| 36-2-19-18(d) | 33.04 |
| 36-7-4 | 151.01 |
| 36-7-4-500 et seq. | 152.01 |
| 36-7-8-2 | 31.01 |
| 36-7-9-1 et seq. | 150.09 |
| 36-7-9-2 | 150.09 |
| 36-7-9-3 | 150.09 |
| 36-7-9-4 | 150.09 |
| 36-7-12-4 | 31.07 |
| 36-7-12-7 | 31.07 |
| 36-7-14-1 et seq. | 31.06 |
| 36-7-14-3 | 31.06 |
| 36-7-14.5-7 | 31.06 |
| 36-8-3-20 | 32.04 |
| 36-8-10-2 | 32.01 |
| 36-8-10-3 | 32.01, 32.02 |
| 36-8-10-4 | 32.01 |
| 36-8-10-5 | 34.03 |
| 36-8-16-3 | 33.03 |
| 36-8-16-11(b) | 33.03 |
| 36-8-16-12 | 33.03 |
| 36-8-16-13 | 33.03 |
| 36-8-16-14(a) | 33.03 |
| 36-9-27-54 | 152.65 |
| 36-9-27-57 — 36-9-27-63 | 152.65 |
| 36-10-3 | 31.04 |
| 36-10-3-4 | 31.04 |

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| <i>1983 Code Section</i> | <i>1998 Code Section</i> |
|--------------------------|--------------------------|
| 10.01 | 10.01 |
| 10.02(A) | 10.02 |
| 10.03 | 10.03 |
| 10.05 | 10.05 |
| 10.07 | 10.11 |
| 10.09 | 10.06 |
| 10.10 | 10.07 |
| 10.11 | 10.08 |
| 10.12 | 10.09 |
| 10.13 | 10.10 |
| 10.14 | 10.10 |
| 10.16 | 10.13 |
| 10.18 | 10.14 |
| 10.99 | 10.99 |
| 30.02 | 30.15 |
| 32.04 | 31.01 |
| 32.06(E), (F) | 33.47 |
| 32.08 | 31.03 |
| 32.09 | 31.04 |
| 32.13 | 32.01 |
| 32.14 | 32.02 |
| 32.15 | 31.05 |
| 34.08 | 33.01 |
| 34.18 | 33.02 |
| 51.01 | 52.01 |
| 51.02 | 52.02 |
| 51.03 | 52.03 |
| 51.04 | 52.04 |
| 51.05 | 52.05 |
| 51.06 | 52.06 |
| 51.07 | 52.07 |
| 51.08 | 52.08 |
| 51.09 | 52.09 |
| 51.10 | 52.10 |
| 51.98 | 52.11 |
| 70.01(A) | 70.02 |
| 70.01(B) | 70.04 |
| 70.02 | 70.05 |

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| <i>1983 Code Section</i> | <i>1998 Code Section</i> |
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| 70.03 | 70.03 |
| 70.10 | 70.01 |
| 70.11 | 70.01 |
| 70.20 | 33.46 |
| 70.21 | 33.46 |
| 70.22 | 33.46 |
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| Ch. 71, Sched. II | Ch. 71, Sched. III |
| Ch. 71, Sched. III | Ch. 71, Sched. IV |
| Ch. 71, Sched. IV | Ch. 71, Sched. V |
| Ch. 72, Sched. I | Ch. 72, Sched. I |
| Ch. 73, Sched. I | Ch. 71, Sched. I |
| 90.01 | 35.01 |
| 90.02 | 35.02 |
| 90.03 | 35.03 |
| 90.04 | 35.04 |
| 90.05 | 35.05 |
| 91.01 | 93.01 |
| 91.02 | 93.02 |
| 91.03 | 93.03 |
| 91.04 | 93.04 |
| 92.20 | 92.15 |
| 92.21 | 92.16 |
| 92.22 | 92.17 |
| 92.23 | 92.18 |
| 93.01 | 70.06 |
| 93.02 | 70.06 |
| 93.03 | 70.06 |
| 93.04 | 70.06 |
| 130.01 | 130.01 |
| 150.01 | 150.01 |
| 150.02 | 150.02 |
| 150.03 | 150.03 |
| 150.04 | 150.04 |
| 150.05 | 150.05 |
| 150.06 | 150.06 |
| 150.07 | 150.07 |
| 150.08 | 150.08 |
| 153.01 | 153.01 |

REFERENCES TO COUNTY COUNCIL RESOLUTIONS

| <i>CC Res. No.</i> | <i>Date Passed</i> | <i>Code Section</i> |
|--------------------|--------------------|---------------------|
| 1986-5 | 2-25-86 | T.S.O. I |
| 1987-7B | 8-25-87 | T.S.O. II |
| 1988-8 | 10-4-88 | T.S.O. II |
| 1989-2 | 1-24-89 | T.S.O. II |
| 1989-9 | - -89 | T.S.O. I |
| 1990-1 | 2-13-90 | T.S.O. I |
| 1990-7 | 4-24-90 | T.S.O. III |
| 1990-9 | 6-25-90 | T.S.O. I |
| — | 7-31-90 | T.S.O. I |
| — | 9-10-90 | T.S.O. I |
| 1991-14 | - -91 | T.S.O. II |
| 1992-3 | 3-24-92 | T.S.O. II |
| 1992-9 | 9-1-92 | T.S.O. II |
| 1993-12 | 5-17-93 | T.S.O. II |
| 1993-15 | 5-25-93 | T.S.O. III |
| 1994-3 | 3-22-94 | T.S.O. I |
| 1994-8 | 2-15-94 | T.S.O. II |
| — | 2-15-94 | T.S.O. II |
| 1996-46 | 10-22-96 | T.S.O. III |
| 1997-39 | 8-26-97 | T.S.O. III |
| 1998-21 | - -98 | 36.04 |
| 1999-46 | 10-26-99 | T.S.O. II |
| 2000-09 | 3-28-00 | T.S.O. I |
| 2003-HCC-16 | 8-26-03 | 34.02 |
| CC-2005-10 | 5-17-05 | T.S.O. II |
| CC-2005-13 | 5-17-05 | T.S.O. II |
| CC-2005-14 | 6-28-05 | T.S.O. III |
| CC-2005-36 | 12-13-05 | T.S.O. II |
| 2006-CC-10 | 5-23-05 | T.S.O. II |
| 2006-CC-43 | 10-24-06 | T.S.O. II |
| 2008-CC-25 | 12-9-08 | T.S.O. III |
| 2009-CC-5 | 4-28-09 | T.S.O. II |
| 2010-HCCR-20 | 10-26-10 | T.S.O. II |
| 2012-HCCR011 | 5-22-12 | T.S.O. I |
| 2012-HCCR-12 | 5-22-12 | T.S.O. I |
| 2012-HCCR-18 | 6-26-12 | T.S.O. I |
| 2014-HCCR-21 | - - | 36.04 |

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| <i>CC Ord. No.</i> | <i>Date Passed</i> | <i>Code Section</i> |
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| 1986-18 | 12-2-86 | 33.48 |
| 1988-16 | 8-2-88 | T.S.O. II |
| 1988-17 | 8-2-88 | 33.03 |
| 1989-4 | 2-21-89 | 33.03 |
| 1990-2 | 2-12-90 | 33.25 |
| 1990-4 | 2-13-90 | 33.28 |
| 1990-43 | 12-18-90 | T.S.O. III |
| 1991-3 | 2-26-91 | 33.25 |
| 1992-9 | 3-24-92 | 33.25 |
| 1994-18 | 3-22-94 | 33.25 |
| 1994-19 | 4-26-94 | 30.01 |
| 1994-25 | 4-26-94 | 33.26 |
| 1995-4 | 1-24-95 | 33.25 |
| 1996-1 | 2-6-96 | 33.45 |
| 1996-11 | 2-6-96 | 33.25 |
| 1996-46 | 8-20-96 | T.S.O. III |
| 1996-47 | 8-20-96 | T.S.O. III |
| 1997-07 | --97 | 33.25 |
| 1997-28 | -- | T.S.O. III |
| 1997-51 | 11-25-97 | 33.26 |
| 1998-02 | 1-20-98 | 33.25 |
| 1998-06 | 1-27-98 | T.S.O. II |
| 1998-20 | 3-24-98 | T.S.O. II |
| 1998-32 | 7-21-98 | 36.05 |
| 1999-29 | 6-22-99 | 36.10 |
| 2002-04 | 1-23-02 | 33.30 |
| 2004-HCC-15 | 4-27-04 | T.S.O. II |
| 2004-HCC-24 | 6-22-04 | T.S.O. II |
| 2007-CC-12 | 3-27-07 | 33.49 |
| 2007-CC-26 | 6-26-07 | 33.49 |
| 2007-CC-51 | 12-11-07 | 33.33 |
| 2008-CC-22 | 7-24-08 | 33.03 |
| 2010-CC-5 | 1-26-10 | 33.30 |
| 2010-HCCO-32 | 11-23-10 | 33.51 |
| 2011-HCCO-5 | 2-22-11 | 33.34 |
| 2011-HCCO-20 | 11-22-11 | 33.51 |
| 2013-HCCO-08 | 4-23-13 | 33.35 |
| 2013-HCCO-16 | 8-20-13 | 33.36 |
| 2013-HCCO-27 | 10-22-13 | 33.47 |
| 2015-HCCO-22 | 7-28-15 | 33.49 |
| 16-HCCO-05 | -- | 33.34 |

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| — | 11-4-57 | 31.05 |
| — | 10-4-71 | 31.03 |
| — | 1-3-78 | Ch. 152 |
| 1986-13 | 11-17-86 | T.S.O. III |
| 1987-7A | 8-17-87 | T.S.O. II |
| — | 6-20-88 | T.S.O. I |
| — | 12-5-88 | T.S.O. II |
| 1989-11 | 6-19-89 | T.S.O. I |
| — | 6-11-90 | T.S.O. I |
| 1991-7 | 5-6-91 | T.S.O. III |
| 1991-11 | 6-24-91 | T.S.O. I |
| 1992-6 | 6-22-92 | T.S.O. I |
| — | 6-21-93 | T.S.O. I |
| 1993-28 | 8-30-93 | T.S.O. III |
| 1993-32 | 10-4-93 | T.S.O. III |
| 1993-36 | 11-22-93 | T.S.O. III |
| 1993-36A | 12-13-93 | T.S.O. III |
| 1993-37 | 11-22-93 | T.S.O. III |
| 1994-7 | 1-31-94 | T.S.O. II |
| 1996-25 | 7-1-96 | T.S.O. III |
| 1996-28 | 7-15-96 | 33.45 |
| 1996-35 | 9-3-96 | T.S.O. III |
| 1996-36 | 9-9-96 | 33.45 |
| 1996-43 | 10-21-96 | T.S.O. III |
| 1996-44 | - - | T.S.O. III |
| 1996-47 | 11-4-96 | T.S.O. III |
| 1996-49 | - - | T.S.O. III |
| 1996-55 | - - | T.S.O. III |
| 1997-13 | 4-7-97 | T.S.O. III |
| 1997-21 | 6-2-97 | T.S.O. I |
| 1997-22 | 6-2-97 | T.S.O. III |
| 1997-29 | 7-21-97 | T.S.O. III |
| 1998-22 | 6-1-98 | T.S.O. III |
| 1998-30 | 8-17-98 | T.S.O. III |
| 1998-31 | 8-17-98 | T.S.O. III |
| 1998-41 | 11-2-98 | T.S.O. II |
| 1999-16 | 4-20-99 | 33.45 |
| 2000-07 | 2-21-00 | T.S.O. IV |
| 2004-BCC-18 | 8-16-04 | 34.01 |
| 2005-BCC-06 | 4-18-05 | 34.01 |

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| BCC-2005-32 | 11-21-05 | T.S.O. II |
| 2006-BCC-12 | 6-15-06 | T.S.O. II |
| 2007-BCC-06 | 2-5-07 | 96.10 |
| BCC-2007-17 | 7-16-07 | T.S.O. V |
| 2007-BCC-20 | 8-20-07 | 33.03 |
| 2007-BCC-25 | 9-17-07 | T.S.O. I |
| 2008-BCC-01 | 1-7-08 | 33.45 |
| BCC-2008-23 | 11-17-08 | T.S.O. IV |
| BCC-2009-26 | 12-15-09 | T.S.O. IV |
| 2010-BCC-5 | 3-15-10 | 30.02 |
| 2010-BCCR-22A | 11-1-10 | T.S.O. II |
| 2010-BCCR-23 | 11-15-10 | 33.45 |
| 2011-BCCR-2 | 1-4-11 | 33.45 |
| 2011-BCCR-07 | 3-21-11 | 33.45 |
| 2011-BCCR-11 | 5-2-11 | 36.12 |
| 2011-BCCR-12 | 6-6-11 | T.S.O. III |
| 2011-BCCR-13 | 6-6-11 | 33.45 |
| 2011-BCCR-27 | 9-6-11 | 33.45 |
| 2011-BCCR-33 | 10-3-11 | T.S.O. III |
| 2012-BCCR-7 | 4-16-12 | T.S.O. III |
| 2012-BCCR-10 | 5-22-12 | T.S.O. I |
| 2012-BCCR-17 | 6-28-12 | 34.03 |
| 2012-BCCR-19 | 6-28-12 | 34.04 |
| 2012-BCCR-38 | 12-27-12 | T.S.O. III |
| 2014-BCCR-3 | 2-3-14 | 36.12 |
| 2015-BCCR-02 | 1-5-15 | T.S.O. III |
| 2015 BCCR-08 | 4-20-15 | T.S.O. III |

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| — | — | Ch. 71 Sched. III & V |
| 1958-3 | 3-10-58 | Ch. 71 Sched. IV |
| 1962-6 | 6-4-62 | Ch. 71 Sched. III(D) |
| 1964-1 | 3-2-64 | Ch. 71 Sched. III(A) |
| 1966-27 | 2-16-66 | 31.04 |
| 1969-7 | 7-2-69 | 35.01 - 35.05 |
| 1969-9 | 8-11-69 | Ch. 71 Sched. III(A), (D) |
| 1969-11A | 9-4-69 | 32.01, 32.02 |
| 1970-9 | 11-2-70 | 130.01 |
| 1971-8 | 7-19-71 | 70.02 - 70.05, Ch. 71 Sched. III, Ch. 71 Sched. V, Ch. 72 Sched. I |
| — | 1-3-72 | Ch. 71 Sched. III(B)(2), (B)(3), (D) |
| 1972-2 | 3-7-72 | 31.04 |
| 1972-21 | 6-12-72 | Ch. 71 Sched. III(B)(2) |
| 1972-35 | 11-13-72 | Ch. 71 Sched. III(D) & V, Ch. 72 Sched. I |
| 1973-6 | 4-28-73 | Ch. 71 Sched. III(B)(2) |
| 1973-8 | 8-13-73 | Ch. 71 Sched. II(B) & (C) |
| 1974-2 | 1-14-74 | Ch. 71 Sched. II(C) |
| 1974-20 | 9-9-74 | Ch. 71 Sched. III(B)(3) |
| 1975-7 | 3-10-75 | Ch. 71 Sched. II(C) |
| 1975-27 | 12-22-75 | Ch. 71 Sched. II(C) |
| 1975-28 | 12-22-75 | Ch. 71 Sched. III(B)(1) & (B)(2) |
| 1976-3 | 2-17-76 | 31.04 |
| 1977-20 | 5-23-77 | 93.03 |
| 1977-26 | 8-1-77 | 70.01 |
| — | 10-17-77 | 70.06 |
| 1977-31 | 10-31-77 | Ch. 71 Sched. III(B)(2) |
| 1977-38 | 12-19-77 | 152.01 - 152.09, 152.20 - 152.28, 152.40 - 152.46, 152.60 - 152.70 |
| 1977-39 | 12-19-77 | 52.01 - 52.11 |
| 1977-41 | 1-30-78 | 31.01, 150.01 - 150.08 |
| 1977-88 | 1-31-77 | Ch. 71 Sched. II(C) |
| 1978-12 | 5-30-78 | Ch. 71 Sched. III(C) & (D) |
| 1978-15 | 7-10-78 | 93.01, 93.02, 93.04 |
| 1979-2 | 1-15-79 | Ch. 72 Sched. I |
| 1980-2 | 2-19-80 | Ch. 71 Sched. III(B)(1) |
| 1980-9 | 6-9-80 | Ch. 72 Sched. I |
| 1980-16 | 8-18-80 | 93.02 |
| 1980-17 | 8-18-80 | Ch. 71 Sched. II(C) |

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| 1981-9 | 7-13-81 | 153.01 |
| 1981-26 | 12-28-81 | 30.15 |
| 1982-15 | 7-26-82 | 33.01 |
| 1982-18 | 9-7-82 | Ch. 71 Sched. IV |
| 1982-23 | 12-14-82 | 31.04 |
| 1983-1 | 1-3-83 | Ch. 152 |
| 1983-2 | 1-17-83 | Ch. 71 Sched. III(D) |
| 1983-3 | 1-24-83 | Ch. 71 Sched. III(B)(2) |
| 1983-4 | 1-31-83 | 92.15 - 92.19 |
| 1983-13 | 3-21-83 | Ch. 71 Sched. II(C) |
| 1983-17 | - -83 | 33.46 |
| 1983-20 | 6-6-83 | Ch. 72 Sched. I |
| 1983-25 | 8-8-83 | Ch. 71 Sched. IV |
| 1983-37 | 12-12-83 | Ch. 72 Sched. I |
| 1984-9 | 4-30-84 | Ch. 72 Sched. I |
| 1985-16 | 9-3-85 | 33.02 |
| 1985-17 | 9-3-85 | 33.02 |
| 1985-20 | 9-3-85 | 33.02 |
| 1986-14 | 7-28-86 | T.S.O. IV |
| 1986-21 | 12-1-86 | Ch. 71 Sched. II(B) |
| 1987-7 | - -87 | T.S.O. IV |
| 1987-12 | 6-15-87 | Ch. 72 Sched. I |
| 1987-13 | 6-22-87 | T.S.O. IV |
| 1987-15 | 8-10-87 | Ch. 72 Sched. II |
| 1987-16 | 8-24-87 | T.S.O. IV |
| 1988-5 | - -88 | T.S.O. IV |
| 1988-8 | 6-20-88 | 10.98 |
| 1988-9 | 6-20-88 | Ch. 71 Sched. II(C) |
| 1988-21 | 9-6-88 | T.S.O. IV |
| 1988-24 | 9-12-88 | 70.07 |
| 1988-27 | 10-4-88 | T.S.O. II |
| 1988-29 | 11-28-88 | T.S.O. IV |
| 1989-7 | 3-28-89 | 33.26 |
| 1989-9 | 4-17-89 | Ch. 71 Sched. III(D) |
| 1989-18 | 8-21-89 | 94.01 |
| — | 9-25-89 | Ch. 71 Sched. II(C) |
| 1989-22 | 10-16-89 | Ch. 71 Sched. II(C) |
| 1989-24 | 10-30-89 | Ch. 71 Sched. II(C) |
| 1989-25 | 10-30-89 | Ch. 71 Sched. II(C) |
| 1989-28 | 11-27-89 | Ch. 71 Sched. II(C) |
| 1989-29 | 11-27-89 | Ch. 72 Sched. II |
| 1990-5 | 2-26-90 | T.S.O. IV |
| 1990-9 | 3-26-90 | T.S.O. V |

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| 1990-11 | 3-26-90 | T.S.O. IV |
| 1990-12 | 4-2-90 | Ch. 71 Sched. II(C) |
| 1990-13 | 4-2-90 | Ch. 71 Sched. II(C) |
| 1990-19 | 4-30-90 | Ch. 72 Sched. I |
| 1990-23 | 5-29-90 | T.S.O. IV |
| 1990-24 | 5-29-90 | T.S.O. IV |
| 1990-26 | 5-29-90 | Ch. 72 Sched. I |
| 1990-28 | 6-26-90 | T.S.O. III |
| 1990-32A | - -90 | T.S.O. IV |
| 1990-34 | 8-20-90 | Ch. 71 Sched. III(D) |
| 1990-36 | 8-27-90 | 50.01 |
| 1990-37 | 10-29-90 | Ch. 72 Sched. II |
| 1990-40 | 11-26-90 | T.S.O. IV |
| 1990-41 | - -90 | T.S.O. IV |
| 1991-5 | 3- -91 | T.S.O. V |
| 1991-7 | 3-25-91 | 33.04 |
| 1991-9 | 4-22-91 | T.S.O. V |
| 1991-10 | 4-22-91 | T.S.O. IV |
| 1991-11 | 4-22-91 | T.S.O. V |
| 1991-13 | 6-3-91 | T.S.O. IV |
| 1991-14 | 6-3-91 | T.S.O. IV |
| 1991-15 | 6-3-91 | T.S.O. IV |
| 1991-20 | 7-22-91 | T.S.O. V |
| 1991-24 | 8-26-91 | T.S.O. V |
| 1991-25A | 1-13-92 | 110.01 - 110.08, 110.99 |
| 1991-26 | 9-23-91 | T.S.O. IV |
| 1991-27 | 9-23-91 | T.S.O. V |
| 1991-28 | 9-23-91 | T.S.O. V |
| 1991-32 | 11-25-91 | T.S.O. V |
| 1991-33 | 11-25-91 | T.S.O. V |
| 1991-34 | 11-25-91 | T.S.O. V |
| 1991-37 | 12-16-91 | 30.15 |
| 1991-39 | 12-23-91 | T.S.O. V |
| 1991-40 | 12-23-91 | T.S.O. V |
| 1992-3 | - - | T.S.O. V |
| 1992-4 | 1-27-92 | T.S.O. IV |
| 1992-5 | 1-27-92 | T.S.O. IV |
| 1992-6 | 1-27-92 | T.S.O. IV |
| 1992-8 | - - | T.S.O. V |
| — | 3-9-92 | T.S.O. II |
| 1992-12 | 4-22-92 | T.S.O. V |
| 1992-13 | 4-27-92 | T.S.O. V |
| 1992-17 | 6-1-92 | T.S.O. V |
| 1992-20 | 6-1-92 | 33.05 |

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| 1992-23 | -- | T.S.O. V |
| 1992-26 | 9-28-92 | T.S.O. V |
| 1992-27 | 9-28-92 | T.S.O. V |
| 1992-28 | 9-28-92 | T.S.O. IV |
| 1992-30 | 10-19-92 | Ch. 71 Sched. II(C) |
| 1992-31 | 10-19-92 | Ch. 71 Sched. II(C) |
| 1992-32 | 10-26-92 | T.S.O. IV |
| 1992-34 | 10-26-92 | Ch. 71 Sched. II(C) |
| 1992-36 | 10-26-92 | Ch. 71 Sched. II(C) |
| 1992-37 | 12-14-92 | Ch. 71 Sched. III(B)(2) & (B)(3) |
| 1992-38 | 1-4-93 | T.S.O. V |
| 1993-4 | 2-22-93 | T.S.O. IV |
| 1993-6 | 2-22-93 | T.S.O. IV |
| 1993-9 | 3-22-93 | 152.65 |
| 1993-10 | 3-22-93 | T.S.O. V |
| 1993-12 | 3-29-93 | Ch. 71 Sched. III(B)(1) |
| 1993-14 | 4-19-93 | Ch. 71 Sched. III(D) |
| 1993-15 | --93 | T.S.O. IV |
| 1993-20 | 6-28-93 | T.S.O. V |
| 1993-24 | 6-28-93 | 50.02, 50.99 |
| 1993-27 | 8-2-93 | 33.03 |
| 1993-29 | --93 | T.S.O. V |
| 1993-30 | --93 | T.S.O. V |
| 1993-32 | 10-25-93 | 92.15 - 92.19 |
| 1993-34 | 11-1-93 | 51.01 - 51.08, 51.99 |
| 1993-39 | 12-27-93 | T.S.O. V |
| 1993-40 | 12-27-93 | T.S.O. V |
| 1994-6 | 2-7-94 | Ch. 71 Sched. I |
| 1994-13 | 2-28-94 | T.S.O. IV |
| 1994-14 | 2-28-94 | T.S.O. IV |
| 1994-15 | 2-28-94 | T.S.O. IV |
| 1994-16 | 2-28-94 | Ch. 71 Sched. V |
| 1994-23 | 4-25-94 | T.S.O. IV |
| 1994-24 | 4-25-94 | 33.26 |
| 1994-27 | 6-6-94 | T.S.O. IV |
| 1994-28 | 6-6-94 | T.S.O. IV |
| 1994-29 | 6-6-94 | T.S.O. IV |
| 1994-31 | 8-1-94 | T.S.O. IV |
| 1994-34 | 8-1-94 | Ch. 72 Sched. I |
| 1994-35 | 9-6-94 | T.S.O. IV |
| 1994-36 | 9-6-94 | T.S.O. IV |
| 1994-41 | 10-3-94 | T.S.O. V |
| 1994-42 | 10-3-94 | T.S.O. IV |
| 1994-45 | 11-21-94 | 91.01 - 91.10 |

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| 1994-46 | 11-7-94 | T.S.O. V |
| 1994-47 | -- | T.S.O. V |
| 1994-48 | 11-21-94 | Ch. 71 Sched. III(D) |
| 1994-49 | -- | T.S.O. V |
| 1994-50 | 12-5-94 | T.S.O. V |
| 1994-51 | 12-5-94 | T.S.O. V |
| 1994-52 | 12-5-94 | T.S.O. IV |
| 1994-53 | 1-23-95 | 151.01 - 151.13 |
| 1995-5 | 1-30-95 | Ch. 71 Sched. II(B) |
| 1995-6 | 2-6-95 | 33.07 |
| 1995-8 | 2-13-95 | 33.09 |
| 1995-12 | 4-3-95 | T.S.O. IV |
| 1995-13 | 4-3-95 | 36.02 |
| 1995-18 | 5-15-95 | 130.02 |
| 1995-19 | 6-5-95 | 33.27 |
| 1995-20 | 6-5-95 | T.S.O. IV |
| 1995-21 | 6-5-95 | T.S.O. IV |
| 1995-23 | 7-6-95 | T.S.O. V |
| 1995-26 | 7-31-95 | T.S.O. IV |
| 1995-29 | 8-14-95 | 33.06 |
| 1995-35 | 9-25-95 | T.S.O. IV |
| 1995-36 | 9-25-95 | Ch. 71 Sched. III(D) |
| 1995-39 | 10-23-95 | T.S.O. IV |
| 1995-40 | 10-23-95 | T.S.O. IV |
| 1996-1 | 1-2-96 | T.S.O. IV |
| 1996-2 | 1-2-96 | T.S.O. IV |
| 1996-3 | 2-5-96 | T.S.O. IV |
| 1996-8 | 2-5-96 | 33.25 |
| 1996-12 | --96 | T.S.O. V |
| 1996-13 | 3-4-96 | Ch. 72 Sched. I |
| 1996-14 | 3-4-96 | Ch. 71 Sched. II(C) |
| 1996-17 | 4-1-96 | T.S.O. IV |
| 1996-18 | 4-1-96 | T.S.O. IV |
| 1996-19 | 4-1-96 | T.S.O. IV |
| 1996-21 | 4-15-96 | Ch. 71 Sched. II(C) |
| 1996-22 | 4-15-96 | Ch. 71 Sched. II(C) |
| 1996-23 | 4-15-96 | Ch. 71 Sched. II(C) |
| 1996-26 | 5-6-96 | T.S.O. V |
| 1996-29 | 6-3-96 | T.S.O. IV |
| 1996-31 | 7-1-96 | T.S.O. IV |
| 1996-32 | 7-1-96 | T.S.O. IV |
| 1996-32A | 8-5-96 | T.S.O. IV |
| 1996-35 | 7-15-96 | 31.06 |
| 1996-38 | 8-5-96 | T.S.O. IV |
| 1996-39 | 8-5-96 | T.S.O. IV |
| 1996-41 | 8-19-96 | 150.09 |

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| 1996-44 | 8-19-96 | T.S.O. I |
| 1996-45 | 9-3-96 | T.S.O. IV |
| 1996-51 | 9-3-96 | Ch. 71 Sched. II(B) & III(A) |
| 1996-52 | 9-3-96 | Ch. 71 Sched. II(C) |
| 1996-53 | 9-3-96 | Ch. 71 Sched. II(C) |
| 1996-54 | 9-3-96 | 30.16 |
| 1996-55 | 9-3-96 | T.S.O. I |
| 1996-56 | 10-7-96 | T.S.O. V |
| 1996-57 | 10-7-96 | T.S.O. IV |
| 1996-58 | 10-7-96 | T.S.O. IV |
| 1996-59 | 9-30-96 | T.S.O. IV |
| 1996-63 | 11-4-96 | T.S.O. V |
| 1996-64 | 11-1-96 | Ch. 71 Sched. II(B) & III(B)(1) |
| 1996-67 | 12-16-96 | 33.08 |
| 1996-68 | 12-16-96 | 33.09 |
| 1996-69 | 1-6-97 | T.S.O. IV |
| 1996-70 | 1-6-97 | T.S.O. IV |
| 1996-71 | 1-6-97 | T.S.O. IV |
| 1997-4 | 3-3-97 | T.S.O. V |
| 1997-8 | 3-3-97 | 36.03 |
| 1997-10 | 4-21-97 | T.S.O. IV |
| 1997-12 | 4-7-97 | Ch. 71 Sched. III(B)(3) & (D) |
| 1997-13 | 4-7-97 | Ch. 71 Sched. III(B)(1) - (B)(3) & (D) |
| 1997-20 | 6-2-97 | Ch. 71 Sched. III(D) |
| 1997-21 | 7-7-97 | Ch. 72 Sched. I |
| 1997-22 | 6-16-97 | 92.17 |
| 1997-23 | - 97 | T.S.O. V |
| 1997-24 | 7-7-97 | T.S.O. IV |
| 1997-29 | 7-7-97 | Ch. 71 Sched. III(D) |
| 1997-30 | 7-7-97 | Ch. 71 Sched. II(C) |
| 1997-32 | 7-7-97 | 92.01 |
| 1997-34 | - 97 | T.S.O. III |
| 1997-39 | 9-15-97 | Ch. 71 Sched. II(B) & III(B)(1) |
| 1997-40 | 9-15-97 | Ch. 71 Sched. III(B)(2) |
| 1997-41 | 9-15-97 | 33.26 |
| 1997-42 | 10-6-97 | T.S.O. V |
| 1997-43 | 10-6-97 | T.S.O. V |
| 1997-44 | 10-6-97 | 32.03, 33.29 |
| 1997-45 | 11-3-97 | T.S.O. IV |
| 1997-48 | 12-1-97 | T.S.O. IV |
| 1997-52 | 12-1-97 | Ch. 71 Sched. III(D) |
| 1997-54 | 12-15-97 | 30.15 |
| 1997-55 | 1-5-98 | T.S.O. V |
| 1998-03 | 2-2-98 | T.S.O. V |
| 1998-08 | 3-2-98 | T.S.O. V |
| 1998-09 | 3-2-98 | T.S.O. V |
| 1998-10 | 3-2-98 | T.S.O. IV |
| 1998-13 | 3-2-98 | Adopting Ordinance |

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| 1998-16 | 4-6-98 | T.S.O. V |
| 1998-17 | 4-6-98 | T.S.O. V |
| 1998-18 | 4-6-98 | T.S.O. IV |
| 1998-19 | 4-6-98 | T.S.O. IV |
| 1998-07 | 5-4-98 | T.S.O. V |
| 1998-23 | 5-4-98 | T.S.O. IV |
| 1998-24 | 5-4-98 | T.S.O. IV |
| 1998-27 | 6-15-98 | T.S.O. IV |
| 1998-29 | 6-15-98 | 36.06 |
| 1998-30 | 6-15-98 | 36.05 |
| 1998-35 | 8-3-98 | T.S.O. V |
| 1998-36 | 8-3-98 | T.S.O. V |
| 1998-40 | 8-31-98 | T.S.O. V |
| 1998-44 | 10-19-98 | 36.06 |
| 1998-46 | 11-2-98 | T.S.O. V |
| 1998-47 | 11-2-98 | T.S.O. V |
| 1998-48 | 11-2-98 | T.S.O. IV |
| 1998-53 | 11-16-98 | 36.06 |
| 1998-54 | 12-7-98 | T.S.O. V |
| 1999-07 | 2-15-99 | 33.25 |
| 1999-01 | 1-6-99 | 36.07 |
| 1999-04 | 1-26-99 | 36.08 |
| 1999-05 | 2-1-99 | Ch. 71, Sched. II(C) |
| 1999-06 | 2-1-99 | Ch. 71, Sched. II(B) |
| 1999-10 | 4-5-99 | T.S.O. V |
| 1999-11 | 4-5-99 | T.S.O. IV |
| 1999-14 | 5-3-99 | T.S.O. V |
| 1999-32 | 8-2-99 | T.S.O. IV |
| 1999-33 | 8-2-99 | T.S.O. IV |
| 1999-34 | 8-16-99 | 130.03 |
| 1999-35 | 8-16-99 | 10.98 |
| 1999-36 | 9-7-99 | T.S.O. V |
| 1999-44 | 11-1-99 | Ch. 71, Sched. II(C) |
| 1999-47 | 12-6-99 | T.S.O. IV |
| 2000-01 | 1-3-00 | T.S.O. V |
| 2000-02 | 1-3-00 | T.S.O. V |
| 2000-08 | 3-6-00 | T.S.O. V |
| 2000-09 | 3-6-00 | T.S.O. V |
| 2000-10 | 3-6-00 | T.S.O. V |
| 2000-11 | 2-21-00 | 92.15 - 92.19 |
| 2000-12 | 3-6-00 | 33.25 |
| 2000-16 | 5-1-00 | 36.09 |
| 2000-17 | 4-3-00 | 36.09 |
| 2000-24 | 6-5-00 | T.S.O. IV |
| 2000-25 | 6-5-00 | T.S.O. IV |

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| 2000-27 | 6-5-00 | Ch. 71, Sched. II(C) |
| 2000-30 | 7-3-00 | T.S.O. V |
| 2000-31 | 7-3-00 | T.S.O. V |
| 2000-32 | 7-3-00 | T.S.O. IV |
| 2000-33 | 7-3-00 | T.S.O. IV |
| 2000-34 | 7-3-00 | T.S.O. V |
| 2000-35 | 7-3-00 | T.S.O. V |
| — | 8-7-00 | T.S.O. V |
| — | 10-2-00 | T.S.O. IV |
| — | 10-23-00 | T.S.O. IV |
| — | 10-23-00 | T.S.O. V |
| — | 2-19-01 | T.S.O. IV |
| 2001-12 | 3-5-01 | T.S.O. V |
| 2001-13 | 3-5-01 | T.S.O. V |
| 2001-14 | 2-27-01 | 31.07 |
| 2001-23 | 5-7-01 | T.S.O. V |
| 2001-24 | 5-7-01 | T.S.O. V |
| 2001-25 | 5-7-01 | T.S.O. IV |
| 2001-26 | 5-7-01 | T.S.O. IV |
| 2001-27 | 5-7-01 | T.S.O. IV |
| 2001-37 | 7-16-01 | Ch. 71, Sched. II |
| 2001-39 | 8-6-01 | T.S.O. IV |
| 2001-43 | 9-4-01 | T.S.O. V |
| 2001-44 | 9-4-01 | T.S.O. IV |
| — | 10-1-01 | T.S.O. V |
| 2001-52 | 11-5-01 | Ch 71, Sched. II |
| 2001-54 | 12-3-01 | Ch. 71, Sched. II |
| 2001-55 | 12-3-01 | Ch. 71, Sched. III(D) |
| 2001-59 | 12-3-01 | 70.08 |
| 2002-05 | 2-4-02 | T.S.O. IV |
| 2002-09 | 3-4-02 | Ch. 71, Sched. VI |
| 2002-10 | 3-4-02 | Ch. 71, Sched. III |
| 2002-11 | 3-4-02 | Ch. 71, Sched. II |
| 2002-13 | 3-25-02 | T.S.O. IV |
| 2002-14 | 3-25-02 | T.S.O. IV |
| 2002-19 | 6-3-02 | 151.03, 151.12 |
| 2002-22 | 6-3-02 | T.S.O. V |
| 2002-23 | 6-3-02 | T.S.O. IV |
| 2002-27 | 7-1-02 | T.S.O. IV |
| 2002-31 | 8-5-02 | T.S.O. IV |
| 2002-32 | 8-2-02 | T.S.O. V |
| 2002-34 | 8-19-02 | 33.04 |
| 2002-35 | 9-3-02 | T.S.O. V |

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| 2002-36 | 9-3-02 | T.S.O. IV |
| 2002-37 | 9-3-02 | 153.01 |
| 2002-40 | 9-3-02 | Ch. 71, Sched. III |
| 2002-43 | 10-7-02 | T.S.O. V |
| 2002-44 | 10-7-02 | T.S.O. IV |
| 2002-51 | 11-4-02 | T.S.O. V |
| 2002-52 | 11-4-02 | T.S.O. IV |
| 2002-53 | 11-4-02 | Ch. 71, Sched. II & III |
| 2002-56 | 12-2-02 | T.S.O. V |
| 2002-57 | 12-2-02 | T.S.O. V |
| 2002-58 | 12-2-02 | T.S.O. V |
| BCC-2003-05 | 2-3-03 | 155.01 - 155.05, 155.99 |
| 2003-BCC-09 | 3-3-03 | T.S.O. IV |
| 2003-BCC-10 | 3-3-03 | T.S.O. IV |
| 2003-BCC-12 | 3-17-03 | T.S.O. IV |
| 2003-BCC-13 | 4-7-03 | T.S.O. V |
| BCC-2003-16 | 4-7-03 | 36.02 |
| 2003-BCC-21 | 6-2-03 | T.S.O. V |
| BCC-2003-25 | 7-7-03 | 36.11 |
| 2003-BCC-30 | 8-4-03 | T.S.O. IV |
| 2003-BCC-31 | 8-4-03 | T.S.O. V |
| 2003-BCC-32 | 8-4-03 | T.S.O. V |
| BCC-2003-33 | 8-4-03 | 33.31 |
| BCC-2003-34 | 8-4-03 | 32.04 |
| 2003-BCC-37 | 8-18-03 | T.S.O. IV |
| 2003-BCC-38 | 9-2-03 | T.S.O. IV |
| 2003-BCC-41 | 10-6-03 | T.S.O. V |
| 2003-BCC-42 | 10-6-03 | T.S.O. V |
| 2003-BCC-43 | 10-6-03 | T.S.O. V |
| 2003-BCC-44 | 10-6-03 | T.S.O. V |
| 2003-BCC-45 | 10-6-03 | T.S.O. IV |
| 2003-BCC-51 | 11-17-03 | T.S.O. IV |
| 2003-BCC-52 | 12-1-03 | T.S.O. IV |
| 2004-BCC-02 | 1-5-04 | T.S.O. V |
| 2004-BCC-05 | 2-2-04 | 92.15 - 92.19, 110.03 |
| 2004-BCC-11 | 4-5-04 | 153.01 |
| 2004-BCC-12 | 4-5-04 | T.S.O. V |
| 2004-BCC-19 | 6-7-04 | T.S.O. V |
| 2004-BCC-20 | 6-7-04 | T.S.O. IV |
| 2004-BCC-21 | 6-7-04 | T.S.O. IV |
| 2004-BCC-25 | 7-6-04 | T.S.O. V |

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| 2004-BCC-37 | 11-1-04 | 53.01 - 53.05, 53.15 - 53.19 |
| 2004-BCC-38 | 11-1-04 | 156.01 - 156.03, 156.10, 156.11, 156.20 - 156.26 |
| BCC-2004-39 | 11-1-04 | 33.04 |
| 2004-BCC-42 | 12-6-04 | T.S.O. V |
| 2004-BCC-43 | 12-6-04 | Ch. 71, Sched. II(B) & II(C) |
| 2004-BCC-44 | 12-6-04 | Ch. 71, Sched. II(B) & III(B) |
| 2004-BCC-45 | 12-6-04 | 34.01 |
| 2004-BCC-49 | 12-20-04 | 31.08 |
| BCC-2005-05 | 1-18-05 | 34.01 |
| 2005-BCC-06 | 2-7-05 | T.S.O. V |
| 2005-BCC-10 | 2-21-05 | 34.01 |
| 2005-BCC-12 | 3-7-05 | T.S.O. IV |
| 2005-BCC-14 | 4-4-05 | T.S.O. V |
| 2005-BCC-15 | 4-18-05 | T.S.O. IV |
| 2005-BCC-16 | 5-2-05 | T.S.O. V |
| BCC-2005-19 | 5-2-05 | 34.01 |
| BCC 2005-21 | 5-17-05 | 33.07 |
| 2005-BCC-22 | 5-16-05 | 111.01 - 111.06 |
| 2005-BCC-24 | 6-6-05 | T.S.O. V |
| 2005-BCC-25 | 6-6-05 | T.S.O. V |
| 2005-BCC-26 | 6-6-05 | T.S.O. V |
| 2005-BCC-28 | 6-6-05 | T.S.O. IV |
| BCC-2005-32 | 9-19-05 | 33.10 |
| 2005-BCC-34 | 12-19-05 | 36.12 |
| 2005-BCC-36 | 8-3-05 | T.S.O. V |
| 2005-BCC-37 | 8-3-05 | 30.15 |
| 2005-BCC-48 | 9-6-05 | T.S.O. IV |
| BCC-2005-52 | 9-19-05 | 36.07 |
| BCC-2005-53 | 9-19-05 | 92.16, 92.17 |
| 2005-BCC-55 | 10-3-05 | T.S.O. IV |
| 2005-BCC-56 | 10-3-05 | T.S.O. IV |
| 2005-BCC-57 | 10-3-05 | T.S.O. IV |
| 2005-BCC-60 | 11-7-05 | 36.13 |
| 2005-BCC-61 | 10-17-05 | T.S.O. IV |
| 2005-BCC-63 | 11-7-05 | T.S.O. V |
| 2005-BCC-66 | 12-5-05 | T.S.O. V |
| 2005-BCC-67 | 12-19-05 | 95.01 - 95.10, 95.99 |
| 2005-BCC-68 | 12-5-05 | 33.32 |
| 2005-BCC-71 | 12-19-05 | T.S.O. IV |
| 2005-BCC-72 | 12-19-05 | T.S.O. IV |
| 2006-BCC-08 | 2-20-06 | T.S.O. IV |
| 2006-BCC-11 | 3-6-06 | 96.01 - 96.15 |
| 2006-BCC-12 | 3-20-06 | 34.01 |
| 2006-BCC-14 | 4-3-06 | 33.04 |
| 2006-BCC-16 | 5-15-06 | T.S.O. IV |

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| 2006-BCC-17 | 8-7-06 | 92.16, 92.17, 92.18, 92.19 |
| 2006-BCC-23 | 5-9-06 | 51.10 |
| 2006-BCC-24 | 10-2-06 | Ch. 71, Sch. V |
| 2006-BCC-28 | 7-17-06 | 33.27 |
| 2006-BCC-30 | 7-17-06 | T.S.O. IV |
| 2006-BCC-34 | 8-21-06 | T.S.O. IV |
| 2006-BCC-35 | 8-21-06 | 112.01 - 112.16, 112.99 |
| 2006-BCC-38 | 10-2-06 | T.S.O. V |
| 2006-BCC-39 | 10-2-06 | T.S.O. V |
| 2006-BCC-40 | 10-2-06 | T.S.O. V |
| 2006-BCC-45 | 11-20-05 | T.S.O. IV |
| 2006-BCC-48 | 12-18-06 | 34.01 |
| 2007-BCC-10 | 3-5-07 | T.S.O. V |
| 2007-BCC-11 | 3-5-07 | T.S.O. IV |
| 2007-BCC-14 | 4-16-07 | T.S.O. V |
| 2007-BCC-15 | 4-16-07 | T.S.O. IV |
| 2007-BCC-18 | 5-7-07 | T.S.O. V |
| 2007-BCC-22 | 6-4-07 | Ch. 71, Sch. II (C) |
| 2007-BCC-23 | 6-4-07 | T.S.O. V |
| 2007-BCC-27 | 7-2-07 | T.S.O. V |
| 2007-BCC-29 | 6-16-07 | 33.27 |
| 2007-BCC-30 | 7-2-07 | 36.14 |
| 2007-BCC-31 | 7-2-07 | 34.01 |
| 2007-BCC-33 | 8-6-07 | T.S.O. V |
| 2007-BCC-34 | 8-6-07 | 36.14 |
| 2007-BCC-39 | 9-18-07 | T.S.O. V |
| 2007-BCC-42 | 10-15-07 | 130.01 |
| 2007-BCC-45 | 12-3-07 | 36.07 |
| 2007-BCC-46 | 12-3-07 | 154.04 |
| 2007-BCC-48 | 12-17-07 | 33.50 |
| 2008-BCC-05 | 2-4-08 | T.S.O. V |
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