JOHNSON COUNTY, INDIANA
CODE OF ORDINANCES

Local legislation current through Ordinance 2016-03, passed 4-11-2016

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TITLE 1: GENERAL PROVISIONS

Article

1. **RULES OF CONSTRUCTION; GENERAL PENALTY**

ARTICLE 1: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

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CHAPTER 1: USING THE CODE

§ 1-1-1-1 TITLE OF CODE.

(A) The general ordinances of Johnson County Government as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of Johnson County, Indiana Government." Code title, chapter, and section headings do not constitute any part of the law as contained in the Code.

(B) Such Code of Ordinances as adopted in Section (A) shall consist of the following Titles:

Title 1:	General Provisions
Title 2:	County Organization
Title 3:	Elections
Title 4:	County Administration
Title 5:	Public Purchasing
Title 6:	County Taxation
Title 7:	Alcohol and Tobacco
Title 8:	Utilities and Transportation
Title 9:	Motor Vehicles
Title 10:	Public Safety
Title 11:	County Sheriff and Corrections
Title 12:	Human Services
Title 13:	Environment
Title 14:	Natural Resources
Title 15:	Agriculture and Animals
Title 16:	Public Health
Title 17:	Reserved
Title 18:	Reserved
Title 19:	Reserved
Title 20:	Education
Title 21:	Libraries
Title 22:	County Employees
Title 23:	Cemeteries
Title 24:	Weights and Measures
Title 25:	Licenses
Title 26:	Economic Development
Title 27:	Electronic Development
Title 28:	County Funds
Title 29:	Reserved

Title 30: County Airport
Title 31: Reserved
Title 32: County Property
Title 33: County Courts
Title 34: Townships
Title 35: Criminal Law and Procedure
Title 36: Reserved
(Ord. 2010-04, passed 8-30-2010)

§ 1-1-1-2 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Code as those governing the interpretation of state law.
(Ord. 2010-04, passed 8-30-2010)

§ 1-1-1-3 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.

§ 1-1-1-4 CONSTRUCTION OF CODE.

(A) All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and re-ordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.
(Ord. 2010-04, passed 8-30-10)

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

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

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

(E) All references within the text of this Code to any provision of previously existing laws refer to the corresponding provisions in the original enactment.

(F) (1) The numerical designations and descriptive headings assigned to the various titles, articles, chapters, or sections of this Code, as originally enacted or as added by amendment, are not law, and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only and do not affect the meaning, application, or construction of the law they precede.

(2) Each note following a provision of this Code is for reference purposes only and is not a part of the provision.

(G) All references to any provision of this Code refer to all subsequent amendments to that provision, unless otherwise provided.

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

(H) Such Code shall be deemed published as of the day of its adoption and approved by the Johnson County Board of Commissioners, and the Clerk of Johnson County, Indiana is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.

(Ord. 2010-04, passed 8-30-10)

(I) Such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties, and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

(Ord. 2010-04, passed 8-30-2010)

§ 1-1-1-5 RULES OF INTERPRETATION; DEFINITIONS.

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

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

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

(3) Where a provision 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 gender shall be deemed to include the masculine, 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 Johnson County Board of Commissioners.

CLERK. The Clerk of the Johnson County Circuit and Superior Courts.

COUNTY. Johnson County, Indiana.

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

MONTH. One calendar month.

PERSON. Extends to and includes human being, firm, corporation, partnership, trustee, lessee, receiver, and bodies politic. Whenever used in any clause prescribing and imposing a penalty, the terms ***PERSON*** or ***WHOEVER*** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

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

STATE. The State of Indiana.

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

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

§ 1-1-1-6 SEVERABILITY.

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

(B) Except in the case of a provision or amendment to this Code containing a nonseverability provision, each division or part of every provision is severable. If any portion or application of a provision is held invalid, the invalidity does not affect the remainder of the provision 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 subsection applies to every provision of this Code regardless of whether a provision was enacted before or after the passage of this Code. (I.C. 1-1-1-8)

§ 1-1-1-7 REFERENCE TO OTHER SECTIONS.

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

§ 1-1-1-8 REFERENCE TO OFFICES; NAME DESIGNATIONS.

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

(B) *Name designations.* Whenever any ordinance or resolution of the Board of Commissioners or Council refers to any board, bureau, commission, division, department, officer, agency, authority, or instrumentality of any government, and that name designation is incorrectly stated; or at the time of the effective date of that ordinance/resolution or subsequent amendment thereto, the rights, powers, duties, or liabilities placed with that entity are or were transferred to a different entity; then the named board, bureau, commission, department, division, officer, agency, authority, or instrumentality, whether correctly named in the ordinance/resolution at its effective date or not, means that correctly named entity, or the entity to which the duties, liabilities, powers, and rights were transferred.

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

§ 1-1-1-9 ERRORS AND OMISSIONS.

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

§ 1-1-1-10 REASONABLE TIME.

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

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

§ 1-1-1-11 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 provision shall not extinguish or release any penalty, forfeiture, or liability incurred under the provision, unless the repealing provision so expressly provides. The provision shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of the penalty, forfeiture, or liability.
(I.C. 1-1-5-1)

§ 1-1-1-12 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 reenacted by this Code, shall not be affected by the repeal and reenactment. All lawsuits, 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*

§ 1-1-1-13 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.

§ 1-1-1-14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

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

(B) Any ordinance which is proposed to add to the existing Code a new provision shall indicate, with reference to the arrangement of this Code, the proper number of the provision. In addition to an 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.

§ 1-1-1-15 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the Code provision, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the Code provision. Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

a. (B) (1) If a statutory cite to the Indiana Code is included in the history, this indicates that the text of the provision reads substantially the same as the Indiana Code statute. Example: (I.C. 36-5-2-2)

(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:

§ 3-1-1-1 PUBLIC RECORDS AVAILABLE. This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law. ***Statutory reference:*** *Inspection of public records, see I.C. 5-14-3-1* et seq.

§ 1-1-1-16 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 before the effective date of this Code. The liabilities, proceedings, and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this Code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into, or franchises granted, the acceptance, establishment, or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this Code had not been enacted.
(I.C. 1-1-1-6)

§ 1-1-1-99 GENERAL PENALTY.

(A) Any person, firm, or corporation who violates any provision of this Code for which another penalty is not specifically provided shall, upon conviction, be subject to the following:
  (1) A fine not exceeding $2,500 for the first violation; and
  (2) A fine not exceeding $7,500 for second and subsequent violations, except for violations of ordinances regulating traffic and parking.

(B) A separate violation shall be deemed committed upon each day during which a violation occurs or continues.
Statutory reference: *Authority, see I.C. 36-1-3-8(a)(10)*

TITLE 2: COUNTY ORGANIZATION

Article
1. DISTRICTS

ARTICLE 1: DISTRICTS

Section

Chapter 1: County Commissioner Districts
1-1-1-1 General provisions

Chapter 2: County Council Districts
2-1-2-1 General provisions

CHAPTER 1: COUNTY COMMISSIONER DISTRICTS

§ 2-1-1-1 GENERAL PROVISIONS.

The County Commissioner Districts for the County shall be:

(A) District 1: Blue River, Nineveh, and Hensley Townships;
(B) District 2: Union, Franklin, and Needham Townships; and
(C) District 3: White River, Clark, and Pleasant Townships.
(Ord. 81-10, passed 12-28-1981)

CHAPTER 2: COUNTY COUNCIL DISTRICTS

§ 2-1-2-1 GENERAL PROVISIONS.

The County Council Districts for the County shall be:

(A) District 1: Clark, Needham, Blue River, Nineveh, Hensley, and Union Townships;
(B) District 2: Franklin Township and Pleasant Township outside of the City of Greenwood;
(C) District 3: City of Greenwood in Pleasant Township; and
(D) White River Township, including precincts in the City of Greenwood.
(Ord. 81-11, passed 12-28-1981)

TITLE 3: ELECTIONS

Article

1. **PRECINCT ELECTION BOARDS**

2. **LOCAL ADVISORY COUNCIL**

3. **PRECINCTS**

ARTICLE 1: PRECINCT ELECTION BOARDS

Section

Chapter 1: General Provisions
1-1-1-1 Judges; duties and rights of election sheriffs

CHAPTER 1: GENERAL PROVISIONS

§ 3-1-1-1 JUDGES; DUTIES AND RIGHTS OF ELECTION SHERIFFS.

The County Board of Commissioners hereby orders that the judges of each precinct located in the County shall perform the duties and have the rights of the election sheriffs of those precincts.
(Ord. 96-6, passed 3-18-1996)

ARTICLE 2: LOCAL ADVISORY COUNCIL

Section

Chapter 1: Johnson County Election Accessibility Advisory Council
3-2-1-1 Findings and purpose
3-2-1-2 Effective date

CHAPTER 1: JOHNSON COUNTY ELECTION ACCESSIBILITY ADVISORY COUNCIL

§ 3-2-1-1 FINDINGS AND PURPOSE.

(A) The Board does find that:
  (1) Certain state and federal laws require the County to review the accessibility of all polling places in the County.;
  (2) An Election Accessibility Advisory Council ("Advisory Council") must be convened to assist the County in reviewing and choosing appropriate polling places.
  (3) The County Board of Commissioners must make certain appointments to this Advisory Council.
  (4) Accordingly, the County Board of Commissioners finds and declares that the purposes of this chapter are create the County Election Advisory Council.

(B) The Advisory Council shall be comprised of at least two County representatives of the disabilities community and elderly voters.

(C) The Advisory Council shall give advice to the County Election Board and the County Clerk in their evaluation of the accessibility of the County polling places to voters with disabilities.
(Ord. 2003-15, passed 9-15-2003)

§ 3-2-1-2 EFFECTIVE DATE.

This chapter shall be in full force and effect September 15, 2003.

(Ord. 2003-15, passed 9-15-2003)

ARTICLE 3: PRECINCTS

Section

Chapter 1: General Provisions
3-3-1-1Establishment

CHAPTER 1: GENERAL PROVISIONS

§ 3-3-1-1 ESTABLISHMENT.

(A) The County Board of Commissioners hereby establishes precincts for the County.

(B) A precinct description and map of the boundaries of each precinct established and submitted to the State Election Division is attached hereto and incorporated herein by reference.

(C) The County Board of Commissioners hereby delegates its responsibilities under I.C. 3-11-1.5 to the County Election Board to alter or amend the precincts submitted herewith in order to obtain approval of the precincts by the State Election Division or the State Election Commission.

(D) This order shall become effective upon the approval of the precincts by either the State Election Division provided no objection is filed by a voter of the County by noon 10 days after the publication of notice of the proposed precinct establishment order or upon the approval of the State Election Commission if an objection is filed by a voter of the County by 12:00 p.m. 10 days after the publication of notice of the proposed precinct establishment order all pursuant to the provisions of I.C. 3-11-1.5.
(Ord. 2005-25, passed 8-15-2005)

TITLE 4: COUNTY ADMINISTRATION

Article

1. **BOARDS AND DEPARTMENTS**

2. **COUNTY RECORDER; FEES**

3. **PROGRAMS**

4. **ADVANCE CLAIMS PAYMENT**

ARTICLE 1: BOARDS AND DEPARTMENTS

Section

Chapter 1: Department of Microfilming and Record Preservation
4-1-1-1 General provisions

Chapter 2: Public Safety Data and Communications Consortium Board (also known as E911 Board)
4-1-2-1 *Repealed.*
4-1-2-2 *Repealed.*
4-1-2-3 *Repealed.*
4-1-2-4 *Repealed.*
4-1-2-5 *Repealed.*
4-1-2-6 *Repealed.*

Chapter 3: Johnson County Public Safety Communications Advisory Board
4-1-3-1 General provisions
4-1-3-2 Meetings and organization
4-1-3-3 Powers and duties of the board
4-1-3-4 Repealer; survival of agreements

CHAPTER 1: DEPARTMENT OF MICROFILMING AND RECORD PRESERVATION

§ 4-1-1-1 GENERAL PROVISIONS.

There is hereby created the Department of Microfilming and Record Preservation of the County, which Department shall operate under the direction and control of the County Clerk.
(Ord. 88-4, passed 2-22-1988)

CHAPTER 2: PUBLIC SAFETY DATA AND COMMUNICATIONS CONSORTIUM BOARD

§ 4-1-2-1 GENERAL PROVISIONS.

Repealed.
(Ord. 2015-01, passed 4-27-2015)

§ 4-1-2-2 PURPOSE.

Repealed.
(Ord. 2015-01, passed 4-27-2015)

§ 4-1-2-3 POLICY.

Repealed.
(Ord. 2015-01, passed 4-27-2015)

§ 4-1-2-4 ESTABLISHING THE BOARD.

Repealed.
(Ord. 2015-01, passed 4-27-2015)

§ 4-1-2-5 MEETINGS AND ORGANIZATION.

Repealed.
(Ord. 2015-01, passed 4-27-2015)

§ 4-1-2-6 POWERS AND DUTY OF THE BOARD.

Repealed.
(Ord. 2015-01, passed 4-27-2015)

CHAPTER 3: JOHNSON COUNTY PUBLIC SAFETY COMMUNICATIONS ADVISORY BOARD

§ 4-1-3-1 GENERAL PROVISIONS.

(A) The Johnson County Board of Commissioners hereby creates the Johnson County Public Safety Communications Advisory Board, referred to hereinafter as "Advisory Board."

(B) The Advisory Board will consist of the following voting members:

(1) the Johnson County Sheriff (ex-officio);

(2) three full-time law enforcement agency heads, as appointed by the Johnson County Board of Commissioners;

(3) the President of the Johnson County Fire Chiefs Association (ex-officio);

(4) three fire service agency heads, as appointed by the Johnson County Board of Commissioners;

(5) one member appointed by the Johnson County Council, who may be a member of the Johnson County Council;

(6) the Director of the Johnson County Emergency Management Agency; and

(7) the Director of Johnson County Public Safety Communications, as the representative of the Board of Commissioners.

(C) Members shall serve a one-year term and may serve successive terms. Terms shall run from June 1 to May 31. A member shall serve until his or her successor is elected and qualified.

(D) A majority of the members of the Advisory Board constitutes a quorum for a meeting. The Advisory Board may act officially by an affirmative vote of a majority of those present at the meeting.

(E) Members may act by proxy.

(F) Advisory Board members and their proxies shall serve without compensation.

(Ord. 2015-01, passed 4-27-2015)

§ 4-1-3-2 MEETINGS AND ORGANIZATION.

The Advisory Board shall, at its first meeting, establish a quarterly meeting schedule. The Director of Johnson County Public Safety Communications shall serve as Chairperson. The Advisory Board may meet at such other times as may be needed in special session at the call of the Chairperson. All meetings shall be open to the public in accordance with I.C. 5-14-1.5. Board members may confer in executive session pursuant to I.C. 5-14-1.5.

(Ord. 2015-01, passed 4-27-2015)

§ 4-1-3-3 POWERS AND DUTIES OF THE BOARD.

The Advisory Board shall be charged with making recommendations and advising the Johnson County Public Safety Communications Director regarding the following:

(A) The Johnson County public safety data and communication network, including:

(1) Operation and common usage issues;

(2) Modifications;

(3) Installations of equipment related to the public safety communications network;

(4) Inventory; and

(5) Maintenance.

(B) The Johnson County Public Safety Communications budget with regard to 911 funds.

(C) Standard operating guidelines for Johnson County Public Safety Communications.

The Advisory Board may also appoint working groups to provide recommendations on operational or common issues.

(Ord. 2015-01, passed 4-27-2015)

§ 4-1-3-4 REPEALER; SURVIVAL OF AGREEMENTS.

All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed, including the former Johnson County Code 4-1-2-1 *et seq.*, which

established the Public Safety Data Communications Consortium Board (E911 Board). However, the establishment of the Advisory board in no way affects agreements, contracts, or memoranda of understanding properly entered into by the Public Safety Data Communications Consortium Board (E911 Board) under the former ordinance. (Ord. 2015-01, passed 4-27-2015)

ARTICLE 2: COUNTY RECORDER; FEES

Section

Chapter 1: General Provisions
4-2-1-1 Purpose; supplemental fee for recording
4-2-1-2 Duplicating fee; purpose

CHAPTER 1: GENERAL PROVISIONS

§ 4-2-1-1 PURPOSE; SUPPLEMENTAL FEE FOR RECORDING.

(A) *Purpose*. The purpose of this section shall be to provide for a supplemental fee for recording a single document with the County Recorder pursuant to I.C. 36-2-7-10.

(B) *Supplemental recording fee*. The County Recorder shall charge a supplemental fee for recording a single document in the amount of $3, which shall be paid at the time of recording. This supplemental fee is in addition to other fees provided by law for recording a document.

(C) *Application and effective date*.

(1) This section shall apply to the entirety of the County. All portions of former ordinances in conflict herewith are hereby repealed or superseded.

(2) This section shall be in full force and effect immediately upon and after its adoption and publication as required by law.

(Ord. 95-25, passed 8-21-1995)

§ 4-2-1-2 DUPLICATING FEE; PURPOSE.

(A) *Purpose*. The purpose of this section shall be to provide for a fee for duplicating a roll of microfilm by the County Recorder pursuant to I.C. 36-2-7-10.

(B) *Duplicating fee*. The County Recorder shall charge a fee for duplicating a 50-foot roll of microfilm in the amount of $25, which shall be paid at the time of a request for duplicating.

(C) *Application and effective date*.

(1) This section shall apply to the entirety of the County. All portions of former ordinances in conflict herewith are hereby repealed or superseded.

(2) This section shall be in full force and effect on September 1, 1996, or upon and after its adoption and publication as required by law.

(Ord. 96-12, passed 9-1-1996)

ARTICLE 3: PROGRAMS

Section

Chapter 1: Ambulance Service Membership Program

4-3-1-1 General provisions

CHAPTER 1: AMBULANCE SERVICE MEMBERSHIP PROGRAM

§ 4-3-1-1 GENERAL PROVISIONS.

The County Board of Commissioners hereby grants permission to Rural/Metro Ambulance of Indiana, L.P. in the County to offer a membership program pursuant to the provisions of I.C. 27-4-5-2.
(Ord. 97-15, passed 10-27-1997)

ARTICLE 4: ADVANCE CLAIMS PAYMENT

Section

Chapter 1: General Provisions

(A) Auditor authorized; warrants for payment

CHAPTER 1: GENERAL PROVISIONS

§ 4-4-1-1 AUDITOR AUTHORIZED; WARRANTS FOR PAYMENT.

(A) The Auditor is hereby authorized to issue warrants for payment of the following types of claims prior to publication and County Board of

Commissioners allowance which are otherwise required pursuant to I.C. 36-2-6-3:

(1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions;
(2) License or permit fees;
(3) Insurance premiums;
(4) Utility payments or utility connection charges;
(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;
(6) Grants of state funds authorized by statute;
(7) Maintenance or service agreements;
(8) Leases or rental agreements;
(9) Bond or coupon payments;
(10) Payroll;
(11) State or federal taxes;
(12) Expenses that must be paid because of emergency circumstances; and
(13) Expenses described in an ordinance.

(B) ***EMERGENCY CIRCUMSTANCES*** includes, but are not limited to, circumstances that would prevent the County from incurring substantial fines or penalties.

(C) Each payment of expenses under this ordinance must be supported by a fully itemized invoice or bill and certification by the Auditor and the County Board of Commissioners shall review and allow the claim at its next regular or special meeting following the pre-approved payment of the expense.

(D) A payment of expenses under this section must be subsequently published in the manner provided under I.C. 36-2-6-3.

(Ord. 2004-01, passed 1-26-2004)

TITLE 5: PUBLIC PURCHASING

Article

1. **PURCHASING GUIDELINES**

ARTICLE 1: PURCHASING GUIDELINES

Section

Chapter 1: Purchase of Supplies in the County

5-1-1-1 General provisions

Chapter 2: Purchasing Agent
5-1-1-1 General provisions

Chapter 3: Purchasing Rules
5-1-3-1 Protection of offers; documents; public records
5-1-3-2 Offerors; request for proposals
5-1-3-3 Delay of opening offers
5-1-3-4 Financial responsibility; evidence of
5-1-3-5 Contracts; modification and termination of
5-1-3-6 Purchase of services

Chapter 4: Purchasing Guidelines
5-1-1-1 General provisions

CHAPTER 1: PURCHASE OF SUPPLIES IN THE COUNTY

§ 5-1-1-1 GENERAL PROVISIONS.

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

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

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

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

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

(Ord. 98-6, passed 7-20-1998)

CHAPTER 2: PURCHASING AGENT

§ 5-1-2-1 GENERAL PROVISIONS.

(A) The County Board of Commissioners is the purchasing agency for the County.

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

(1) Each elected County and township official;

(2) Each circuit, superior, and County court judge; and

(3) The County employees as are designated from time to time, in writing.

(Ord. 98-7, passed 7-20-1998)

CHAPTER 3: PURCHASING RULES

§ 5-1-3-1 PROTECTION OF OFFERS; DOCUMENTS; PUBLIC RECORDS.

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

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

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

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

(Ord. 98-9, passed 9-8-1998)

§ 5-1-3-2 OFFERORS; REQUEST FOR PROPOSALS.

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

(Ord. 98-9, passed 9-8-1998)

§ 5-1-3-3 DELAY OF OPENING OFFERS.

When the County Board of Commissioners makes a written determination that its in the County's best interests, offers may be opened after the time stated in the solicitation. The date, time, and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

(Ord. 98-9, passed 9-8-1998)

§ 5-1-3-4 FINAL RESPONSIBILITY; EVIDENCE OF.

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

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

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

(D) *Small business set-asides.* The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.

(Ord. 98-9, passed 9-8-1998)

§ 5-1-3-5 CONTRACTS; MODIFICATION AND TERMINATION OF.

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

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

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

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

(4) Price adjustments must be computed in such a manner as the contracting parties may mutually agree upon; or

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

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

(C) *Unilateral rights of County.* The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the

County to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(D) *Quantity variations.* The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

(Ord. 98-9, passed 9-8-1998)

§ 5-1-3-6 PURCHASE OF SERVICES.

The County determines that each County agency, department, office, and elected County and township official may purchase services in whatever manner the County Board of Commissioners determines to be reasonable.
(Ord. 98-9, passed 9-8-1998)

CHAPTER 4: PURCHASING GUIDELINES

§ 5-1-4-1 GENERAL PROVISIONS.

(A) *Purchases under $50,000.* An authorized purchasing agent may purchase supplies with an estimated cost of less than $50,000 on the open market without inviting or receiving quotes or bids, pursuant to I.C. 5-22-8-2.

(B) Purchases between $50,000 and $150,000.

(1) An authorized purchasing agent may purchase supplies between $50,000 and $150,000, pursuant to I.C. 5-22-8-3, by inviting quotes from at least three persons known to deal in the lines or classes of supplies, goods, or materials to be purchased.

(2) With respect to purchases falling with this subsection (C):

(a) The purchasing agent shall mail an invitation to quote to the persons known to deal in the lines or classes of supplies, goods, or materials to be purchased at least seven days before the time fixed for receiving quotes;

(b) If the purchasing agent receives a satisfactory quote, the purchasing agent shall award a contract to the lowest responsible and responsive offeror for each line or class of supplies, goods, or materials required;

(c) The purchasing agent may reject all quotes; and

(d) If the purchasing agent does not receive a quote from a responsible and responsive offeror, the purchasing agent may purchase the supplies, goods, or materials under the special purchase provisions of the I.C. 5-22-10.

(Ord. 07-20, passed 8-20-2007)

TITLE 6: COUNTY TAXATION

Article
1. **JOHNSON COUNTY INNKEEPER'S TAX**

ARTICLE 1: INNKEEPER'S TAX

Section

Chapter 1: Innkeeper's Tax
6-1-1-1 Establishment of Tax
6-1-1-2 Exceptions
6-1-1-3 Rate
6-1-1-4 Collection
6-1-1-5 Enforcement
6-1-1-6 Establishment of Convention, Visitor, and Tourism Fund
6-1-1-7 Purpose of Convention, Visitor, and Tourism Fund
6-1-1-8 Effective Date

Chapter 2: Establishment of Convention, Visitor, and Tourism Board
6-1-2-1 Composition
6-1-2-2 Term
6-1-2-3 Vacancies; Removal
6-1-2-4 Powers and Duties of the Convention, Visitor, and Tourism Board

CHAPTER 1: INNKEEPER'S TAX

§ 6-1-1-1 ESTABLISHMENT OF TAX.

An Innkeeper's Tax is hereby levied on every person, as defined by Indiana Code 6-2.5-1-3, engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

(A) hotel;
(B) motel;
(C) boat motel;
(D) inn;
(E) college or university memorial union;
(F) college or university residence hall or dormitory; or
(G) tourist cabin;

located in the county.
(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-2 EXCEPTIONS.

The Innkeeper's Tax does not apply to gross income received in a transaction in which:

(A) a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county; or

(B) a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-3 RATE.

The Innkeeper's Tax shall be levied at the rate of five percent (5%) on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under Indiana Code 6-2.5.
(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-4 COLLECTION.

The Innkeeper's Tax shall be reported on forms approved by the Johnson County Treasurer and shall be paid monthly to the Johnson County Treasurer not more than twenty (20) days after the end of the month in which the tax is collected.
(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-5 ENFORCEMENT.

All of the provisions of Indiana Code 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the Innkeeper's Tax except to the extent those provisions are in conflict or inconsistent with the specific provisions of Indiana Code 6-9-18 or the requirements of the Johnson County Treasurer.
(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-6 ESTABLISHMENT OF CONVENTION, VISITOR, AND TOURISM FUND.

The Johnson County Treasurer is directed to establish the Convention, Visitor, and Tourism Fund (Fund 7304 – Innkeeper's Tax Collections) in which all amounts received under this Ordinance shall be deposited.
(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-7 PURPOSE OF CONVENTION, VISITOR, AND TOURISM FUND.

Money in the Convention, Visitor, and Tourism Fund shall be used to promote and encourage conventions, visitors, and tourism within Johnson County. Such expenditures include, but are not limited to, expenditures for advertising, promotional activities, trade shows, special events, and recreation.
(Council Ord. 2015-03, passed 10-5-2015)

§ 6-1-1-8 EFFECTIVE DATE.

Any person, corporation, or other entity described in Section I of this Ordinance shall begin collection of the Innkeeper's Tax on January 1, 2016.
(Council Ord. 2015-03, passed 10-5-2015)

CHAPTER 2: ESTABLISHMENT OF CONVENTION, VISITOR, AND TOURISM BOARD

§ 6-1-2-1 COMPOSITION.

(A) The CVT Board shall consist of nine (9) Johnson County residents, who shall be appointed as follows:
  (1) The County Commissioners shall appoint six (6) members; and
  (2) The Mayor of Greenwood, Indiana, shall appoint three (3) members.
(B) Five (5) members must be either engaged in the convention, visitor, or tourism business, or involved in promoting conventions, visitors, or tourism.
(C) If available and willing, at least two (2) members must be engaged in the business of renting rooms, lodging, or accommodations; however, no more than one member may be from the same business entity.
(D) At no time shall more than five (5) members be from the same political party.
(E) Members shall not receive a salary, but may be reimbursed for expenses incurred in the performance of CVT Board duties.

(Ord. 2015-05, passed 12-14-2015)

§ 6-1-2-2 TERM.

CVT Board members shall be appointed for two-year terms, which begin on January 1. Initial appointments shall be staggered. Members are eligible for reappointment.
(Ord. 2015-05, passed 12-14-2015)

§ 6-1-2-3 VACANCIES; REMOVAL.

(A) If a vacancy occurs, the appointing authority shall appoint a new member to complete the term.

(B) If an initial appointment is not made by February 1, or within thirty (30) days of a vacancy, the CVT Board may vote to appoint a member.
(C) Members may be removed for cause by the member's appointing authority.
(Ord. 2015-05, passed 12-14-2015)

§ 6-1-2-4 POWERS AND DUTIES OF THE CONVENTION, VISITOR, AND TOURISM BOARD.

The CVT Board shall elect one (1) of its members president, another vice president, another secretary, and another treasurer.

The CVT Board may:
(A) accept and use gifts, grants, and contributions from any public or private source, under terms and conditions that the Board considers necessary and desirable;
(B) sue and be sued;
(C) enter into contracts and agreements, subject to approval by the Board of Commissioners;
(D) make rules necessary for the conduct of its business and the accomplishment of its purposes;
(E) receive and approve, alter, or reject requests and proposals for funding by corporations qualified under subdivision (F);
(F) after its approval of a proposal, transfer money, quarterly or less frequently, from the Convention, Visitor, and Tourism Fund ("Fund 7304"), or from money transferred from Fund 7304 to the CVT Board's treasurer under IC § 6-9-18- 4(b), to any Indiana not-for-profit corporation to promote and encourage conventions, visitors, or tourism in the county; and
(G) require financial or other reports from any corporation that receives monies from Fund 7304.
(Ord. 2015-05, passed 12-14-2015)

TITLE 7.1: ALCOHOL AND TOBACCO

Article

1. **SMOKING AND TOBACCO USE**

2. **ALCOHOL BEVERAGE PERMITS**

ARTICLE 1: SMOKING AND TOBACCO USE

Section

Chapter 1: Smoking and Tobacco Use Regulations

7.1-1-1-1 Title
7.1-1-1-2 Findings and purpose
7.1-1-1-3 Definitions
7.1-1-1-4 Prohibition of smoking and tobacco use in public facilities owned or leased by Johnson County
7.1-1-1-5 Permitted at a reasonable distance
7.1-1-1-6 Posting of signs
7.1-1-1-7 Penalties
7.1-1-1-8 Effective date

CHAPTER 1: SMOKING AND TOBACCO USE REGULATIONS

§ 7.1-1-1-1 TITLE.

This chapter shall be known as the "Smoking and Tobacco Use Ordinance of Johnson County, Indiana."
(Ord. 2001-12, passed 10-15-2001, amended by Ord. 2015-09, passed 12-22-2015)

§ 7.1-1-1-2 FINDINGS AND PURPOSE.

The Johnson County Board of Commissioners does hereby find that:

(A) Smoking and tobacco use is a cause of material annoyance, discomfort, and physical irritation to nonusers;

(B) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease, including lung cancer, in nonsmokers;

(C) The federal government acting through the Environmental Protection Agency has determined that secondhand tobacco smoke is a Group A carcinogen, which is hazardous to nonsmokers;

(D) The presence of any tobacco within the County buildings is detrimental to the health of nonusers;

(E) Early research has demonstrated that vapor from E-cigarettes may have the potential for exposure symptoms in both users and non-users;

(F) Pursuant to Indiana Code 7.1-15-12, the regulation of smoking and tobacco use within any enclosed area of a structure under the jurisdiction of the Johnson County Board of Commissioners is necessary to protect the health, welfare, comfort, and environment of nonusers; and

(G) Accordingly, the Johnson County Board of Commissioners finds and declares that the purposes of this chapter are:

(1) To protect the public health and welfare by prohibiting smoking and tobacco use in facilities owned or leased by the County; and

(2) To guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

(Ord. 2001-12, passed 10-15-2001; Ord. 2012-3, passed 6-25-2012, amended by Ord. 2015-09, passed 12-22-2015)

§ 7.1-1-1-3 DEFINITIONS.

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

E-CIGARETTE. Any electronic oral device, including one composed of a heating element, battery, and/or electronic circuit, which emits a vapor of nicotine or any other chemicals, the use of inhalation of which simulates smoking.

ENCLOSED AREA. All space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures.

SMOKING. Inhaling, exhaling, burning, holding, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other lighted smoking substance, including E-cigarettes.

TOBACCO USE. Chewing or any oral ingestion of tobacco products.

(Ord. 2001-12, passed 10-15-2001, amended by Ord. 2015-09, passed 12-22-2015)

§ 7.1-1-1-4 PROHIBITION OF SMOKING AND TOBACCO USE IN PUBLIC FACILITIES OWNED OR LEASED BY THE COUNTY.

Smoking and Tobacco Use shall be prohibited:

(A) Within any structure owned by the County, except private residences leased from the County;

(B) Within any structure leased by the County, providing that this prohibition shall apply only to those areas of the structure actually being leased by the County;

(C) Within 100 feet of the front main entrances to the County law enforcement facility (jail), Community Corrections building, and the County juvenile detention facility; and

(D) Polling places.

(Ord. 2001-12, passed 10-15-2001, amended by Ord. 2015-09, passed 12-22-2015)

§ 7.1-1-1-5 PERMITTED AT A REASONABLE DISTANCE.

Excepting the Johnson County law enforcement facility, Community Corrections building, and the County juvenile detention facility, tobacco use is prohibited inside of or within eight (8) feet outside of, any enclosed area of any structure under the jurisdiction of the County Board of Commissioners.
(Ord. 2001-12, passed 10-15-2001; Ord. 2012-3, passed 6-25-2012, amended by Ord. 2015-09, passed 12-22-2015)

§ 7.1-1-1-6 POSTING OF SIGNS.

(A) Sign reading "State Law Prohibits Smoking Within 8 feet of this Entrance" or other similar language shall be clearly, sufficiently, and conspicuously posted at every entrance to every building or other area where Smoking and Tobacco Use is prohibited by this chapter, by the public official having control over the building or other area.

(B) All ashtrays or other smoking/tobacco chewing paraphernalia shall be removed from any area where Smoking and Tobacco Use is prohibited by this chapter by the public official having control over the building or other area.

(Ord. 2001-12, passed 10-15-2001; Ord. 2012-3, passed 6-25-2012, amended by Ord. 2015-09, passed 12-22-2015)

§ 7.1-1-1-7 PENALTIES.

Persons violating the provisions of this chapter shall be subject to the penalty imposed for a Class B infraction, as set forth in I.C. 34-28-5-4(C), except that a person who smokes in an area where smoking is prohibited by this chapter commits Prohibited Smoking, a Class A infraction, if the person has been adjudged to have committed at least three (3) prior unrelated infractions under this chapter. Accordingly, this chapter shall be enforced by the provisions of I.C. 34-28-5.
(Ord. 2001-12, passed 10-15-2001; Ord. 2012-3, passed 6-25-2012)

§ 7.1-1-1-8 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after October 15, 2001, with its amendments hereto effective immediately after approval.
(Ord. 2001-12, passed 10-15-2001; Ord. 2012-3, passed 6-25-2012, amended by Ord. 2015-09, passed 12-22-2015)

ARTICLE 2: ALCOHOL BEVERAGE PERMITS

Section

Chapter 1: General Provisions
7.1-2-1-1 Permit fee

CHAPTER 1: GENERAL PROVISIONS

§ 7.1-2-1-1 PERMIT FEE.

(A) The County Board of Commissioners hereby adopts and approves a $100 administrative fee for the certification of alcoholic beverage permits by the County Surveyor, as required by state law, in order to reimburse the County for manpower, time, and costs directly attributable to the certification of these permits.

(B) The fee shall be payable by the applicant seeking the certification and permit before the Alcoholic Beverage Commission.

(C) The fees collected pursuant to this section are to be deposited in Fund 432, the County Surveyor's Certification of Alcoholic Beverage Permits Fund (JC Surveyor Certification ABPF). Appropriation of funds from this account is subject to County Council approval.

(Ord. 2009-01, passed 3-2-2009)

TITLE 8: UTILITIES AND TRANSPORTATION

Article

1. **SEWAGE DISPOSAL AND WASTEWATER DISPOSAL SYSTEMS**

2. **INDIANA AMERICAN WATER COMPANY, INC.; LICENSE, PERMIT AND FRANCHISE**

3. **ILLICIT DISCHARGE AND CONNECTION STORMWATER**

4. **CONSTRUCTION SITE AND POST CONSTRUCTION SITE STORMWATER CONTROL**

5. **DEPARTMENT OF STORMWATER MANAGEMENT**

6. **FEE SCHEDULE; DEPARTMENT OF STORMWATER MANAGEMENT**

7. **CABLE VIDEO SERVICE PROVIDERS; FRANCHISE, REGULATIONS**

ARTICLE 1: SEWAGE DISPOSAL AND WASTEWATER DISPOSAL SYSTEMS

Section

Chapter 1: Residential Sewage Disposal Systems
8-1-1-1 General provisions

Chapter 2: Wastewater Disposal Systems
8-1-1-1 General provisions

CHAPTER 1: RESIDENTIAL SEWAGE DISPOSAL SYSTEMS

§ 8-1-1-1 GENERAL PROVISIONS.

(A) The design, construction, installation, maintenance, and operation of residential sewage disposal systems in the County shall be administered by the County Health Department through its Health Officer and his or her authorized representative.

(B) No person shall commence the construction of any private residence where a residential sewage disposal system or privy is to be installed or where any alteration, repair, or addition or an existing residential sewage disposal system is planned, until the owner or agent of the owner shall first obtain a written permit signed by the Health Officer.

(C) The application shall be supplemented by any plans, specifications, and other information as deemed necessary by the Health Officer.

(D) The plans and specifications for all residential sewage disposal systems shall comply with the provisions of State Department of Health Rule 410 I.A.C. 6-8.1; Residential Sewage Disposal Systems, and any successor provisions and as amended hereafter by the State Department of Health.

(E) The permittee shall notify the Health Officer when work is ready for final inspection and before any underground portions are covered.

(F) The Health Officer or his or her authorized representative shall be permitted to enter upon all properties at the proper time for purposes of inspection, observation, measurement, sampling, and testing necessary to carry out the provisions of this section.

(G) The fee for a permit for the construction of a residential sewage disposal system or privy is set out in a separate County ordinance.

(H) The fee for a permit to repair or add onto an existing residential sewage disposal system is set out in a separate County ordinance.

(I) Any person found to be violating any provision of this section may be served by the Health Officer with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.

(J) After receiving an order in writing from the County Health Department or the duly appointed Health Officer, the owner, agent of the owner, the occupant or agent of the property shall comply with the provisions of this section as set forth in the order and within the time limit included therein. The order shall be served on the owner or the owner and the occupant or on 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.

(K) If an applicant is refused a permit, the County Health Department shall, upon request, afford the applicant a fair hearing in accordance with the provisions of I.C. 4-21.5-5.

(L) The County Board of Health may, after reasonable notice and opportunity for a fair hearing, in accordance with the provisions of I.C. 4-21.5-5, revoke a permit authorizing the construction of a residential sewage disposal system if it finds that the holder of the permit has failed to comply with any provision or this chapter.

(Ord. 84-2, passed 3-5-1984; Ord. 2005-19, passed 6-20-2005)

CHAPTER 2: WASTEWATER DISPOSAL SYSTEMS

§ 8-1-2-1 GENERAL PROVISIONS.

(A) The design, construction, installation, maintenance, and operation of commercial, small public, or place of business employment sewage disposal systems in the County shall be administered by the County Health Department through its Health Officer or his or her authorized representative(s).

(B) No person shall commence the construction of any commercial, small public, or place of employment sewage disposal system or commence any alteration, repair, or addition of an existing sewage disposal system until the owner or agent of the owner has first obtained a written permit signed by the Health Officer.

(C) The application shall be supplemented by any plans, specifications, and other information as deemed necessary by the Health Officer.

(D) The plans and specifications for all commercial, small public, and place of employment sewage disposal systems shall comply with the provisions of Indiana State Board of Health Bulletin S. E. 13, Planning Guide for Wastewater Disposal Systems.

(E) The permittee shall notify the Health Officer when work is ready for final inspection and before any underground portions are covered.

(F) The Health Officer or his or her authorized representative shall be permitted to enter upon all properties at the proper time for purposes of inspection, observation, measurement, sampling, and testing necessary to carry out the provisions of this section.

(G) The fee for a permit for the construction of commercial, small public, or place of business employment sewage disposal system is set out in a separate County ordinance.

(H) The fee for a permit to repair or add onto an existing sewage disposal system is set out in a separate County ordinance.

(I) Any person found to be violating any provision of this section may be served by the Health Officer with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.

(J) After receiving an order in writing from the County Health Department or the duly appointed Health Officer, the owner, agent of the owner, the occupant, or agent of the property shall comply with the provisions of this section as set forth in the order and within the time limit included therein. The order shall be served on the owner or the owner and the occupant or on 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 or an order.

(K) If an applicant is refused a permit, the County Health Department shall, upon request, afford the applicant a fair hearing in accordance with the provisions of I.C. 4-21.5-5.

(L) The County Health Department may, after reasonable notice and opportunity for a fair hearing, in accordance with the provisions of I.C. 4-21.5-5, revoke a permit authorizing the construction of a sewage disposal system if it finds that the holder of the permit has failed to comply with any provision of this section.

(Ord. 84-3, passed 3-5-1984)

ARTICLE 2: INDIANA AMERICAN WATER COMPANY, INC.; LICENSE, PERMIT AND FRANCHISE

Section

Chapter 1: General Provisions

8-2-1-1 Purpose
8-2-1-2 Approval
8-2-1-3 Execution

CHAPTER 1: GENERAL PROVISIONS

§ 8-2-1-1 PURPOSE.

The purpose of this chapter is to grant to Indiana American Water Company, Inc. ("Indiana American") a supplemental license, permit, and franchise for the provision of

water utility service in certain areas outside municipalities in the County and for the use of County roads, bridges, and other County property and rights-of-way in connection therewith, pursuant to the procedures prescribed and approved by the County Board of Commissioners this same date.
(Ord. 89-35, passed 10-30-1989)

§ 8-2-1-2 APPROVAL.

The license, permit and franchise to Indiana American Water Company Inc. attached hereto is hereby approved and granted at this regularly scheduled meeting of the Board held in conformity with the State Open Door Law, I.C. 5-14-1.5-1 *et seq*.
(Ord. 89-35, passed 10-30-1989)

§ 8-2-1-3 EXECUTION.

The members of the Board hereby evidence the granting of the license, permit and franchise by affixing their signatures to multiple counterparts thereof, one of which is hereby delivered to Indiana American Water Company Inc. Pursuant to § 8 thereof, the license, permit and franchise shall become effective upon its being approved by the State Utility Regulatory Commission or its acceptance by Indiana American Water Company Inc., whichever occurs later, without the need for further action by the County.
(Ord. 89-35, passed 10-30-1989)

ARTICLE 3: ILLICIT DISCHARGE AND CONNECTION STORMWATER

Section

Chapter 1: General Provisions

8-3-1-1 Purpose; intent
8-3-1-2 Definitions
8-3-1-3 Applicability
8-3-1-4 Responsibility for administration
8-3-1-5 Ultimate responsibility
8-3-1-6 Discharge prohibitions
8-3-1-7 Suspension of MS4 access
8-3-1-8 Industrial or construction activity discharges
8-3-1-9 Monitoring of discharges
8-3-1-10 Requirements; stormwater pollutants; management practices

Chapter 2: Specific Provisions

8-3-2-1 Watercourse protection

8-3-2-2 Notification of spills
8-3-2-3 Enforcement
8-3-2-4 Appeal of notice of violation
8-3-2-5 Enforcement measures after appeal
8-3-2-6 Cost of abatement of the violation
8-3-2-7 Injunctive relief
8-3-2-8 Compensatory action
8-3-2-9 Violations deemed a public nuisance
8-3-2-10 Civil penalty
8-3-2-11 Remedies not exclusive

CHAPTER 1: GENERAL PROVISIONS

§ 8-3-1-1 PURPOSE; INTENT.

(A) The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the County, through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

(B) The objectives of this article are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;

(2) To prohibit illicit connections and discharges to the municipal separate storm sewer system; and

(3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this article.

(Ord. 2006-16, passed 10-16-2006)

§ 8-3-1-2 DEFINITIONS.

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

AUTHORIZED COUNTY AGENT. Employees or designees of the Johnson County Board of Commissioners.

BEST MANAGEMENT PRACTICES (BMPS). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution

prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. ***BMPs*** also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more, as defined in 327 I.A.C. 15-5. The activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE. Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in § 8-3-1-6 below.

ILLICIT CONNECTIONS. Either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY. Activities subject to NPDES industrial permits as defined in 327 I.A.C. 15-6.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT. A permit issued by EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)) that authorizes

the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORMWATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of stormwater.

PERSON. Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT. Anything which causes or contributes to pollution.

POLLUTANTS may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

STORM DRAINAGE SYSTEM. Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from the precipitation.

STORMWATER POLLUTION PREVENTION PLAN. A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

WASTEWATER. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-1-3 APPLICABILITY.

This article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized County agent.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-1-4 RESPONSIBILITY FOR ADMINISTRATION.

The County Board of Commissioners shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon authorized County staff may be delegated in writing by the County Board of Commissioners to the authorized County agent acting in the beneficial interest of or in the employ of the County.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-1-5 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore this article does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-1-6 DISCHARGE PROHIBITIONS.

(A) *Prohibition of illegal discharges*. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this article: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation, or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, irrigation water, street wash water, and any other water source not containing pollutants.

(2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(4) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(B) *Prohibition of illicit connections*.

(1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(Ord. 2006-16, passed 10-16-2006)

§ 8-3-1-7 SUSPENSION OF MS4 ACCESS.

(A) *Suspension due to illicit discharges in emergency situations*. The County Board of Commissioners or their appointed agent may, without prior notice, suspend MS4 discharge access to a person when the suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(B) *Suspension due to the detection of illicit discharge*. Any person discharging to the MS4 in violation of this article may have his or her MS4 access terminated if the termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

(C) *Offense*. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.

(Ord. 2006-16, passed 10-16-2006)

§ 8-3-1-8 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of the permit. Proof of compliance with said permit may be required in a form acceptable to the County Board of Commissioners or their appointed agent prior to the allowing of discharges to the MS4.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-1-9 MONITORING OF DISCHARGES.

(A) *Applicability*. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(B) *Access to facilities*.

(1) The County Board of Commissioners or its appointed agent shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the County Board of Commissioners or its appointed agent ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The County Board of Commissioners or its appointed agent shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The County Board of Commissioners or its appointed agent has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure

stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the County Board of Commissioners or their appointed agent and shall not be replaced. The costs of clearing the access shall be borne by the operator.

(6) Unreasonable delays in allowing the County Board of Commissioners or its appointed agent access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

(7) If the County Board of Commissioners or its appointed agent has been refused access to any part of the premises from which stormwater is discharged, and he or she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. 2006-16, passed 10-16-2006)

§ 8-3-1-10 REQUIREMENTS; STORMWATER POLLUTANTS; MANAGEMENT PRACTICES.

The County Board of Commissioners or its appointed agent will establish requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge may be required to implement, at that person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants into the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance

with the provisions of this section. These BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPP) as necessary for compliance with requirements of the NPDES permit.
(Ord. 2006-16, passed 10-16-2006)

CHAPTER 2: SPECIFIC PROVISIONS

§ 8-3-2-1 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or the person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that the structures will not become a hazard to the use, function, or physical integrity of the watercourse.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-2-2 NOTIFICATION OF SPILLS.

(A) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the United States, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of the release.

(B) In the event of such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day.

(C) Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the County Board of Commissioners or its appointed agent within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of the establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. The records shall be retained for at least three years.

(Ord. 2006-16, passed 10-16-2006)

§ 8-3-2-3 ENFORCEMENT.

(A) *Notice of violation*.

(1) Whenever the County Board of Commissioners or its appointed agent finds that a person has violated a prohibition or failed to meet a requirement of this article, the Board of Commissioners may order compliance by written notice of violation to the responsible person. Emergency notifications may be made by an authorized County employee.

(2) The notice may require without limitation:

(a) The performance of monitoring, analyses, and reporting;

(b) The elimination of illicit connections or discharges;

(c) That violating discharges, practices, or operations shall cease and desist;

(d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(e) Payment of a fine to cover administrative and remediation costs; and

(f) The implementation of source control or treatment BMPs.

(B) *Other provisions*. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which the remediation or restoration must be completed. The notice shall further advise that should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(Ord. 2006-16, passed 10-16-2006)

§ 8-3-2-4 APPEAL OF NOTICE OF VIOLATION.

Any person receiving a notice of violation may appeal the determination of the County Board of Commissioners. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his or her designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the municipal authority or its designee shall be final.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-2-5 ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 180 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private

property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-2-6 COST OF ABATEMENT OF THE VIOLATION.

Within 60 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-2-7 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-2-8 COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, and the like.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-2-9 VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of the nuisance may be taken.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-2-10 CIVIL PENALTY.

Any person that has violated or continues to violate this article shall be liable to civil penalties to the fullest extent of the law, and shall be subject to a fine of up to $2,000 per violation per day. The authorized enforcement agency may recover all attorney fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses.
(Ord. 2006-16, passed 10-16-2006)

§ 8-3-2-11 REMEDIES NOT EXCLUSIVE.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.
(Ord. 2006-16, passed 10-16-2006)

ARTICLE 4: CONSTRUCTION SITE AND POST CONSTRUCTION SITE STORMWATER CONTROL

Section

Chapter 1: General Provisions

8-4-1-1 Purpose; intent
8-4-1-2 Definitions
8-4-1-3 Applicability
8-4-1-4 Responsibility for administration
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8-4-1-6 Responsibility of construction site owner
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8-4-1-10 Prevent, control, and reduce pollutants; management practices
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CHAPTER 1: GENERAL PROVISIONS

§ 8-4-1-1 PURPOSE; INTENT.

(A) *Site construction control*.

(1) The purpose of this chapter relative to post-construction control is to establish requirements for stormwater discharges from construction activities of one acre or more so as to protect the public health, existing water uses, and aquatic biota.

(2) This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

(3) The objectives of this chapter are:

(a) To regulate construction activities disturbing more than one acre of land as governed by 327 I.A.C. 15-5.

(b) To require construction site operators to develop and implement a construction plan including a stormwater pollution prevention plan in order to receive a grading permit from the County.

(B) *Post-construction control*.

(1) The purpose of this chapter relative to post-construction control is to implement planning procedures that promote and improve water quality.

(2) The planning procedures will include, at a minimum, the post-construction requirements of 327 I.A.C. 5-5-6.5(a)(8). The County may require the use of any storage, infiltration, filtering, and/or vegetative practices to reduce the impact of pollutants on stormwater runoff.

(3) Where appropriate, and to the extent of the MS4 operator's authority, the planning procedures may also include the following:

(a) Buffer strip and riparian zone preservation;

(b) Filter strip creation;

(c) Minimization of land disturbance and surface imperviousness;

(d) Minimization of directly connected impervious areas;

(e) Maximization of open space; and

(f) Directing the community's growth away from sensitive areas and toward areas that can support growth without compromising water quality.

(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-2 DEFINITIONS.

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

AUTHORIZED ENFORCEMENT AGENCY. Employees or designees of the County Board of Commissioners.

BEST MANAGEMENT PRACTICES (BMPS). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. ***BMPs*** also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more, as defined in 327 I.A.C. 15-5. These activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE. Any direct or indirect non-stormwater discharge into the storm drain system, except as exempted in Article 4 of this title.

ILLICIT CONNECTIONS. Either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDIANA STORMWATER QUALITY MANUAL. A reference manual

developed by the state that provides guidance on planning principles, as well as criteria for specific structural and non-structural stormwater management practices.

INDUSTRIAL ACTIVITY. Activities subject to NPDES industrial permits as defined in 327 I.A.C. 15-6.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT. A permit issued by EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)) that authorizes the discharge of pollutants into waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORMWATER DISCHARGE. Any discharge into the storm drain system that is not composed entirely of stormwater.

PERSON. Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT.

(1) Anything which causes or contributes to pollution.

(2) ***POLLUTANTS*** may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances and accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any other kind.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

STORM DRAINAGE SYSTEM. Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from the precipitation.

STORMWATER POLLUTION PREVENTION PLAN. A document which

describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

WASTEWATER. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-3 APPLICABILITY.

(A) This chapter covers any new development or re-development construction site resulting in the disturbance of one acre or more of total land area.
(B) Persons must meet the general permit rule applicability requirements under 327 I.A.C. 15-2-6.
(C) This chapter also applies to 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 corporate limits of the County.
(D) All terms, conditions, definitions, and other measures defined in 327 I.A.C. 15-5 shall apply except for state permitting process references and submittal deadlines of construction plans.
(E) This chapter does not apply to persons who obtain an individual NPDES permit under 327 IAC 15-2-6.
(F) This chapter does not apply to the Indiana Department of Transportation when it conducts its business within the County corporate limit under its NPDES permit pursuant to 327 I.A.C. 15.
(G) This chapter does not apply to the following types of activities:
    (1) Agricultural land disturbing activities; or
    (2) Forest harvesting activities.
(H) This chapter does not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:
    (1) Landfills that have been issued a certification of closure under 329 I.A.C. 10;
    (2) Coal mining activities permitted under I.C. 14-34; or
    (3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 I.A.C. 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-4 RESPONSIBILITY FOR ADMINISTRATION.

(A) The County shall administer, implement, and enforce the provisions of this chapter.

(B) Any powers granted, or duties imposed, upon the authorized enforcement agency may be delegated in writing to persons or entities acting in the beneficial interest of or in the employ of the agency.

(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-5 ULTIMATE RESPONSIBILITY.

The standards set forth herein, and promulgated pursuant to this chapter, are minimum standards; therefore this chapter does not intend or imply that compliance by any person will ensure that there will not be violations of NPDES permits.
(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-6 RESPONSIBILITY OF CONSTRUCTION SITE OWNER.

(A) The project site owner has the following responsibilities:

(1) Ensure that a sufficient construction plan is completed and submitted in accordance with procedures established by the County;

(2) Complete a sufficient notice of intent letter submitted to the County with a copy sent to the State Department of Environmental Management;

(3) Make application for a grading permit in accordance with procedures established by the County;

(4) Ensure compliance with this chapter during construction activity and the implementation of the construction plan;

(5) Ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this rule and the approved construction plan; and

(6) Notify the County with a sufficient notice of termination letter and send a copy to the State Department of Environmental Management.

(B) For off-site construction activities that provide services (for example road extensions, sewer, water, and other utilities) to a permitted project site, these off-site activity areas must be considered a part of the permitted project site when the activity is under the control of the project site owner.

(C) For an individual lot where land disturbance is expected to be one acre or more, and the lot lies within a project site permitted under this rule, the individual lot owner shall:

(1) Ensure that a sufficient construction plan is completed and submitted in accordance with procedures established by the County;
(2) Complete a notice of intent letter and submit it to the County; and
(3) Apply for a building permit in accordance with the procedures established by the County.

(D) For an individual lot where the land disturbance is less than one acre and the lot lies within a project site permitted under this rule, the individual lot operator shall:
(1) Comply with the provisions and requirements of the plan developed by the project site owner in accordance with the procedures established by the County;
(2) Comply with the provisions set forth in § 8-4-1-10 below; and
(3) Apply for a building permit in accordance with the procedures established by the County. (Note: There is no need to submit a notice of intent letter under the above subsection.)

(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-7 STORMWATER QUALITY CONTROL.

(A) All stormwater quality measures and erosion and sediment controls necessary to comply with this chapter must be implemented in accordance with the construction plan and sufficient to satisfy the following conditions.

(B) A project site owner shall meet the following minimum requirements:
(1) Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation;
(2) Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by run-off or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations;
(3) A stable construction site access shall be provided for all traffic ingress and egress to the project site;
(4) Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations;

(5) Stormwater run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law;

(6) The project site owner shall post a notice near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office. The notice must be maintained in a legible condition and contain the following information:

(a) The completed NOI letter and the NPDES permit number, where applicable;

(b) Name, company name, telephone number, e-mail address (if available), and address of the project site owner or a local contact person; and

(c) Location of the construction plan if the project site does not have an on-site location to store the plan.

(7) This permit, and posting of the notice under subsection (B)(6) above, does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site;

(8) The stormwater pollution prevention plan shall serve as a guideline for stormwater quality, but should not be interpreted as the only requirements for implementation of stormwater quality measures for a project site. The project site owner is responsible for implementing, in accordance with this rule, all measures necessary to adequately prevent polluted stormwater run-off;

(9) The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots, of the terms and conditions of this rule and the conditions and standards of the stormwater pollution prevention plan, and the schedule for proposed implementation;

(10) Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas;

(11) Appropriate measures shall be planned and installed as part of an erosion and sediment control system;

(12) All stormwater quality measures must be designed and installed under the guidance of a trained individual;

(13) Collected run-off, leaving a project site, must either be discharged directly into a well-defined and stable receiving channel or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner;

(14) Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet;

(15) Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with stormwater run-off;

(16) Unvegetated areas that are scheduled, or likely to be left inactive for 15 days or more, must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner, or their representative, can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas, with a density of less than 70%, shall be restabilized using appropriate methods to minimize the erosion potential.

(17) During the period of construction activities, all stormwater quality measures necessary to meet the requirements of this rule shall be maintained in working order;

(18) A self-monitoring program that includes the following must be implemented:

(a) A trained individual shall perform a written evaluation of the project site at a minimum of one time per week and by the end of the next business day following each one-half inch of rain;

(b) The evaluation must address the maintenance of existing stormwater quality measures to ensure they are functioning properly and identify additional measures necessary to remain in compliance with all applicable laws and ordinances;

(c) Written evaluation reports must include the name of the individual performing the evaluation, the date of the evaluation, problems identified at the project site, and details of corrective actions recommended and completed; and

(d) All evaluation reports for the project site must be made available to the inspecting authority within 48 hours of a request.

(19) Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures, shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality; and

(20) Final stabilization of a project site is achieved when:

(a) All land-disturbing activities have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed; and

(b) Construction projects on land used for agricultural purposes are returned to its preconstruction agricultural use, and disturbed areas not previously used for agricultural production, such as filter strips, and areas that are not being

returned to their preconstruction agricultural use, meet the final stabilization requirements in subsection (B)(20)(a) above.

(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-8 INDIVIDUAL BUILDING LOTS WITHIN A PERMITTED PROJECT.

(A) All stormwater quality measures, including erosion and sediment control, necessary to comply with this chapter must be implemented in accordance with the plan and sufficient to satisfy the following conditions.

(B) Provisions for erosion and sediment control on individual building lots regulated under the original permit of a project site owner must include the following requirements:

(1) The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with activities on individual lots;

(2) Installation and maintenance of a stable construction site access for ingress and egress;

(3) Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance;

(4) Sediment discharge and tracking from each lot must be minimized throughout the land disturbing activities on the lot until permanent stabilization has been achieved;

(5) Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable laws and ordinances;

(6) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization;

(7) For individual residential lots, final stabilization meeting the criteria in § 8-4-1-7(B)(20) above will be achieved when the individual lot operator completes final stabilization or has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization.

(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-9 MONITORING OF DISCHARGES.

The County shall have the authority to monitor discharges from construction sites covered under this chapter as described in Article 4 of this title.
(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-10 PREVENT, CONTROL, AND REDUCE POLLUTANTS; MANAGEMENT PRACTICES.

(A) The County will establish requirements identifying best management practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States.

(B) The owner or operator of a construction site shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs.

(C) Further, any person responsible for a property or premise which is, or may be, the source of an illicit discharge may be required to implement, at the responsible person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants into the municipal separate storm sewer system.

(D) Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-11 POST-CONSTRUCTION CONTROLS FOR NEW DEVELOPMENT OR REDEVELOPMENT.

(A) On areas that undergo new development or redevelopment, site construction resulting in disturbance of one acre or more total land area, post-construction control measures in the form of structural and/or non-structural best management practices are required. Specifically, post-construction stormwater pollutant loading should not exceed pre-construction pollutant loading.

(B) Pre-construction refers to the site immediately before the planned land disturbance and development activities occur. Pre-construction is not intended to be interpreted as that period before any human-induced land disturbance activity has occurred.

(C) Post-construction pollutant loadings will be controlled through the six minimum control measures under the County's stormwater NPDES permit.

Post-construction stormwater best management practices (BMPs) shall follow Indiana's Storm Water Quality Manual as a guidance document. The County shall have full technical and administrative approval authority on the application and design of all post-construction BMPs, conditions, definitions, and submittal requirements of construction plans and specifications and other related documents.

(D) The minimum measures are implemented to meet the terms defined in 327 I.A.C. 15-5-6.5(a)(8) which are enumerated below.

(E) The post-construction stormwater pollution prevention plan (SWP3). The SWP3 must include the following information:

(1) A description of potential pollutant sources from the proposed land use that may reasonably be expected to add a significant amount of pollutants to stormwater discharges;

(2) Location, dimensions, detailed specifications, and construction details of all post-construction stormwater quality measures;

(3) A description of measures that will be installed to control pollutants in stormwater discharges that will occur after construction activities have been completed. These practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and stormwater retention and detention ponds;

(4) A sequence describing when each post-construction stormwater quality measure will be installed;

(5) Stormwater quality measures that will remove or minimize pollutants from stormwater run-off;

(6) Stormwater quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat; and

(7) A narrative description of the maintenance guidelines for all post-construction stormwater quality measures to facilitate their proper long term function. This narrative BMP description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction stormwater quality measures.

(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-12 ENFORCEMENT.

(A) Enforcement of this chapter shall be subject to the severity of the infraction and the construction site operator's efforts to comply.

(B) The County shall reserve the right to interpret enforcement on a case-by-case basis.

(C) Tiered enforcement will be practiced at the County's discretion.

(D) The tiered enforcement may include:

(1) Verbal warning to the construction site operator to make corrections;
(2) Written warning to the construction site operator to make corrections within a specified period of time. The period of time shall take into account issues such as the severity of the problem, impending weather, seasonal conditions, and the level of effort necessary to correct the problem;
(3) Warning of non-compliance with directions to the construction site operator that site conditions require immediate action; and
(4) Stop work order.

(E) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which the remediation or restoration must be completed.

(F) The notice shall further advise that should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof, including court costs and attorney fees, shall be charged to the violator.

(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-13 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated, or continues to violate, the provisions of this chapter, the authorized enforcement agency may petition any court of competent jurisdiction for a preliminary or permanent injunction restraining the person from activities which would create further violations. Enforcement may also include compelling the person to perform abatement or remediation of the violation. Costs, including attorney fees, for injunctive relief may be assessed against the violator.
(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-14 COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, and the like.
(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-15 CIVIL PENALTY.

(A) Any person that has violated or continues to violate this chapter shall be liable to pay civil penalties to the fullest extent of the law, and shall be subject to a fine of up to $2,000 per violation per day.

(B) The authorized County enforcement agency may recover all attorney fees, court costs, consultant costs, and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-16 VIOLATIONS DEEMED A PUBLIC NUISANCE.

(A) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter may be deemed a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of the nuisance may be taken.

(B) Costs, including attorney fees, for injunctive relief may be assessed against the violator.

(Ord. 2006-17, passed 10-16-2006)

§ 8-4-1-17 REMEDIES NOT EXCLUSIVE.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.
(Ord. 2006-17, passed 10-16-2006)

ARTICLE 5: DEPARTMENT OF STORMWATER MANAGEMENT

Section

Chapter 1: General Provisions
8-5-1-1 General provisions

CHAPTER 1: GENERAL PROVISIONS

§ 8-5-1-1 GENERAL PROVISIONS.

(A) Indiana Code 8-1.5-5 *et seq*. concerning "Storm Water Management Systems" is hereby adopted by the County Board of Commissioners, so as to make the Act and any and all amendments thereto effective and operative in the County.

(B) Pursuant to I.C. 8-1.5-5, a Department of Storm Water Management shall be and is hereby created.

(C) Pursuant to I.C. 8-1.5-5-4.5, the Board of Directors of the Department of Storm Water Management shall be the following four members: the three members of the County Executive and the County Surveyor.

(D) The term of the office of a member of the Board who is appointed from the membership of the County Executive is coextensive with the member's term of office on the County Executive.

(E) The term of the Surveyor or the Surveyor's designee as a member of the Board is coextensive with the Surveyor's term of office.

(F) Pursuant to I.C. 8-1.5-5-4.5(d), a member of the Board of Directors is not entitled to a salary or per diem for serving on the Board. However, a member shall be reimbursed for necessary expenses incurred by the member in the performance of his or her official duties.

(G) Pursuant to I.C. 8-1.5-5, there is hereby created a utility district which shall include all of the territory within the corporate boundaries of the County that is not located in a municipality.

(H) Funding of the Department of Storm Water Management, Funding for the Department of Storm Water Management's activities may include, but not be limited to, the following:

(1) Stormwater user's fees;

(2) Civil penalties and damage assessments imposed for or arising from the violation of the County's Storm Water Management Ordinances;

(3) Soil and erosion control plan permit fees;

(4) Compliance inspection fees;

(5) Taxes levied pursuant to I.C. 8-1.5-5 or other relevant authority;

(6) Revenue bonds issued pursuant to I.C. 8-1.5-5; and

(7) Other funds or income obtained from federal, state, local, and/or private sources as provided by law or from grants or revolving funds.

(I) Fees established:

(1) *Stormwater user's fee established*.

(a) There shall be imposed on each and every property in the County inside of White River Township and outside of a municipality, except specifically excluded, a stormwater user's fee, which shall be set from time to time by ordinance or resolution and in the manner and amount prescribed by this section.

(b) Prior to establishing or amending user's fees, the County shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the County pursuant to I.C. 5-3-1.

(2) *Soil and erosion control plan permit fee*.

(a) There shall be imposed on each and every property being developed in the County and outside of a municipality a

soil and erosion control plan permit fee, which shall be set from time to time by ordinance or resolution and in the manner and amount prescribed by this chapter.

(b) Prior to establishing or amending the soil and erosion control plan permit fee, the County shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the County pursuant to I.C. 5-3-1.

(3) *Compliance inspection fee.*

(a) There shall be imposed on each and every property in the County outside of a municipality a compliance inspection fee for inspections necessitated because of a violation of any provision of this section, which shall be set from time to time by ordinance or resolution and in the manner and amount prescribed by this section.

(b) Prior to establishing or amending the compliance inspection fee, the County shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the County at least 30 days in advance of the meeting pursuant to I.C. 5-3-1; and

(J) The Storm Water Management Board shall prepare a budget for the operation of the Department on an annual basis.

(1) The budget shall set forth the estimated revenues and costs for operations and maintenance, extension and replacement, debt, and other revenue and costs provided by law.

(2) The budget shall contain funds to maintain the Indiana Municipal Separate Storm Sewer System (MS4)-NPDES Permitting Program 327 I.A.C. 15-13 and shall include but not be limited to:

(3) General administration;

(4) Public education and outreach;

(5) Public participation and involvement;

(6) Illicit discharge detection and elimination;

(7) Construction site runoff control;

(8) Post-construction site runoff control;

(9) Pollution prevention and good housekeeping; and

(10) Tracking and monitoring storm water quantity into the sanitary storm sewer system and into County legal drains.

(J) The budget shall be subject to approval by the County Council and any issuance of bonds or other methods for making capital improvements shall be approved by the Storm Water Management Board and the County Council as provided by law.

(K) Any County ordinance or provision of any ordinance in conflict with the provisions of this section is hereby repealed.

(L) The invalidity of any section, clause, sentence, or provision of this section shall not affect the validity of any other part of this section which can be given effect without the invalid part or parts.

(M) This section shall be in full force and effect from and after its adoption and approval by the County Board of Commissioners.

(Ord. 2007-27, passed 9-24-2007)

ARTICLE 6: FEE SCHEDULE; DEPARTMENT OF STORMWATER MANAGEMENT

Section

Chapter 1: General Provisions
8-6-1-1 Fee schedule

CHAPTER 1: GENERAL PROVISIONS

§ 8-6-1-1 FEE SCHEDULE.

STORMWATER PERMIT

Residential (only within White River Township):	
New construction	50% of the cost of building permit (only applicable to lots within approved projects under the IDEM MS4 program)
Additions	50% of the cost of building permit (only applicable to lots within approved projects under the IDEM MS4 Program)
Accessory structures	50% of the cost of building permit (only applicable to lots within approved projects under the IDEM MS4 program)
Swimming pool	$25 (only applicable to lots within approved projects under the IDEM MS4 program)
Commercial (only within White River Township):	
Within an approved IDEM MS4 commercial subdivision; commercial	50% of the cost of building permit
All other commercial	75% of the cost of building permit
Accessory structures	50% of the cost of building permit
Tenant finish	Not required
Structures for government agencies/ schools/churches	50% of the waived building permit
Structures other than buildings	50% of the cost of building permit
Residential; IDEM Rule 5:	
Less than one acre of disturbed land	Not required
Between one and two acres	$300

Greater than two acres	$300 + $25/acre
Commercial; IDEM Rule 5 (outside of White River Township):	
Improvement location permit (<one acre of disturbed land)	Not required
Improvement location permit (between one and two acres)	25% of the cost of building permit
Improvement location permit (>two acres)	25% of the cost of building permit + $100/acre
Construction plans for major subdivisions (only within White River Township)	$500 + $10/lot
Miscellaneous:	
Stop work order reinstatement	$500 or two times permit fee (whichever is greater)
Construction under a stop work order	$300 per day
Refunds:	Refunds of fees are determined by the County Board of Commissioners or designee
Permit fees will be tripled if construction activity takes place before a permit is obtained.	

(Ord. 2007-33, passed 12-17-2007; Ord. 2008-14, passed 5-19-2008)

ARTICLE 7: CABLE VIDEO SERVICE PROVIDERS; FRANCHISE, REGULATIONS

Section

Chapter 1: General Provisions

8-7-1-1 Definitions
8-7-1-2 Grant of Authority
8-7-1-3 Pole Use
8-7-1-4 Present Television Reception
8-7-1-5 Installation and Maintenance of Attachments
8-7-1-6 Pole Erection and Construction
8-7-1-7 Specifications
8-7-1-8 Relocation of Facilities
8-7-1-9 Tree Trimming
8-7-1-10 Damages
8-7-1-11 Insurance
8-7-1-12 Minimum System Service
8-7-1-13 Rates
8-7-1-14 Unauthorized Use of Service

8-7-1-15 Technical Standards
8-7-1-16 Police Power
8-7-1-17 Line Extension Policy
8-7-1-18 Payment
8-7-1-19 Purpose of Payment
8-7-1-20 Underground Facilities
8-7-1-21 Approval of Construction
8-7-1-22 Complaint Procedures
8-7-1-23 Service and System Maintenance
8-7-1-24 Compliance with State and Federal Law
8-7-1-25 Effective Date
8-7-1-26 Transfer of Franchise
8-7-1-27 Term of Franchise
8-7-1-28 Renewal of Franchise
8-7-1-29 Final Termination of the Franchise
8-7-1-30 Penalties
8-7-1-31 General Terms
8-7-1-32 Notices
8-7-1-33 Repealer
8-7-1-34 Effective Date

Chapter 1: General Provisions

§ 8-7-1-1 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

COUNTY is the County of Johnson County, Indiana.

COMPANY is the grantee of the rights under this Ordinance, having been granted a franchise from the Indiana Utility Regulatory Commission pursuant to IC § 8-1-34-16.

COMMISSIONERS are the Commissioners of Johnson County, Indiana.

PERSON is any person, firm, partnership, association, corporation or organization of any kind.

CABLE TELEVISION SYSTEM or ***SYSTEM*** means any facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable services which includes video programming and which is provided to multiple subscribers within the County, but

such term does not include (a) facility that serves only to retransmit the television signals of one or more television stations; (b) a facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control or management, unless such facility or facilities use any public right-of-way; (c) a facility of a common carrier which is subject, in whole or in part to the provisions of Title II of the Communications Act of 1934, as amended, except that such facility shall be considered a cable system other than for purposes of Section 621(c) of the Cable Act to the extent such facility is used in the transmission of video programming directly to subscribers; or (d) any facilities of any electric utility used solely for operating its electric utility systems.

HOME means a separate housing unit which would normally provide for one family or individual. As such, apartment complexes, duplexes, condominium developments, etc. would be considered multiple home buildings. These multiple family buildings would represent a number equal to the number of individual home units within the multiple family buildings.

CABLE ACT means the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992 (P.L. 98-549) (47 U.S.C. Sec. 521 et seq.) and includes amendments hereinafter adopted or similar federal laws supplementing or superseding the same.

PUBLIC WAY means the surface and the area above and below the surface of any public street, highway, lane, alley, sidewalk, path, right-of-way or easement, and any public utility easement or right-of-way dedicated generally for public utility use.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-2 GRANT OF AUTHORITY

In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified, the right is hereby granted by the County to the Company and its successors and assigns to erect, maintain and operate a Cable Television System for the interception, sale and distribution of television, radio and other signals from the Company's antenna or studios to its subscribers, all in accordance with the laws and regulations of the United States of America, the State of Indiana, and the ordinances and regulations of Johnson County Indiana, and for this purpose the Company shall have the right to erect, maintain and operate its equipment in, upon, along, across, above, over and under the streets, alleys, easements, rights-of-way, public ways and public places now laid out or dedicated, and all extensions thereof and additions thereto in the County.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-3 POLE USE

The poles used for the distribution system of the Company shall be those erected and maintained by the authorized utility companies serving Johnson County. Where the use of poles owned by said public utilities is not practicable and rental agreements cannot be entered into with said public utilities, the Company shall have the right to erect and maintain its own poles, as such may be necessary for the proper construction and maintenance of the System; provided, however, that the Company shall obtain prior approval from the County as to the necessity for and location of any new poles to be erected.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-4 PRESENT TELEVISION RECEPTION

Installation shall be maintained in accordance with the existing requirements of the Federal Communications Commission in order to avoid interference with the present television reception in the areas served by the Company.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-5 INSTALLATION AND MAINTENANCE OF ATTACHMENTS

The Company shall, at its own expense, make and maintain its attachments in safe condition and in good repair.

In the maintenance and operation of its distribution system in the streets, alleys, easements, rights-of-way and other public places, and in the course of any new construction or additions to facilities, the Company shall proceed so as to cause the least possible inconvenience to the general public. Any streets, alleys, sidewalks or other public places disturbed or damaged in the construction or maintenance of the System shall be promptly repaired to its condition prior to such disturbance or damage to the reasonable satisfaction of the County by and at the expense of the Company.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-6 POLE ERECTION AND CONSTRUCTION

The Company’s transmission and distribution system poles, and the wires and appurtenances thereon, shall be located, erected and maintained so as not to endanger or interfere with the lives of persons, or interfere with new improvements the County may deem proper to make, or hinder unnecessarily or obstruct the free use of streets, alleys, bridges or other public property. Removal of the Company’s poles or rearrangement of the Company’s facilities to avoid such interference will be at the Company’s expense.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-7 SPECIFICATIONS

(A) The Company's poles, cables, wires and appliances, in each and every location, shall be erected and maintained in accordance with (1) such requirements and specifications of the County as contained herein, (2) requirements and specifications of the National Electrical Safety Code and the National Board of Fire Underwriters, (3) any amendments or revisions of said codes or practices and (4) in compliance with any rules or orders now in effect or that may hereafter be issued by any regulatory agency or other authority having jurisdiction in the State of Indiana.

(B) All installation of equipment shall be of a permanent nature and in accordance with good engineering practice. The Company's service drops shall be installed in a neat and workmanlike manner, including the house attachments, so as to preserve the best overall appearance of power, telephone and cable service drops through the air and attached to the buildings.

(C) In the event a subscriber discontinues cable television service and requests removal of the Company's service drop, such removal shall be accomplished in a neat and workmanlike manner at the Company's expense.

(D) The company shall grant to the County, free of expense, joint use of any and all poles owned by it for any proper municipal purpose acceptable to the Company, insofar as such use may be accomplished without interfering with the Company's free use and enjoyment of its own wires and fixtures; and the County shall hold the Company harmless from any and all actions, causes of actions or damage caused by placing, maintaining or replacing of the County's wires or appurtenances upon poles of the company. Proper regard shall be given to all existing safety rules governing construction and maintenance in effect at the time of construction.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-8 RELOCATION OF FACILITIES

In the event that at any time during the period of this Ordinance, the County shall elect to alter or change the grade of any streets, alleys or other public ways, the Company, upon reasonable notice by the County, shall remove, release and relocate its poles, wires, cables, underground conduits, manholes and other fixtures on the same basis as is applied to utility users utilizing the public ways.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-9 TREE TRIMMING

The Company shall have the authority to trim trees upon and overhanging streets, alleys, easements, sidewalks and public places of the County so as to prevent the branches of such trees from coming in contact with the cables and equipment of the Company, except that, at the option of the County, such trimming may be done by it or under its supervision and direction.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-10 DAMAGES

The Company shall exercise special precaution to avoid damages to facilities of the County on said poles; and hereby assumes all responsibility for and agrees to indemnify the County from and against any and all loss or damage, or claims therefor, resulting from the attachment to such poles of the Company's facilities and from any and all acts of negligence or misconduct or omissions of the Company in connection therewith. The Company shall make an immediate report to the County of the occurrence of any loss or damage and hereby agrees to pay the cost incurred in making repairs to such facilities of the County.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-11 INSURANCE

The Company shall indemnify, protect and save harmless the County from and against losses and physical damage to property, and bodily injury or death to persons, including payments made under workmen's compensation law, which may arise out of or be caused by the Company's negligence or misconduct in the erection, maintenance, presence, use or removal of the Company's equipment of any kind or nature whatsoever within the County, or by any act of negligence or misconduct of the Company, its agents or employees, in any way arising out of the construction, operation or maintenance of the Cable Television System.

The Company shall carry insurance to protect itself and the County from and against all claims, demands, actions, judgments, costs, expenses and liabilities which may arise or result, directly or indirectly, from or by reason of such loss, injury or damage. Such insurance policy shall specifically provide that the County shall be a named insured.

The amounts of such insurance against liability due to physical damage to property shall be not less than Fifty Thousand Dollars ($50,000.00) as to any one claim and not less than Two Hundred Thousand Dollars ($200,000.00) aggregate in any single policy year; and against liability due to bodily injury or to death of persons,

not less than One Hundred Thousand Dollars ($100,000.00) as to any one person, and not less than Three Hundred Thousand Dollars ($300,000.00) as to all such claims arising from any one accident. The Company shall also carry such insurance as it deems necessary to protect it and the County from all claims under the workman's compensation laws in effect that may be applicable to the Company. All insurance required by this Ordinance shall be and remain in ful force and effect for the entire period of this Ordinance. A certificate of insurance reflecting the coverage required herein shall be deposited with and kept on file by the Auditor of the County.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-12 MINIMUM SYSTEM SERVICE

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-13 RATES

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-14 UNAUTHORIZED USE OF SERVICE

Persons receiving cable television service may not alter, extend or otherwise tamper with the Company's facilities to serve more equipment than being contracted for.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-15 TECHNICAL STANDARDS

The Cable Television System shall comply with all applicable technical standards, rules and regulations of the Federal Communications Commission contained in 47 C.F.R. Sec. 76.605 as now in effect or as hereafter amended.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-16 POLICE POWER

The Company shall at all times during the life of this permit be subject to all lawful exercise of the police power of the County and to such reasonable regulation as the County shall hereafter by resolution or ordinance provide, provided however that such regulation shall not impair, conflict with or diminish the Company's rights granted herein.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-17 LINE EXTENSION POLICY

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-18 PAYMENT

(A) In consideration of the rights, privileges and franchise hereby granted and in compensation to the County for the use of its streets, alleys, easements, public ways and public places, Company agrees to pay to the County on a quarterly basis no later than forty-five (45) days after the end of the calendar quarter, pursuant to IC § 8-1-34-24(a), a video service provider fee that is calculated by applying a video service provider fee percentage of five percent (5%) to video service provider's annual gross revenues. The term "annual gross revenues" shall mean the definition adopted by Indiana through IC § 8-1-34-23(c)-(d).

(B) The video service provider fee percentage and IC § 8-1-34-23(c)-(d) definition of "gross revenues," as modified in this Ordinance, shall apply equally to all video service providers and cable television operators providing video service in the unincorporated areas of Johnson County

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-19 PURPOSE OF PAYMENT

The payments provided for in this Ordinance to be made to the County are in payment by the Company for the right to operate a Cable Television System within the County and for the use of the streets, alleys, easements, public ways and public places and additional supervision, maintenance, inspection, regulation, burdens and costs to the County occasioned by reason of the granting of the rights hereunder.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-20 UNDERGROUND FACILITIES

The Company, at its own expense, shall place its facilities underground in those areas of the County where all of the utilities are underground under the same terms and conditions as such utilities.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-21 APPROVAL OF CONSTRUCTION

Wherever in this Ordinance provision is made for approval of the Company's construction or facilities, such approval shall be given by the person designated by the County Board of Commissioners.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-22 COMPLAINT PROCEDURES

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-23 SERVICE AND SYSTEM MAINTENANCE

The Company shall, at its own expense, at all times maintain and furnish telephone answering service and system maintenance service to subscribers during reasonable regular business hours, The Company, in addition to having its telephone listed in the local telephone directory, shall advise each of its subscribers in writing of such a telephone number.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-24 COMPLIANCE WITH STATE AND FEDERAL LAW

(A) The Company shall conform to all laws, rules and regulations of the United States and of the State of Indiana in the construction and operation of its System. All rules and regulations of the Federal Communications Commission relating to Cable Television Services, as now enacted or subsequently amended, are incorporated herein by reference. The Company shall take such additional action as is necessary to incorporate formally in the terms of this franchise any modifications required by amendments of applicable federal and state laws, rules

and regulations governing the contents of cable television franchises within one year of their adoption.

(B) This ordinance is in full compliance with the rules and regulations of the Federal Communications Commission relating to cable television franchises as now enacted.

(C) Nothing herein shall be construed to prohibit the Company from requesting a waiver of any state or federal rule or regulation, provided that a copy of such request shall be served upon the County.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-25 EFFECTIVE DATE

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-26 TRANSFER OF FRANCHISE

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-27 TERM OF FRANCHISE

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-28 RENEWAL OF FRANCHISE

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-29 FINAL TERMINATION OF THE FRANCHISE

Upon final termination of the franchise, the Company, if requested to do so by County, shall remove its cables, wires and equipment from all poles of the County and all space reserved for the County's use on poles belonging to others. If not so removed, the County

shall have the right to remove or have its contractors remove them that the risk, cost and expense of the Company and without any liability therefor.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-30 PENALTIES

Any violation by the Company, of the material provisions of this franchise shall be cause for the forfeiture of this franchise and all rights hereunder, provided that the County shall first notify the Company in writing of the condition or act on which the violation is charged, and the Company shall have thirty (30) days from receipt of such written notice within which to remedy such conditions or act; and provided further, that should it be impossible to correct the said violation within said thirty (30) days, then the Company shall have a reasonable time to make said corrections. Failure to pay all monies due from the Company to the County hereunder after thirty (30) days from Company's receipt of written notice by the County to the Company shall be grounds for filing a formal appeal with the Indiana Utility Regulatory Commission.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-31 GENERAL TERMS

(A) Failure to enforce or insist upon compliance with any of the terms or conditions of this Ordinance shall not constitute a waiver or relinquishment of any such terms or conditions, but the same shall be and remain at all times in full force and effect.

(B) If any section, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional, such invalidity shall not affect the validity of the Ordinance and any portions in conflict are hereby repealed.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-32 NOTICES

Repealed

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-33 REPEALER

All chapters or parts of chapters in conflict with provisions of this Chapter are hereby

repealed.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

§ 8-7-1-34 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law, effective on July 8, 2013.

(Ord. 1995-22; Ord. 2013-09, passed 7-8-2013)

TITLE 9: MOTOR VEHICLES

Article

1. GENERAL PROVISIONS

ARTICLE 1: MOTOR VEHICLES

Section

Chapter 1: General Provisions
9-1-1-1 Regulations adopted by reference
Chapter 2: Traffic Regulation; Fairgrounds
9-1-2-1 Fairgrounds Speed Limit
9-1-2-2 Off-Road Driving
9-1-2-3 Official Trailer Control Devices
9-1-2-4 Violations – Penalties
9-1-2-5 Repealer
9-1-2-6 Effective Date
Chapter 3: Parking
9-1-3-1 Purpose
9-1-3-2 Parking on County Streets
9-1-3-3 Continuous Operation
9-1-3-4 Removal of Vehicle
9-1-3-5 Penalty
9-1-3-6 Repealer

CHAPTER 1: GENERAL PROVISIONS

§ 9-1-1-1 REGULATIONS ADOPTED BY REFERENCE.

The County's provisions, including township information, concerning speed limits, weight restrictions, stop intersections, yield intersections, and parking restrictions are hereby adopted by reference and incorporated herein as if set out in full.

CHAPTER 2: TRAFFIC REGULATIONS; FAIRGROUNDS

§ 9-1-2-1 FAIRGROUNDS SPEED LIMIT

The maximum speed limit for all roads within the Johnson County Fairgrounds in Johnson County, Indiana shall be ten (10) miles per hour.

(Ord. 2013-05, passed 4-22-2013)

§ 9-1-2-2 OFF-ROAD DRIVING

Off-road recreational driving, including but not limited to the activity known as “mud bogging” is not permitted on the Johnson County Fairgrounds. Organized events sanctioned by the Johnson County Board of Commissioners and/or the Johnson County Fair Board shall be excepted from this prohibition.

(Ord. 2013-05, passed 4-22-2013)

§ 9-1-2-3 OFFICIAL TRAFFIC CONTROL DEVICES

The maximum speed limit and prohibition of off-road driving on roads within the Johnson County Fairgrounds, as set forth in Section 1 and Section 2 above, shall be posted with Official Traffic Control Devices, as defined in Indiana Code 9-13-2-117 and in accordance with the Manual on Uniform Traffic Control Devices, as promulgated by the Federal Highway Administration.

(Ord. 2013-05, passed 4-22-2013)

§ 9-1-2-4 VIOLATIONS – PENALTIES

Any person who violates this ordinance by exceeding the maximum speed limit, as set out in Section 1 above, or who participates in unsanctioned off-road recreational driving, as set out in Section 2 above may be guilty of an ordinance violation per Indiana Code 9-

21-5-13 and/or misdemeanor per Indiana Code 35-43-1-2, respectively, and may be fined and/or punished accordingly.

(Ord. 2013-05, passed 4-22-2013)

§ 9-1-2-5 REPEALER

All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

(Ord. 2013-05, passed 4-22-2013)

§ 9-1-2-6 EFFECTIVE DATE

This chapter shall be in full force and effect from and after its passage, approval, and publication according to law. Adopted this 22nd day of April, 2013.

(Ord. 2013-05, passed 4-22-2013)

CHAPTER 3: PARKING

§ 9-1-3-1 PURPOSE

This chapter shall regulate the parking of vehicles on county streets and rights-of-way; regulating the number of vehicles permitted on premises; and prohibiting the continuous operation of vehicles overnight in a stationary position.
(Ord. 89-24, ratified 4-14-2014)

§ 9-1-3-2 PARKING ON COUNTY STREETS

No vehicle or trailer of any sort shall be permitted to park on county streets between the hours of 11:00 p.m. and 7:00 a.m. the next morning, Monday through Thursday nights.
(Ord. 89-24, ratified 4-14-2014)

§ 9-1-3-3 CONTINUOUS OPERATION

The continuous operation of any vehicle overnight, between the hours of 11:00 p.m. and 7:00 a.m., while said vehicle is in a stationary position at any location within Johnson County is hereby prohibited.
(Ord. 89-24, ratified 4-14-2014)

§ 9-1-3-4 REMOVAL OF VEHICLE

Whenever any police officer finds a vehicle parked in violation of this ordinance, such officer is hereby authorized to require the driver or other person in charge of the vehicle to move the same to a position which would not violate this ordinance. If the person so directed shall fail or refuse to move the vehicle, or if the vehicle is unattended, then such officer is hereby authorized to provide for the removal of such vehicle to an appropriate garage or other place of safety, and the owner of such vehicle shall be liable for all of the costs incidental to the removal and storage of the vehicle
(Ord. 89-24, ratified 4-14-2014)

§ 9-1-3-5 PENALTY

Any person violating any provisions of this ordinance shall, upon conviction, be fined a sum not to exceed Two Thousand Five Hundred Dollars ($2,500.00).
(Ord. 89-24, ratified 4-14-2014)

§ 9-1-3-6 REPEALER

All ordinances or parts of ordinances of conflict with provisions of this ordinance are hereby repealed.
(Ord. 89-24, ratified 4-14-2014)

TITLE 10: PUBLIC SAFETY

Article

1.	**CIVIL DEFENSE ORGANIZATION**
2.	**WEATHER TRAVEL ADVISORY**
3.	**EMERGENCY MANAGEMENT AND HOMELAND SECURITY**
4.	**ADDRESSES; 9-1-1**

ARTICLE 1: CIVIL DEFENSE ORGANIZATION

Section

Chapter 1: Emergency Management Department
8-6-1-1 General provisions

CHAPTER 1: EMERGENCY MANAGEMENT DEPARTMENT

§ 10-1-1-1 GENERAL PROVISIONS.

(A) There is hereby established within the County a joint organization for civil defense to be operated in conformity with the State Civil Defense and Disaster Law of 1975. This organization will be known as the County Emergency Management Department.
(B) A director will be appointed for said department to serve during the pleasure of the County Board of Commissioners.
(C) The County Treasurer will be responsible for the receipt and disbursement of all Emergency Management funds, where funds are provided for Emergency Management purposes.
(Ord. 81-4, passed 5-4-1981)

ARTICLE 2: LOCAL TRAVEL ADVISORIES

Section

Chapter 1: General Provisions
10-2-1-1 Title and Application
10-2-1-2 Local Travel Advisories Categories
10-2-1-3 Procedure
10-2-1-4 Publication
10-2-1-5 Exemptions
10-2-1-6 Penalties
Chapter 2: Weather Routes
10-2-2-1 General Provisions
10-2-2-2 Signs

CHAPTER 1: GENERAL PROVISIONS

§ 10-2-1-1 TITLE AND APPLICATION.

This ordinance shall be known as the Local Travel Advisory Ordinance of Johnson County, Indiana and shall apply to all roads, highways, and rights-of-way within Johnson County, Indiana.
(Ord. 81-4, passed 5-4-1981, superseded by Ord. 2014-3, passed 5-12-2014)

§ 10-2-1-2 LOCAL TRAVEL ADVISORIES CATEGORIES.

The following categories of local travel advisories are hereby established in accordance with Indiana Code 10-14-3-29.5:

(A) **"Advisory"**
This level may be declared when routine travel or activities may be restricted in areas of the county because of a hazardous situation; citizens should use caution or avoid these areas.

(B) **"Watch"**
This level may be declared when conditions are threatening to the safety of the public. Only essential travel is recommended (i.e. to and from work, emergency situations, etc.). At this level, emergency action plans should be implemented by businesses, schools, government agencies and other organizations.

(C) **"Warning"**
This level may be declared when roads have become impassable and the Johnson County Highway Department is not able to keep the roadways cleared due to a severe snow fall, flooding, or similar extreme weather conditions. Travel may be restricted to emergency management workers ONLY and essential emergency travel by members of the public as the Board may further direct, such as privately employed health care workers. During a warning local 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.

(Ord. 81-4, passed 5-4-1981, superseded by Ord. 2014-3, passed 5-12-2014)

§ 10-2-1-3 PROCEDURE.

(A) In the absence of a local disaster emergency, the Johnson County Board of Commissioners, in cooperation with the Johnson County Emergency Management Director may issue an "advisory" or "watch" travel advisory.

(B) If the Johnson County Board of Commissioners declares a local disaster emergency under Section 10-3-3-3 of these ordinances, the Board shall designate an “advisory,” “watch,” or “warning” travel advisory.

(C) A “warning” travel advisory may be issued only after or as a part of a declaration of local disaster emergency under 10-3-3-3 of these ordinances.

(Ord. 81-4, passed 5-4-1981, superseded by Ord. 2014-3, passed 5-12-2014)

§ 10-2-1-4 PUBLICATION.

Publication and broadcast of an “advisory,” “watch,” or “warning” travel advisory shall be made or caused to be made by the Board or other officials designating the level of travel advisory using a press release to all law enforcement agencies, fire departments, hospitals, and news media in the county.

(Ord. 81-4, passed 5-4-1981, superseded by Ord. 2014-3, passed 5-12-2014)

§ 10-2-1-5 EXEMPTIONS.

Vehicles exempt from the travel and parking restrictions imposed in a travel advisory pursuant to this Ordinance shall include medical assistance, law enforcement, fire department, emergency management, public utility, and fuel hauling vehicles, and employees of any of the above exempt services, if engaged in performing their respective duties.

(Ord. 81-4, passed 5-4-1981, superseded by Ord. 2014-3, passed 5-12-2014)

§ 10-2-1-6 PENALTIES.

(A) Any person violating any provisions of this ordinance or the vehicle use or parking restrictions contained in a local declaration of disaster emergency or a “warning” travel advisory may be fined any sum not to exceed $100.00 and such shall be enforceable in any court of law, duly authorized by Indiana state law, and in addition to such fine the court shall be authorized to direct the violator to repay the County any monetary losses or expenses incurred.

(B) Any vehicle violating any of the restrictions contained in a “warning” travel advisory is subject to removal by towing or other means at the expense of the owner of the vehicle, when such towing and/or removal is deemed necessary by a duly authorized representative of any one or more of the following: the Johnson County Highway Department, the Johnson County Sheriff's Office, an Indiana State Conservation Officer, or the Indiana State Police.

(Ord. 81-4, passed 5-4-1981, superseded by Ord. 2014-3, passed 5-12-2014)

CHAPTER 2: WEATHER ROUTES

§ 10-2-2-1 GENERAL PROVISIONS.

Upon the declaration of a “advisory” or “watch” travel advisory by the Johnson County Board of Commissioners under Johnson County Code § 10-2-1-1 et seq., the Johnson County Highway Department is ordered to open for public travel the following roads in the unincorporated area of Johnson County, which are hereby declared weather advisory routes:

Road Name	***From***	***To***
Mauxferry Road	US 31	SR 252
S 800 E (County Line)	SR 252	Greensburg Road
Greensburg Road	Franklin City Limits	S 800 East
700 E	Greensburg Road	E 550 N
E 550 N	N 700 E	N 750 E
N 750 E	E 550 N	Rocklane Road
Rocklane Road	Greenwood City Limits	Johnson/Shelby County Line
N 700 E	Rocklane Road	Johnson/Marion County Line
Hurricane / Franklin Rd	Franklin City Limits	Johnson/Marion County Line
Graham Rd	Franklin City Limits	E 750 N
500 N	N 800 W	N 700 E
E 300 N	Franklin City Limits	N 625 E
Centerline Rd	SR 44	Whiteland Town Limits
S 200 E (Nineveh Rd)	US 31	E 300 S
300 S	Mauxferry Road	S 600 W
S 100 E (Nineveh Rd)	E 300 S	Johnson/Brown County Line
750 S / 775 S	S 100 E (Nineveh Rd)	300 West
250 W	750 S	Johnson/Brown County Line
S 500 W	SR 252	Johnson/Brown County Line
625 S / 700 S	S 300 W	Johnson/Morgan County Line
600 W	W 300 S	SR 44
575 W / 600 W	SR 44	300 N
Division Road	Centerline Rd	S 600 W
400 W (Earl Vaughn Rd)	Bargersville Town Limits	SR 44
W 300 N	Bargersville Town Limits	N 725 W
N 725 W	W 300 N	W 350 N (Banta Rd)
W 350 N	N 725 W	N 800 W
500 W (Morgantown Rd)	W 300 N	Johnson/Marion County Line
400 W (Saddle Club Rd)	CR 144	W 700 N (Stones Crossing Rd)
400 W (Berry Rd or Peterman Rd)	N 800 W (Olive Branch Rd)	Johnson/Marion County Line
Fairview Rd	SR 37	SR 135
Smith Valley Rd	SR 37	SR 135

Road Name	*From*	*To*
Olive Branch Rd	SR 37	SR 135
Stones Crossing Rd	SR 37	SR 135
Smokey Row Rd	CR 144	SR 135
CR 144	Bargersville Town Limits	SR 37
200 N	SR 144	Franklin City Limits
S 300 W	Trafalgar Town Limits	W 750 S
S 200 E (Airport Rd)	E 300 S	SR 252
E 650 S	US 31	Johnson/Shelby County Line
E 700 N	Greenwood City Limits	Johnson/Shelby County Line

(Ord. 96-5, passed 3-18-1996, superseded by Ord. 2014-04, passed 5-12-2014)

§ 10-2-2-2 SIGNS.

The Johnson County Highway Department shall post appropriate signage designating the weather advisory routes at the discretion of the Johnson County Board of Commissioners.
(Ord. 96-5, passed 3-18-1996, superseded by Ord. 2014-04, passed 5-12-2014)

ARTICLE 3: EMERGENCY MANAGEMENT AND HOMELAND SECURITY

Section

Chapter 1: General Provisions

10-3-1-1 Applicability
10-3-1-2 Definitions
10-3-1-3 Scope and intent; liberal construction of powers
10-3-1-4 Limitations; emergency powers of County Sheriff
10-3-1-5 Limitations; emergency powers of incorporated municipalities; conformance with County regulations

Chapter 2: Organizations and Administration

10-3-2-1 County Emergency Management Advisory Council established; appointment and terms of members; election of officers
10-3-2-2 County Department of Emergency Management and Homeland Security established; organization and constituency
10-3-2-3 Director of Emergency Management and Homeland Security; appointment; qualifications and tenure

10-3-2-4 Director of Emergency Management and Homeland Security; general powers and duties
10-3-2-5 Deputy Director; general powers and duties
10-3-2-6 County Board of Commissioners; general administrative powers and duties; tests of emergency plans
10-3-2-7 Volunteers; qualifications and appointment of
10-3-2-8 Departmental personnel administration
10-3-2-9 Departmental budgeting and finance
10-3-2-10 Emergency Management Operations Plan and Comprehensive Emergency Plan; formulation, content, and adoption
10-3-2-11 County-wide jurisdiction of Department of Emergency Management and Homeland Security, County Emergency Operations Plan, and related official duties

Chapter 3: Emergency Powers, Regulations, and Procedures
10-3-3-1 Applicability
10-3-3-2 Pre-disaster responsibilities of Department of Emergency Management and Homeland Security
10-3-3-3 Special emergency powers and duties of Chief Executive Officer; declaration of local disaster emergency
10-3-3-4 Special emergency powers and duties of Chief Executive Officer; convention of emergency meetings of County Board of Commissioners; special meeting procedures
10-3-3-5 Special emergency powers and duties of Chief Executive Officer; plenipotentiary powers in absence of County Board of Commissioners quorum
10-3-3-6 Special emergency powers and duties of County Board of Commissioners
10-3-3-7 Special emergency powers and duties of Director of Emergency Management and Homeland Security; recommendations to County Board of Commissioners on special emergency actions
10-3-3-8 Special emergency powers and duties of Director of Emergency Management and Homeland Security
10-3-3-9 General duties of County officers and employees during emergency
10-3-3-10 Priority of emergency orders, rules, and regulations
10-3-3-11 Noncompliance with emergency orders, rules, and regulations; obstruction or impersonation of emergency management authorities; penalties and enforcement
10-3-3-12 Limitation of liability during state of emergency or emergency management tests
10-3-3-13 Reimbursement for use of property commandeered during emergency

CHAPTER 1: GENERAL PROVISIONS

§ 10-3-1-1 APPLICABILITY.

The provisions of this chapter, unless otherwise indicated, also apply to, govern, and refer to matters contained in §§ 10-3-2-1 through 10-3-3-13 of this article.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-1-2 DEFINITIONS.

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

COUNCIL. Unless otherwise referring to the County Council, means the County Emergency Management Advisory Council as established under § 10-3-1-1 of this article.

COUNTY CHIEF EXECUTIVE OFFICER. As referred to in I.C. 10-14-3-29(a), for purposes of declaring a local disaster emergency, and as referred to hereinafter, means the presiding officer of the County Board of Commissioners. The presiding officer shall be considered as the regularly designated President of the County Board of Commissioners, except if he or she is absent or incapacitated, and the County Board of Commissioners has a regularly designated President Pro Tem, then the President Pro Tem, shall be considered as the Chief Executive Officer. If the President is absent or incapacitated and there is no designated President Pro Tem, then the remaining two Commissioners shall select among themselves one to be presiding officer in the same manner as when an ordinary business meeting needs to be conducted in the absence of the President. If both the President and another Commissioner are absent or incapacitated, then the remaining Commissioner shall be considered the presiding officer.

DIRECTOR. Refers to the County Director of Emergency Management and Homeland Security as established and appointed pursuant to § 10-3-2-3 of this article.

EMERGENCY. A condition resulting from enemy attack, or other hostile action, or from natural disaster, or from man-made disasters, which cannot be handled by normal operating personnel or facilities.

EMERGENCY MANAGEMENT. The preparation for and the execution of all emergency functions, other than functions for which the military forces are primarily responsible, for protection against and to minimize and repair injury and damage resulting from enemy attack, sabotage, or other hostile action or by natural disaster.

EMERGENCY MANAGEMENT VOLUNTEER. Any person who serves without compensation in the County Department of Emergency Management and

Homeland Security, including persons and private agencies or government units offering services to the County during emergency situations or mutual aid to other emergency services who request assistance.

MAN-MADE DISASTERS. Any condition such as riots, strikes, insurrections, or other civil disturbances.

NATURAL DISASTER. Any condition affecting or threatening public health, welfare, or security as a result of flood, tornado, blizzard, or other natural cause.

PARTICIPATING EMERGENCY SERVICE.

(1) Any County department or agency designated by the Commissioner to participate in emergency activities pursuant to § 10-3-2-2(D); and

(2) Any department or agency of the state, another county, a municipality, or other municipal corporation, or a volunteer organization designated to participate in the County's emergency management programs and activities pursuant to a cooperative or mutual aid agreement entered into pursuant to I.C. 10-14-3-16 and § 10-3-2-4(E).

PERSONNEL. County officers and employees and emergency management volunteers, unless otherwise indicated.

TECHNOLOGICAL DISASTER. Incidents such as severe fire, explosions, hazardous material spills, radiological problems which are beyond the control of regular forces.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-1-3 SCOPE AND INTENT; LIBERAL CONSTRUCTION OF POWERS.

The general intent of this article is to provide for all necessary and dispensable powers and procedure reasonably needed to prevent, cope with, or make more tolerable emergency conditions. For this and all powers, both ministerial and discretionary, as conferred herein, shall be liberally construed and shall be construed as intending to supplement and augment, and not to limit, any other powers or reasonable exercise of discretion which may ordinarily pertain to County officers, employees, departments, and agencies.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-1-4 LIMITATIONS; EMERGENCY POWERS OF COUNTY SHERIFF.

Nothing in this article is intended to supersede or delimit any statutory powers of the County Sheriff to determine, responds to, and provides for the control of public disasters and other emergency situations under the provisions of I.C. 10-2-4-6 and 10-2-4-7.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-1-5 LIMITATIONS; EMERGENCY POWERS OF INCORPORATED MUNICIPALITIES; CONFORMANCE WITH COUNTY REGULATIONS.

Nothing in this article is intended to supersede or delimit the powers of any incorporated municipality under I.C. 10-14-3-17 to adopt and implement emergency plans, and promulgate and enforce special emergency regulations and procedures in the advent of an actual emergency affecting such municipality. However, pursuant to I.C. 10-14-3-22, such regulations and procedures as promulgated by the municipal authorities may not be inconsistent with the County emergency regulations and procedures.
(Ord. 05-11, passed 5-9-2005)

CHAPTER 2: ORGANIZATIONS AND ADMINISTRATION

§ 10-3-2-1 COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL ESTABLISHED; APPOINTMENT AND TERMS OF MEMBERS; ELECTION OF OFFICERS.

(A) In accordance with I.C. 10-14-3-17(b), there is established a County Emergency Management Advisory Council which shall consist of the following individuals or their designees:
  (1) The President of the County Executive.
  (2) The President of the County fiscal body.
  (3) The Mayor of each city located in the County.
  (4) An individual representing the legislative bodies of all towns located within the County.
  (5) Representatives of such private and public agencies or organizations which can be of assistance to emergency management as the organizing group considers appropriate, or as may be added later by the County Emergency Management Advisory Council.
  (6) One commander of a local civil air patrol unit in the County or the commander's designee.

(B) The Advisory Council shall have a Chairman, a Vice Chairman, and a Recording Secretary. These officers shall be elected by the Advisory Council for one-year terms.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-2 COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY ESTABLISHED; ORGANIZATION AND CONSTITUENCY.

(A) There is hereby established a Department of Emergency Management and Homeland Security within the executive branch of the County government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing County departments and agencies to prepare for and meet any emergency as defined in § 10-3-1-2 of this article. The County Board of Commissioners and the County Director of Emergency Management and Homeland Security shall be responsible for its organization, administration, and operation. The Department shall consist of the following:

(1) The executive head of the County Department of Emergency Management and Homeland Security, who shall be known as the County Director of Emergency Management and Homeland Security appointed in accordance with § 10-3-2-3 of this chapter;

(2) An emergency coordinator, who shall be the chief deputy of the Director and who may be appointed by the Director with the approval of the Advisory Council;

(3) Emergency management volunteers, as deemed necessary and appointed by the Director in accordance with § 10-3-2-7 of this chapter;

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

(5) Staff officers with responsibility for warning, communications, radiological, health, emergency medical services, police, fire, and light rescue, public education, and transportation, who may be appointed by the Director but which positions shall be, so far as possible, additional duty assignments to existing personnel; and

(6) Such assistants, clerical help, and other employees as deemed necessary to the proper functioning of the Department, who may be appointed by the Director.

(B) However, notwithstanding any other provision of this section, no compensated position may be established within the County Department of Emergency Management and Homeland Security nor any person appointed to such position, without the authorization of the County Council pursuant to I.C. 36-2-5-3(a) and the making of sufficient appropriations to pay such compensation. This provision does not give the County Council any power of approval over particular candidates for any positions, but refers only to their general statutory powers to determine the numbers of officers, deputies, and adopt schedules of compensation. In addition, it is also the intent of this section that emergency management

and disaster assignments shall be as nearly consistent with normal duty assignments as possible.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-3 DIRECTOR OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY; APPOINTMENT; QUALIFICATIONS AND TENURE.

The Director shall be appointed by the County Emergency Management Advisory Council. Qualifications for the Director will be determined by the Advisory Council with input from the County Board of Commissioners and the State Emergency Management Director, provided that pursuant to I.C. 10-14-3-17(d), the Director may hold no other County or state office. The appointment of the Director shall be permanent unless the Advisory Council determines the Director to be inadequate to fulfill his or her responsibilities, which shall include dereliction of duties (including failure to provide the State Emergency Management required annual reports and documentation), malfeasance in office, incompetence, insubordination, or deliberate disregard of the directives of superior County or state authorities, or physical or mental incapacity to perform his or her duties.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-4 DIRECTOR OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY; GENERAL POWERS AND DUTIES.

(A) The Director, subject to the direction and control of the Advisory Council and/or the County Board of Commissioners, shall be executive head of the County Department of Emergency Management and Homeland Security and shall have responsibility for the organization, administration, and operation of the emergency management organization, including the following specific powers and duties:

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

(2) The Director shall be responsible for the development of a County Emergency Operating Plan, and upon adoption, shall be responsible for such implementation, and revision of the plan as to maintain it on a current state of readiness at all times. This plan shall include all major cities within the County.

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

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

(5) The Director may seek, negotiate, and enter into (with the approval or ratification of the County Board of Commissioners and to the

extent consistent with the state emergency management disaster plan and program) mutual aid arrangements with other public and private agencies for emergency management purposes, and take all steps in accordance with such arrangements to comply with or take advantage thereof in the event of an actual emergency affecting the parties.

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

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

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

(B) The Director, in addition to the powers and duties expressly provided above, shall be construed to have all powers and duties of a local emergency management director as provided under I.C. 10-4-1. In particular, but not by limitation, the Director, through the Department of Emergency Management and Homeland Security may perform or cause to be performed with respect to the County, any function parallel or analogous to those performed on a statewide basis by the Indiana Department of Emergency Management under I.C. 10-14-3-9(i) or (j).

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-5 DEPUTY DIRECTOR; GENERAL POWERS AND DUTIES.

If a Deputy Director has been appointed pursuant to § 10-3-2-2(B) of this chapter, he or she shall during normal times, assist the Director in the performance of his or her duties. During an emergency, the Deputy Director shall assist the Director and fulfill the duties of the Director in the absence or inability of the Director to serve.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-6 COUNTY BOARD OF COMMISSIONERS; GENERAL ADMINISTRATIVE POWERS AND DUTIES; TESTS OF EMERGENCY PLANS.

The powers and duties of the County Board of Commissioners pertaining to emergency management in time of normal County operation are to:

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

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

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

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-7 VOLUNTEERS; QUALIFICATIONS AND APPOINTMENT OF.

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

(1) Must be at least 18 years of age;

(2) Have no criminal record;

(3) Complete and have on file an application form; and

(4) Sign and have on file a loyalty oath (of the form prescribed by I.C. 10-14-3-27).

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

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-8 DEPARTMENTAL PERSONNEL ADMINISTRATION.

In general, any paid employees of the Department of Emergency Management and Homeland Security shall have the same employment status and shall be governed by the same uniform personnel policies, rules, and procedures that apply to other County employees. However, in the event that and during such times as the County Emergency Management Program may hereafter be directly supported by federal funding, the County Board of Commissioners shall adopt and implement a merit system applicable only to paid employees of the Department other than the Director. Such merit system shall conform to the standards and comply with other requirements as set forth in CPG 1-3: Federal Assistance Handbook: Emergency Management Direction and Control Programs (January, 1984) or subsequent editions thereof as may be in effect at the time.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-9 DEPARTMENTAL BUDGETING AND FINANCE.

The Advisory Council shall advise the Director in the preparation of the budget. The County Council shall appropriate such funds as it may deem necessary for the purpose of emergency management. All funds appropriated or otherwise available to the Department of Emergency Management and Homeland Security shall be administered by the Director, subject to the approval of the County Board of Commissioners, in the same manner as provided by law or ordinance or other County funds, except as otherwise provided under § 10-3-3-6(A)(9) through (11) of this article.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-10 EMERGENCY MANAGEMENT OPERATIONS PLAN AND COMPREHENSIVE EMERGENCY PLAN; FORMULATION, CONTENT, AND ADOPTION.

(A) (1) The County Emergency Operations Plan and Comprehensive Emergency Management Plan shall be adopted by resolution of the County Board of Commissioners. In the preparation of this plan, as it pertains to County organization, it is the intent that the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent possible.

(2) The following basic plan content shall be adopted:

(a) Purpose;
(b) Situation/assumption;
(c) Concept of operations;
(d) Assignment of responsibilities;
(e) Direction and control;
(f) Continuity of government;
(g) Administration and logistics;
(h) Execution.

(B) The following annexes will be required:

(1) Direction and control (warning and communications);
(2) Radiological protection;
(3) Law enforcement;
(4) Fire and rescue;
(5) Health and medical;
(6) Welfare;
(7) Shelter;
(8) Evacuation;
(9) Public works;
(10) Resource and supply.

(C) In addition, all participating emergency services who develop internal plans shall coordinate those plans with the Department of Emergency Management and Homeland Security in order to include such plans within the County Comprehensive Plan. When approved, it shall be the duty of all County departments and agencies to perform the functions and duties

assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-2-11 COUNTY-WIDE JURISDICTION OF DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, COUNTY EMERGENCY OPERATIONS PLAN, AND RELATED OFFICIAL DUTIES.

Except as provided by §§ 10-3-1-4 and 10-3-1-5 of this article, the jurisdiction of the County Department of Emergency Management and Homeland Security, and the jurisdiction and applicability of the County's Emergency Operations Plan as adopted pursuant to § 10-3-2-10, and the exercise of any powers of the Chief Executive Officer of the County and the County Board of Commissioners under §§ 10-3-3-1 through 10-3-3-13, shall be comprehensive and inclusive Countywide and effective in both the incorporated and unincorporated areas of the County.

(Ord. 05-11, passed 5-9-2005)

CHAPTER 3: EMERGENCY POWERS, REGULATIONS, AND PROCEDURES

§ 10-3-3-1 APPLICABILITY.

This chapter applies whenever:

(A) A state of emergency affecting all or part of the County has been declared by the Governor pursuant to I.C. 10-14-3-12;

(B) A state of emergency affecting all or part of the County has been declared by the Chief Executive Officer of the County pursuant to I.C. 10-14-3-29(a) and § 10-3-3-2 of this chapter;

(C) A presumptive state of emergency is deemed to exist affecting all or part of the County causing the Director to invoke and implement emergency plans and procedures in accordance with 10-3-3-8 of this chapter; or

(D) When the County Board of Commissioners has implemented a test of the County's emergency plans and procedures in accordance with § 10-3-2-6 of this article, to the extent necessary or dispensable to such test.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-2 PRE-DISASTER RESPONSIBILITIES OF DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY.

The Department of Emergency Management and Homeland Security's primary pre-disaster responsibility shall be the warning function as prescribed in the warning plan,

and emergency communications as prescribed in the communications plan for the entire County, including all cities and towns.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-3 SPECIAL EMERGENCY POWERS AND DUTIES OF CHIEF EXECUTIVE OFFICER; DECLARATION OF LOCAL DISASTER EMERGENCY.

In the event of actual or threatened enemy attack or disaster affecting the County, the Chief Executive Officer of the County may declare a local disaster emergency pursuant to I.C. 10-14-3-29(a) for any period not to exceed seven days. The declaration shall be in writing and indicate the nature of the disaster and the conditions in writing and indicate the nature of the disaster and the conditions which have brought it about, and the area or areas threatened and to which the state of emergency applies (which may include the entire County or only designated parts thereof). The declaration shall be filed in the offices of the County Clerk, the County Auditor, and the clerk of any incorporated municipality included in the declared disaster area and shall be announced or disseminated to the general public by the best means available. However, the declaration is not invalidated nor ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances. Such a declaration is not necessary if the Governor, pursuant to I.C. 10-4-3-12, has already proclaimed a statewide or area-wide state of emergency including the County.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-4 SPECIAL EMERGENCY POWERS AND DUTIES OF CHIEF EXECUTIVE OFFICER; CONVENTION OF EMERGENCY MEETINGS OF COUNTY BOARD OF COMMISSIONERS; SPECIAL MEETING PROCEDURES.

As soon as possible after a disaster emergency affecting the County is declared either by the Governor or by the County Chief Executive Officer, the County Chief Executive Officer shall convene a meeting of the County Board of Commissioners to perform their legislative and administrative functions as the situation may demand. If the County Chief Executive Officer fails or is unable to perform the above duty, the meeting shall be convened by some other member of the County Board of Commissioners, or by the Auditor or the successively empowered County officers, in accordance with I.C. 36-2-2-8(a). Any such meeting of the County Board of Commissioners shall automatically be deemed an emergency meeting subject only to such procedural provisions of law as govern emergency meetings of County Board of Commissioners, including relaxation of any applicable notice requirements pursuant to I.C. 5-14-1.5-5(d), and may be held in any convenient and available place. The meeting shall continue without adjournment for the duration of the disaster emergency, but may be recessed for reasonable periods of time as necessary and permitted by the circumstances.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-5 SPECIAL EMERGENCY POWERS AND DUTIES OF CHIEF EXECUTIVE OFFICER; PLENIPOTENTIARY POWERS IN ABSENCE OF COUNTY BOARD OF COMMISSIONERS QUORUM.

In the event that a quorum of the County Board of Commissioners cannot be assembled for purposes of the meeting required under § 10-3-3-4 of this chapter, the County Chief Executive Officer shall be considered a plenipotentiary representative of the County Board of Commissioners and shall have all powers and may take all actions of the full County Board of Commissioners under § 10-3-3-6(A)(2) through (13) of this chapter until the assemblage of a quorum is possible.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-6 SPECIAL EMERGENCY POWERS AND DUTIES OF COUNTY BOARD OF COMMISSIONERS.

(A) At the meeting convened under § 10-3-3-4 of this chapter, the County Board of Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith. In addition, however, they may also exercise any of the following special and extraordinary powers:

(1) The County Board of Commissioners may extend the period of a state of emergency declared by the County Chief Executive Officer pursuant to § 10-3-3-3 to last more than seven days if necessary.

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

(3) The County Board of Commissioners may order the activation and implementation of the County's emergency operations plan that has been adopted pursuant to § 10-3-2-10 of this article, or such several component parts thereof as may be relevant to the emergency.

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

(5) The County Board of Commissioners may order volunteer forces to the aid of the County, state, or political subdivisions thereof as soon as practicable. Those volunteer forces will be under the direction of the Department of Emergency Management and Homeland Security.

(6) The County Board of Commissioners may, to the extent permitted by I.C. 10-14-3-31 and subject to its provisions, command services from and/or requisition the use of equipment, facilities, supplies, or

other property belong to other organizations, corporations, or private persons as necessary to control the emergency and protect and provide for the public safety and welfare.

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

(8) The County Board of Commissioners may make provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations, and the like, which would govern the use and location of premises for housing purposes during normal times.

(9) The County Board of Commissioners may suspend, for the duration of the state of emergency (or for a lesser period as they determine), any provisions of or procedures prescribed by ordinances of the County if they would be impractical during the emergency, would interfere with the implementation and carrying out of emergency plans, or would be inimical to actions necessary to protect the public safety and welfare: provided, however, that except in accordance with subsection (10), hereinafter the County Board of Commissioners may not suspend any provisions of ordinances or procedures which are mandated by statute.

(10) In the event of enemy attack, or when the state of emergency has been proclaimed by the Governor, the County Board of Commissioners may also in accordance with I.C. 10-14-3-17(j)(5) waive any procedures or requirements of statute, or of the County ordinances reflecting statutory requirements and mandates, and pertaining to the appropriation and expenditure of public funds, the incurrence of obligations, the performance of public works, the entering into contracts, the employment of permanent or temporary workers or utilization of volunteer workers, the rental of equipment, or the purchase and distribution of supplies, materials, and facilities.

(11) The County Board of Commissioners may assign special emergency duties and functions to any County offices, departments, and agencies irrespective of their usual duties and functions, and any unexpended and unencumbered monies budgeted and appropriated for the operation of such offices, departments, and agencies and not otherwise dedicated by law to different and specified purposes may, within the scope of each major budget and appropriation category (major object classification), be utilized and expended for the purpose of carrying out such special emergency duties and functions.

(12) The County Board of Commissioners may make and promulgate such emergency regulations as may be deemed necessary to protect

life and property, preserve order, conserve critical resources, or implement and carry out the provisions of the County's or state's disaster plans, including but not limited to the power to order the roads closed, establish curfews, close business, or any action that they deem necessary to save lives and recover from a declared emergency. This power also includes the power to supplement, modify, or suspend any general contingency regulations which may have been incorporated as part of the County's previously adopted Emergency Operations Plan. Any emergency regulations adopted under this subsection shall not be effective until promulgated, which promulgation shall be by written filing in the offices of the County Clerk and County Auditor as required by I.C. 10-14-3-22(b), provided however, that should such filing be impossible because of the emergency situation, such regulations shall be effective and enforceable notwithstanding. Such regulation shall have the full force of law and shall be enforceable by any police officer in accordance with I.C. 10-14-3-24.

(13) The County Board of Commissioners may request the state or the United States or their agencies and political subdivisions to send aid (including financial assistance) if the situation is beyond the control of the regular and emergency County forces and resources.

(B) All actions and regulations under this section may be by executive order, and need not be made or adopted by ordinance or resolution, but shall be consistent with and subordinate to any actions, orders, or regulations made by the Governor or a state agency implementing state Emergency Operations Plans.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-7 SPECIAL EMERGENCY POWERS AND DUTIES OF DIRECTOR OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY; RECOMMENDATIONS TO COUNTY BOARD OF COMMISSIONERS ON SPECIAL EMERGENCY ACTIONS.

It shall be the duty of the Director to make recommendations and advise the County Board of Commissioners or the County Chief Executive Officer on any actions which it would be necessary or desirable to take under § 10-3-3-6 of this chapter in the event of an emergency.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-8 SPECIAL EMERGENCY POWERS AND DUTIES OF DIRECTOR OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY.

In the event that an emergency clearly exists or is imminent within the County, and a state of emergency has not been declared by the Governor nor is any person having the

powers of the County Chief Executive Officer present to declare such an emergency pursuant to § 10-3-3-3 of this chapter, the Director may temporarily presume the existence of a state of emergency even though not officially declared and may, as his or her own judgment dictates, invoke, implement, and carry out such provisions of the County's adopted emergency operations plan as are necessary to cope with the emergency and protect the public safety and welfare, and shall be construed to have all powers necessary and dispensable to doing so to the extent not specifically limited by statute or specifically limited herein, until such time as a County Chief Executive Officer becomes available. This section also applies to the Emergency Coordinator to the extent that the Emergency Coordinator is required to assume the duties of the Director, as provided by § 10-3-2-5 of this article, in the latter's absence or incapacitation during the emergency. Assistance from the Department of Emergency Management and Homeland Security may be rendered without a declaration of an emergency in order to assist local emergency services in time of need.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-9 GENERAL DUTIES OF COUNTY OFFICERS AND EMPLOYEES DURING EMERGENCY.

All officers and employees of the County shall cooperate with and give active support to the County Board of Commissioners and the Director in all emergency management operations, and shall comply with all orders of the County Board of Commissioners and the Director issued pursuant to this chapter.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-10 PRIORITY OF EMERGENCY ORDERS, RULES, AND REGULATIONS.

At all times when the orders, rules, and regulations made and promulgated pursuant to this chapter shall be in effect, they supersede all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-11 NONCOMPLIANCE WITH EMERGENCY ORDERS, RULES, AND REGULATIONS; OBSTRUCTION OR IMPERSONATION OF EMERGENCY MANAGEMENT AUTHORITIES; PENALTIES AND ENFORCEMENT.

(A) Whenever this chapter applies as provided in § 10-3-3-1, it shall be unlawful and a penal ordinance violation for any person to:
  (1) Willfully obstruct, hinder, or delay the Commissioners, the Director, participating emergency services, authorized emergency management volunteers, or other authorities as from implementing, carrying out, and enforcing emergency plans and procedures;

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

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

(B) Any regular or reserve police officer of the state or any of its political subdivisions, or any member of the County Department of Emergency Management and Homeland Security or a participating emergency service, is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above. Any person who commits an offense as described above shall be liable to a fine of $2,500; such fine to be subject, however, to the discretion of the court of jurisdiction.

(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-12 LIMITATION OF LIABILITY DURING STATE OF EMERGENCY OR EMERGENCY MANAGEMENT TESTS.

The County, its assigned personnel, and participating emergency services, shall be held blameless and without responsibility for the loss of life or injury to persons or the destruction of any property during an emergency management test or emergency as performed under the direction of the Director.
(Ord. 05-11, passed 5-9-2005)

§ 10-3-3-13 REIMBURSEMENT FOR USE OF PROPERTY COMMANDEERED DURING EMERGENCY.

Owners of property commandeered for the use in any emergency by any County official shall be reimbursed for its use by the County in a manner approved by the County Council.
(Ord. 05-11, passed 5-9-2005)

ARTICLE 4: ADDRESSES; 9-1-1

Section

Chapter 1: General Provisions

10-4-1-1 Definitions
10-4-1-2 Minimum requirements
10-4-1-3 Penalties

10-4-1-4 Enforcement
10-4-1-5 Effective date

CHAPTER 1: GENERAL PROVISIONS

§ 10-4-1-1 DEFINITIONS.

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

APARTMENTS. Structures which may include multi-family residences.

BUSINESS AND/OR INDUSTRY. An establishment located in some structure which is a purveyor of goods or services.

HOUSE. A structure which may contain one or more residences.

RESIDENCE. Any structure wherein persons live as distinguished from a business or industry.

STREET ADDRESS NUMBERS. Those identifying numerals which are consistent with identification which are recognized by the United States Postal Service and which are the correct numerals to properly identify the location of the property within the County.
(Ord. 2007-23, passed 9-10-2007)

§ 10-4-1-2 MINIMUM REQUIREMENTS.

(A) Every house, residence, apartment, business, and industry within the borders of the County, shall have numbers identifying the location. These numbers are herein referred to as street address numbers for all structures subject to this chapter.

(B) All street address numbers shall be displayed on a mailbox, mailbox post or separate post, or on the house itself and shall be easily visible from the road when traveling in either direction. The street address number display shall be a minimum height of three feet and a maximum height of five feet above road grade as measured from the midpoint of the sign. Alternatively, if displayed on the mailbox post, the street address number display may be mounted directly below the mailbox so long as the midpoint of the sign is no less than two and one-half feet above road grade. In the event the structures to be identified by the street address numbers are situated in such a way that the display of those numbers as the sole means of identification does not adequately identify the structure

in the opinion of the Johnson County 9-1-1 Coordinator, then the owner of the structure may also be required to display the street address numbers affixed to the structure in the size and colors as required below.

(C) It is required that the numbers of the display be a color contrasting or nearly contrasting with the background surface color upon which they are mounted.

(D) There shall be no obstructions to preclude the street address numbers from being seen as noted in subsections(B) and (C) above.

(E) All street address numbers shall be a minimum of three inches in height and one and one-half inches in width.

(F) A property with a non-conforming address display of the correct address as assigned by the County Planning and Zoning Department prior to November 2006, or by the County GIS Department from November 2006 on, which does not meet the size and color requirements of this chapter may continue to be used should it substantially fulfill the intent of the ordinance and adequately identify the property in the opinion of the 9-1-1 Coordinator or his or her designee. In the event a non-conforming address display of the correct address is approved for continued use under this subsection, then the owner of the property shall be sent a letter approving the use by the 9-1-1 Coordinator or the 9-1-1 Coordinator's designee. A copy of this letter shall be kept on file in the County Board of Commissioners Office.

(Ord. 2007-23, passed 9-10-2007)

§ 10-4-1-3 PENALTIES.

(A) Any person, firm, corporation, or governmental unit, whether as principal, agent, employee, or otherwise, who violates any provision of this chapter shall be liable for a violation penalty of up to $500. Each month of continued violation shall be considered a separate violation subject to and up to a $500 per month penalty until corrected. For purposes of this chapter, a month shall constitute 31 days.

(B) The penalties herein shall not exceed $1,000 in aggregate for a first offense or $2,500 in aggregate for subsequent offenses by the same person, firm, corporation, or governmental unit for the same property.

(C) A minimum time period of 90 days must pass between each offense with proper notice given to the person, firm, corporation, or governmental unit violating this chapter and proper time allowed as provided herein in order to allow the person, firm, corporation, or governmental unit to comply with this chapter and thereby cease the violation.

(D) The portion of any fees collected which are necessary to purchase address numbers for the person, firm, corporation, or governmental unit in violation shall be so spent and the purchased numbers shall then be provided to the person, firm, corporation, or governmental unit for proper

posting. The remaining portion of any fees collected shall be deposited into the County General Fund.

(E) The penalty or penalties may be collected in any lawsuit by the County Board of Commissioners Office in any action against a violator of any provision of this chapter.

(F) Notwithstanding any provision herein to the contrary, in the event the street address number relied upon for the house, residence, apartment, business, or industry was incorrectly assigned by the County Planning and Zoning Department, the County GIS Department, or the United States Postal Service, then the penalty provisions shall not apply until one year after the correct number has been assigned to the house, residence, apartment, business, or industry by the County.

(G) Each notice sent shall constitute an offense for purposes of the penalty provisions of this chapter.

(Ord. 2007-23, passed 9-10-2007)

§ 10-4-1-4 ENFORCEMENT.

(A) It shall be the responsibility of the County Sheriff's Department, the Fire Departments, the EMS contractors, the County Planning and Zoning Department, or the County GIS Department to report any violation of this chapter to an enforcing authority. The County Planning and Zoning Department and/or the County GIS Department may institute a lawsuit for injunction in a court of the County to restrain an individual, corporation, or governmental unit from violating the provisions of this chapter. Failure to enforce a provision of this chapter shall in no event be deemed a waiver of the right to thereafter enforce the same. In the event a lawsuit is filed, the County shall be entitled to recoup attorney fees and costs, including costs of enforcement.

(B) Enforcement will be accomplished as follows: Upon notice of violation of § 10-4-1-2 above, an initial letter will be sent by the County 9-1-1 Coordinator to the offending party, advising of the violation. The letter shall be sent by certified mail with return receipt to ensure its delivery.

(C) The violator or violators will be allowed 90 days from receipt of the notice in which to correct or cure the violation(s).

(D) The County 9-1-1 Coordinator may then, at his or her discretion, serve a second notice of no less than 30 days through legal counsel acting on the 9-1-1 Coordinator's behalf.

(E) If the violation is not cured or corrected to the satisfaction of the County 9-1-1 Coordinator within the 90-day period, and after expiration or waiver of the subsequent 30-day period, a notice of imposition of penalty shall be delivered to the responsible violator.

(F) The County Board of Commissioners or designee shall collect all paid penalties for those lawsuits initiated by the County 9-1-1 Coordinator.

(G) The County Board of Commissioners shall initiate a lawsuit for collection for all penalties assessed due to action by the 9-1-1 Coordinator yet unpaid.

(H) The unpaid penalty assessed shall become a lien on the subject property owned by the violator.

(Ord. 2007-23, passed 9-10-2007)

§ 10-4-1-5 EFFECTIVE DATE.

This chapter shall be effective 180 days following the last date of publication and upon passage by the County Board of Commissioners and signing by the County Board of Commissioners and the County Auditor.
(Ord. 2007-23, passed 9-10-2007)

TITLE 11: COUNTY SHERIFF AND CORRECTIONS

Article

1. **FEDERAL FORFEITURE AND SEIZURE FUND**

2. **RESERVE COUNTY POLICE OFFICERS**

3. **SHERIFF'S SALE PROGRAM**

4. **COMMUNITY CORRECTIONS ADVISORY BOARD**

ARTICLE 1: FEDERAL FORFEITURE AND SEIZURE FUND

Section

Chapter 1: General Provisions

11-1-1-1 Title
11-1-1-2 Findings and purpose
11-1-1-3 Effective date

CHAPTER 1: GENERAL PROVISIONS

§ 11-1-1-1 TITLE.

(A) This chapter shall be known as the "Federal Forfeiture and Seizure Fund (Sheriff's) Ordinance of Johnson County, Indiana."

(B) Whereas, the powers granted to the County Board of Commissioners authorize it to create, by ordinance, as many funds as deemed necessary to operate the County.

(Ord. 99-15, passed 10-4-1999)

§ 11-1-1-2 FINDINGS AND PURPOSE.

The County Board of Commissioners does hereby find that:

(A) Certain funds will be received by the County as a result of the County Sheriff's Office and other law enforcement officers and agencies seizing and disposing of property utilized in the furtherance of criminal activity;

(B) Those funds should be deposited in a separate fund and account;

(C) Those funds should be utilized by the County Sheriff's Office, according to the Department of Treasury Guidelines as outlined in the "Guide to Equitable Sharing for Foreign Countries and Federal State and Local Law Enforcement Agencies" or its successor publication;

(D) Those funds shall be payable subsequent to an authorized appropriation by the County Council;

(E) Accordingly, the County Board of Commissioners finds and declares that the purposes of this chapter are to create a separate fund and account for the receipt of funds associated with the seizing and disposing of property utilized in the furtherance of criminal activity, and that the contents of this new fund may be utilized by the County Sheriff in the furtherance of his or her official duties and responsibilities as the Sheriff of the County; and

(F) The County Board of Commissioners further finds and declares that the account which is hereby created by this chapter shall be perpetual and non-reverting until terminated by non-participation in Federal Equitable Sharing Program.

(Ord. 99-15, passed 10-4-1999)

Cross-reference:

Sheriff's Office Seizure and Forfeiture Fund, see § 28-1-1-1

§ 11-1-1-3 EFFECTIVE DATE.

This chapter shall be in full force and effect after October 4, 1999.

(Ord. 99-15, passed 10-4-1999)

ARTICLE 2: RESERVE COUNTY POLICE OFFICERS

Section

Chapter 1: General Provisions
11-2-1-1 Twenty-three additional reserve police officers

CHAPTER 1: GENERAL PROVISIONS

§ 11-2-1-1 TWENTY-THREE ADDITIONAL RESERVE POLICE OFFICERS.

There shall be established in the County Sheriff's Office 23 additional reserve County deputy sheriffs, with the deputy sheriffs to be appointed by the authority that regularly appoints members of the County Sheriff's Office, under the following terms and conditions:

(A) The reserve County deputy sheriffs may not be members of the regular County Sheriff's law enforcement force, but shall have all of the law enforcement powers of the members, except as limited by the rules of the County Sheriff's Office. The County Sheriff's Office is authorized to adopt rules to limit the authority of the reserve deputy sheriffs.

(B) Reserve deputy sheriffs may not participate in any pension program provided for regular members of the County Sheriff's Office.

(C) To the extent that the funds for benefits are appropriated, reserve deputy sheriffs may:

(1) Receive a uniform allowance;

(2) Receive compensation for time lost from other employment because of court appearances: and

(3) Be insured for life, accident and sickness coverage.

(D) No reserve deputy sheriff shall be appointed until he or she has completed the training and probationary period specified by the rule of the County Sheriff's Office.

(Ord. 86-31, passed 12-19-1986)

ARTICLE 3: SHERIFF'S SALE PROGRAM

Section

Chapter 1: General Provisions
11-3-1-1 Sheriff's sale program; service fee

CHAPTER 1: GENERAL PROVISIONS

§ 11-3-1-1 SHERIFF'S SALE PROGRAM; SERVICE FEE.

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

(B) The Sheriff's Sale Program shall provide for the delivery of the services in compliance with all applicable statutory provisions for the conduct of foreclosure sale proceedings and the Sheriff's Sale Program.

(C) The Sheriff is hereby authorized to charge a service fee of $200 per parcel of property in the Sheriff's Sale Program for which the Sheriff provides services (the "foreclosure costs fee") and to deposit the foreclosure costs fee collected by the Sheriff as costs in the foreclosure proceeding in the County General Fund.

(D) The foreclosure costs fee shall be payable from the proceeds of the Sheriff's sale in addition to other statutory costs and fees.

(E) The Sheriff's Sale Program shall provide for a complete and accurate accounting of all sale proceeds and compliance with any reporting or record requirements as set forth by the State Board of Accounts.

(F) The Sheriff is further authorized to implement any other policies he or she deems necessary to conduct foreclose sales.

(Ord. 2004-20, passed 11-29-2004)

ARTICLE 4: COMMUNITY CORRECTIONS ADVISORY BOARD

Section

Chapter 1: General Provisions

11-4-1-1 Establishment
11-4-1-2 Membership
11-4-1-3 Organization
11-4-1-4 Powers, duties and responsibilities
11-4-1-5 Defining the program

CHAPTER 1: GENERAL PROVISIONS

§ 11-4-1-1 ESTABLISHMENT.

The County Community Corrections Advisory Board is hereby established.
(Ord. 89-32, passed 10-16-1989)

§ 11-4-1-2 MEMBERSHIP.

(A) The County Commissioners Corrections Advisory Board shall consist of not less than 10 nor more than 25 members.

(B) The following nine members shall serve by virtue of their offices or positions:
- (1) The County Sheriff;
- (2) The Prosecuting Attorney;
- (3) The Director of the County Welfare Department;
- (4) The Mayor of the City of Greenwood, Indiana;
- (5) The Mayor of the City of Franklin, Indiana; and
- (6) The Judges of the Circuit Court, Superior Court No. 1 and No. 2, and the Juvenile Commissioner.

(C) The following four members shall be appointed by the Judge of the Superior Court No. 2 of the County:
- (1) One attorney with a substantial criminal defense practice;
- (2) One probation officer;
- (3) One mental health professional; and
- (4) One educational administrator.

(D) The following seven members may be appointed by the County Board of Commissioners: seven lay persons, at least one of whom must be a member of a minority race, if a member of a minority race is willing to serve.

(E) The members of the Advisory Board appointed by the Judge and the County Board of Commissioners shall be appointed for a term of two years; provided, however, that, the initial terms of the appointees shall expire on December 31, 1989. Thereafter, the appointments shall be made for terms commencing January 1. Other members shall serve only while holding the office or position held at the time of appointment. Members may be reappointed.

(F) A vacancy occurring before the expiration of the term of office shall be filled for the unexpired term in the same manner as original appointments. In the event that a successor has not been named to replace a member upon the expiration of the member's term, the member shall continue to serve until a successor has been duly appointed and qualified.

(Ord. 89-32, passed 10-16-1989)

§ 11-4-1-3 ORGANIZATION.

(A) (1) The members of the Advisory Board shall meet within 30 days after the last initial appointment is made for the purpose of organizing and shall elect one member as Chairperson and another member as Vice-Chairperson and shall appoint a Secretary-Treasurer who need not be a member of the Advisory Board.

(2) Thereafter, the Advisory Board shall meet when necessary, but no less than two times per year for the purpose of conducting its business and carrying out it duties and responsibilities. The Chairperson, Vice-Chairperson, and Secretary-Treasurer shall continue to serve until a successor shall have been selected.

(B) (1) The Advisory Board shall adopt such by-laws, rules, and regulations and select such other officers as it may deem necessary to properly conduct its business.

(2) For the purposes of transacting business, a majority of the membership shall constitute a quorum.

(3) A vacancy in the membership shall not impair the right of a quorum to transact business.

(C) The members of the Advisory Board shall serve without compensation. The members may, however, be reimbursed for approved out-of-pocket expenses incurred in the performance of their duties.

(Ord. 89-32, passed 10-16-1989)

§ 11-4-1-4 POWERS, DUTIES AND RESPONSIBILITIES.

The County Commissioners Corrections Advisory Board shall have the following powers, duties, and responsibilities:

(A) To formulate a community corrections plan providing for individual community corrections programs;

(B) To make recommendations to the Board of Commissioners and any city, town, or private organization in the County for the establishment and operation of community corrections programs;

(C) To prepare any application for state financial aid for the plan and programs as required by I.C. 11-12-2-4, as now or hereafter amended, and to take any action which might be required from time to time under state law in order to qualify the plan and programs for state financial aid;

(D) To observe the operation of community corrections in the County;

(E) To make an annual report to the Board of Commissioners containing an evaluation of the effectiveness of the community corrections programs, with particular attention to any programs receiving state financial aid;

(F) To make recommendations for the improvement, modification or discontinuance of any community correction program;

(G) To make recommendations to community corrections programs receiving state financial aid concerning compliance with the standards adopted by the State Department of Corrections for the programs;

(H) To recommend to the Board of Commissioners the approval or disapproval of contracts with units of local government or non-governmental agencies who desire to participate in the community corrections plan. Before recommending approval of a contract, the

Advisory Board must determine that a program is capable of meeting the standards adopted by the State Department of Corrections for programs receiving state financial aid; and

(I) To maintain an office if approved and designated by the Board of Commissioners.

(Ord. 89-32, passed 10-16-1989)

§ 11-4-1-5 DEFINING THE PROGRAM.

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

COMMUNITY CORRECTION PROGRAM.

(1) A community based or community oriented program that provides for any of the following:

(a) The prevention of crime or delinquency;

(b) Services to persons charged with or diverted from charge for a crime or act of delinquency who are not tried and who voluntarily participate;

(c) Services to persons on probation;

(d) Services to person sentenced to imprisonment in the County jail (other than a state-owned or operated facility); and/or

(e) Services to committee offenders, with the approval of the State Department of Corrections.

COMMUNITY CORRECTIONS PROGRAMS may coordinate educational, mental health, drug or alcohol abuse, and/or counseling.

(Ord. 89-32, passed 10-16-1989)

TITLE 12: HUMAN SERVICES

[RESERVED]

TITLE 13: ENVIRONMENT

Article

1. **WEEDS AND VEGETATION**

2. **GARBAGE; RUBBISH; DUMPING**

ARTICLE 1: WEEDS AND VEGETATION

Section

Chapter 1: Owners; Responsibility
13-1-1-1 Jurisdiction
13-1-1-2 Definitions
13-1-1-3 Administration
13-1-1-4 Violations
13-1-1-5 Appeals
13-1-1-6 Reserved
13-1-1-7 Repealer
13-1-1-8 Severability
13-1-1-9 Effective Date

Chapter 2: Authority of Township Trustees
13-1-1-1 General provisions

CHAPTER 1: OWNERS; RESPONSIBILITY

§ 13-1-1-1 JURISDICTION.

This chapter shall apply to all unincorporated real estate within the Johnson County, Indiana not zoned Agricultural or Agricultural Conservation Overlay or located in a designated flood plain or flood way.

This chapter shall also apply to the unincorporated areas of Johnson County that are designated as minor plats and parcels within rural residential areas. Within those plats and parcels, only the area within two hundred (200) feet surrounding any residential structure on such plat or parcel must comply with this chapter.
(Ord. 94-15, passed 10-31-1994; superseded by Ord. 10-01, passed 4-26-10)

§ 13-1-1-2 DEFINITIONS.

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

HEALTH CONCERNS. The concerns that arise from plants of high pollen content, toxic or poisonous plants, or plants that are conducive to harboring rodents and insects.

OWNER, PROPERTY OWNER, and ***REAL PROPERTY OWNER.*** These terms shall mean the person or entity identified by the tax records held by the

Johnson County Auditor as being the owner of the subject property.

SAFETY CONCERNS. The concerns arising from vegetation that causes a safety risk when it obstructs the line of sight for traffic or masks natural or human-made objects in the landscape, such as ditches, sinkholes, rocks, etc.

WEEDS and ***RANK VEGETATION.*** Plants consisting of broadleaf and grassy weeds, trees, shrubs, brush, or other invasive or unsightly vegetation which could constitute a health or safety concern to people or animals or decrease the value of land. As used in this chapter, “weeds” and “rank vegetation” shall not include agricultural crops, such as hay and pasture. Further, such terms shall not include noxious or detrimental plants relevant to Indiana Code 15-16-8.

(Ord. 94-15, passed 10-31-1994; superseded by Ord. 10-01, passed 4-26-10)

§ 13-1-1-3 ADMINISTRATION.

The County Highway Department (hereinafter the "Highway Department") shall be responsible for the administration of this chapter.

(Ord. 94-15, passed 10-31-1994)

§ 13-1-1-4 VIOLATIONS.

(A) Real property owners shall cut and remove weeds and rank vegetation from their real property. It shall be a violation of this chapter for owners to allow weeds and/or rank vegetation to reach the height of twenty-four (24) inches.

(B) Upon receiving a complaint for a violation of this chapter, the Highway Department shall perform an investigation to determine the complaint's validity. The investigation shall include a site visit.

(C) Upon determination by the Highway Department that a violation of this chapter exists, the Highway Department shall issue a written notice requiring the owner to cut or remove any weeds or rank vegetation within ten (10) calendar days from the date of mailing. Such notice shall be mailed by certified mail/return receipt requested, addressed to the owner as determined by the records of the Johnson County Auditor. Such notice shall inform the owner of the penalty for failure to remove such weeds or rank vegetation.

(D) (1) If despite the Highway Department’s receiving a signed return-receipt evidencing receipt of the 10-day notice referenced above, the owner fails to remove the relevant weeds or rank vegetation within such period, the Highway Department shall issue a second and final written notice addressed to the property owner, sent by regular United States Mail, postage prepaid, instructing the owner to cut or remove any weeds or rank vegetation within five (5) calendar days from the date of the notice. If the

owner fails to respond, the Highway Department or its subcontractor may enter the real property to abate the violation of this chapter at any reasonable time.

(2) If the Highway Department does not receive a signed return-receipt evidencing receipt of the 10-day notification and the violation of this chapter remains uncured within such 10-day period, the Highway Department shall issue a second and final written notice addressed to the property owners, sent by certified mail/return receipt requested, instructing the owner to cut or remove any weeds or rank vegetation within five (5) calendar days from the date of the notice. If the owner fails to respond, the Highway Department, or its subcontractor may enter the real property to abate the violation of this chapter at a reasonable time.

(E) The Highway Department shall compile and mail to the property owner a detailed invoice of expenses incurred by the Highway Department and any other County Agency or department in removing weeds or rank vegetation, including administrative costs.

(F) If the property owner fails to pay the invoice issued under Section E above within ten (10) calendar days of mailing, the Highway Department shall certify to the Johnson County Auditor the amount of the invoice. The Auditor shall place the total amount certified onto the tax duplicate for the property affected. The total amount, including any accrued interest, shall be collected as delinquent taxes are collected. Interest shall accrue at the statutory rate imposed on real estate taxes.

(G) The Johnson County Treasurer shall collect the from the property owner fees described in subsections E and F above from the property owner. The amounts collected shall be disbursed to the Highway Department's Fund No. 201.

(Ord. 94-15, passed 10-31-1994; Ord. 2010-01, passed 4-26-2010)

§ 13-1-1-5 APPEALS.

Any appeal of the removal notice or invoice for costs must be made within ten (10) calendar days of the date of the removal notice or invoice, whichever is applicable. Any appeal must be in writing and shall be made to the Johnson County Board of Commissioners, 86 West Court Street, Franklin, Indiana 46131.

The Board of Commissioners shall set the matter for hearing within fifteen (15) calendar days of receipt of notice of appeal. After such hearing, the Board of Commissioners shall issue its written findings.

Any appeal from the Board of Commissioners' written findings must be made to a Johnson County court with civil or small claims jurisdiction within ten (10) calendar days after the Board of Commissioners issues its written findings.

(Ord. 94-15, passed 10-31-1994; superseded by Ord. 10-01, passed 4-26-10)

§ 13-1-1-6 RESERVED.

§ 13-1-1-7 REPEALER.

All prior ordinances, or portions thereof, in conflict with provisions of this chapter are, to the extent of such conflict, hereby repealed.
(Ord. 10-01, passed 4-26-10)

§ 13-1-1-8 SEVERABILITY.

If any section, provision, or part of this chapter is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole or any portion thereof not adjudged invalid or unconstitutional.
(Ord. 10-01, passed 4-26-10)

§ 13-1-1-9 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its passage, approval, and publication according to law.
(Ord. 10-01, passed 4-26-10)

CHAPTER 2: AUTHORITY OF TOWNSHIP TRUSTEES

§ 13-1-2-1 GENERAL PROVISIONS.

(A) The County Board of Commissioners authorizes the Township Trustees to control all weeds, grasses, detrimental plants, noxious weeds, rank vegetation, and vegetation over 24 inches in the Trustees' respective townships at each Trustee's individual discretion.
(B) Each individual Township Trustee has the discretion to determine if and how that Trustee will enforce the weed control authority and what procedures each Trustee will utilize.
(C) The notice provisions to landowners, the enforcement provisions, and the collection of costs and expenses shall be as stated in I.C. 15-16-8 and County Ords. 94-15, 86-11 and 84-8.

(Ord. 2008-22, passed 9-15-2008)

ARTICLE 2: GARBAGE; RUBBISH; DUMPING

Section

Chapter 1: Solid Waste Management District
13-2-1-1 Establishment
13-2-1-2 Organization
13-2-1-3 Effective date

Chapter 2: Illegal Dumping
13-2-2-1 Title
13-2-2-2 Purpose
13-2-2-3 Definitions
13-2-2-4 Prohibited acts
13-2-2-5 Property owner; rights and responsibilities
13-2-2-6 Enforcement and abatement
13-2-2-7 Hearings
13-2-2-8 Penalties and sanctions
13-2-2-9 Application; effective date

CHAPTER 1: SOLID WASTE MANAGEMENT DISTRICT

§ 13-2-1-1 ESTABLISHMENT.

Pursuant to I.C. 13-21-3, there is hereby established the Johnson County Solid Waste Management District ("JCSWMD"). The JCSWMD shall consist of the entire area located within the legal boundaries of the County which includes all incorporated and unincorporated areas.
(Ord. 91-12, passed 6-3-1991)

§ 13-2-1-2 ORGANIZATION.

(A) The JCSWMD shall be managed by a Board of Directors consisting of the following members:
  (1) Three members appointed by the County Board of Commissioners from its membership;
  (2) One member appointed by the County Council from its membership;
  (3) The Mayor of the City of Greenwood, Indiana;
  (4) One member appointed by the Common Council for the City of Greenwood, from its membership; and
  (5) One member appointed by the County Board of Commissioners, who is either an executive of a city that is not the municipality with the largest population in the County or a member of a fiscal body of a town that is not the municipality having the largest population.

(B) The terms of Board members shall be coextensive with the member's term of office on the executive, legislative, or fiscal body from which he or she was appointed.

(C) All Board members shall serve at the pleasure of the appointing authority. Upon the formation of the Board, it shall meet and elect a Chairperson and Vice-Chairperson from the Board's membership and a Fiscal Officer who is the Fiscal Officer of the County or a municipality located within the County.

(Ord. 91-12, passed 6-3-1991)

§ 13-2-1-3 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after July 1, 1991.
(Ord. 91-12, passed 6-3-1991)

CHAPTER 2: ILLEGAL DUMPING

§ 13-2-2-1 TITLE.

This chapter shall be titled "Illegal Dumping Ordinance" and may be cited as such.
(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-2 PURPOSE.

The purpose of this chapter is to prohibit illegal dumping of solid waste materials in the County, to establish penalties for violation therefor, and to provide for the method of clean-up of open dumps. Improper disposal at recycling stations shall also be prohibited.
(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-3 DEFINITIONS.

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

CONSTRUCTION/DEMOLITION DEBRIS. Any discarded construction or demolition materials including, but not limited to, untreated lumber, paneling, drywall, roofing, shingles, siding, plumbing and electrical components, doors, windows, floor coverings, and cabinets.

CONTAMINATE. The same definition as that of 329 I.A.C. 2-2-1(a)(2).

DIRECTOR. The Director of the County Solid Waste District and shall include his or her authorized agent.
DISCARDING. To abandon, deposit, desert, discharge, dispose, drop, dump, eliminate, emit, jettison, leave, pitch, place, put, scrap, spill, throw, or toss any item, any solid waste, or derivative thereof, or any inherently waste-like material in a manner such that the discarded substance remains upon the land as solid waste.

DUMPING.

(1) The discarding or long-term storage of any items of solid waste commonly known as garbage, rubbish, construction refuse and demolition debris, household trash, appliances, diapers, food service wastes, tires, scrap metal, vehicle parts, implement parts, fence wire, and all other items and materials defined as "solid waste" below and in I.C. 13-11-2-205; and

(2) The discarding of any vehicles which do not have value beyond scrap value and which are inoperable and unlicensed or which are considered abandoned due to the surrounding conditions, except those which are used to supply parts for operable business vehicles, equipment, or fencing materials currently used by the property owner.

GARBAGE. All putrescible animal solid, vegetable solid, and semisolid wastes from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

GENERATION. The act or process of producing solid waste.

GENERATOR. The person whose actions or processes result in the production of solid waste.

INERT SOLID WASTE. Earth, rocks, concrete, bricks, tiles, or aged asphalt, natural wood, brush, leaves, wood chips, or sawdust, any and all of which is free of contaminants.

JOHNSON COUNTY SOLID WASTE DISTRICT. The legally constituted solid waste district pursuant to I.C. 13-21-3.

LONG-TERM STORAGE. The maintenance or containment of solid waste for a period of 30 days or more.

OPEN DUMP. The consolidation of solid waste from one or more sources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by 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.

PERSON. Any individual, partnership, corporation, firm, company, organization, joint stock company, municipal corporation, city, school district or corporation, county, town, association, trust, estate, government unit, or other legal entity.

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

SOLID WASTE. Any yard waste, garbage, refuse, rubbish, sludge, or other discarded or disposed materials, including solid, liquid, or semi-solid, or contained gaseous material resulting from any operation, activity, or source.

STORAGE. Proper temporary containment of waste materials for a period of no more than 15 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 while awaiting collection. Containers shall be designed to prevent escape or leakage of contents and should be resistant to scavenging animals.

(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-4 PROHIBITED ACTS.

(A) *Recycling facilities*.

(1) No person shall discard any materials other than recyclables in any facility or container intended for collecting designated recyclable materials.

(2) No person shall conduct scavenging at any facility or container intended for collecting materials with value as a designated recyclable material.

(B) *Dumping*.

(1) No person shall discard any solid waste along any roadway within the County, unless it be in a proper solid waste storage container and is intended for collection and removal to a facility approved for handling those materials.

(2) No person shall discard, for final disposal or for use as fill material, any inert solid waste without express consent of the property owner of the final disposal site, including County road rights-or-way.

(3) No person shall discard, for final disposal or for use as fill material, any inert solid waste which is mixed or adulterated with any contaminants.

(4) No person shall do any dumping or permit any dumping to take place at any location in the County unless the location is an approved and properly permitted solid waste disposal facility.

(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-5 PROPERTY OWNER; RIGHTS AND RESPONSIBILITIES.

(A) It is the responsibility of all persons owning real property in the County to sustain diligent and good faith efforts to protect the natural environment and prevent illegal dumping on their property. Persons owning real property in the County shall not cause or allow the disposal upon their property of any solid waste materials.

(B) Except as otherwise provided in this chapter, no enforcement action may be taken under this chapter against a landowner on whose land waste has been improperly disposed without the landowner's consent, unless there has been made a diligent and good faith effort to identify, locate, and take enforcement action against a person or persons who appear likely to have committed or caused the improper disposal act(s).

(C) Any landowner who in good faith provides information concerning a name, an address, or any other evidence of a responsible person's identity found in wastes improperly disposed on the landowner's property is not liable to the person for an action taken by enforcement authorities under this chapter against the person as a result of information provided by the landowner.

(D) The owner of property on which improper disposal acts have occurred may be included as a party of any enforcement action against a person who allegedly committed the violation so that the landowner may be ordered to allow the violator access to the land to remove and properly dispose of the wastes allegedly disposed in violation of this chapter.

(E) A landowner on whose land waste has been disposed in violation of this chapter without the landowner's consent may, in addition to any other legal or equitable remedy available to the landowner, recover from the person responsible for the improper disposal reasonable expenses incurred by the landowner in removal.

(F) A landowner who consents to or allows disposal of wastes generated by others upon his or her property, without making a diligent and good faith effort to prevent the improper disposal of wastes, and who fails to notify proper authorities of the improper acts of disposal within a reasonable period of time shall be subject to enforcement procedures, and shall be deemed the responsible party and shall be served notice for clean-up of all wastes deposited upon his or her property and removal for final disposal at any approved sanitary landfill, at the landowner's expense.

(G) If a diligent and good faith effort by the County representative designated herein to identify, locate, and take enforcement action against a person or persons who committed prohibited acts of waste disposal has been made

by County authorities, and has failed to identify violators of acts prohibited herein, the owner of real estate upon which an open dump is located shall be held responsible for correcting and controlling any nuisance conditions which may occur as a result of the open dump.

(H) Materials which provide identifying information regarding the generator shall constitute a rebuttable presumption that the generator has deposited solid waste without the express consent of the landowner and in violation of this chapter. The presumption can be rebutted by proof that:

(1) The person obtained the express consent of the landowner; and/or

(2) The person properly placed the solid waste in waste storage container for pick-up by a licensed waste hauler.

(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-6 ENFORCEMENT AND ABATEMENT.

(A) It shall be the duty of the Director to enforce this chapter. The Director is authorized to perform inspections in the furtherance of fulfilling his or her duty to enforce this chapter. Any person violating any provision of this chapter shall be subject to fines or other injunctive action as specified in this chapter.

(B) Violators of this chapter shall be served a written initial notice of violation either in person or by any other manner reasonably calculated to result in actual notice, including certified mail. The order shall state the violation complained of, order the abatement of the violation, indicate a method of abatement which if satisfactorily completed will adequately abate the offending violation, and provide a reasonable time for abatement.

(C) Abatement of a violation must be accomplished in an environmentally safe and lawful manner pre-approved by the Director by disposal of solid waste in an approved and properly permitted landfill.

(D) If the violation is not satisfactorily abated within the specified time allowed, a second notice shall be served, in the same manner as specified for initial notices and containing the same information specified for initial notices. If the conditions prevail following the specified period of time, the matter shall be referred to the attorney for the County Solid Waste District for appropriate legal action.

(E) If the Director identifies an emergency condition presented by the violation which condition presents an imminent health and safety hazard to the citizens of the County, the Director may, without notice or hearing, issue a notice reciting the existence of the emergency and requiring immediate abatement by the responsible person.

(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-7 HEARINGS.

Any person receiving any notice of violation as described herein may demand and shall be granted a hearing on the matter before the County Solid Waste District. Conduct of the hearing shall be prescribed by regulations promulgated by the County Solid Waste District. The County Solid Waste District shall hear testimony and take evidence on the matter, following which the Board shall sustain, modify, or revoke the notice of violation issued by the Director.
(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-8 PENALTIES AND SANCTIONS.

(A) The doing of any prohibited act, or the omission of any required act, governed by this chapter is declared to be a violation of this chapter. Any person found to have violated this chapter by a court of competent jurisdiction shall be fined in an amount up to $2,500. Each day of violation shall constitute a separate violation.

(B) In addition to fines assessed, the Director may request the court to assess court, clean-up, and/or administrative costs, and reasonable attorney fees expended by County Solid Waste District in taking enforcement action.

(C) The Director shall also be entitled to seek injunctive or other relief through any appropriate County court to obtain an order to abate the open dump condition and prohibiting further and future dumping.

(Ord. 95-20, passed 7-3-1995)

§ 13-2-2-9 APPLICATION; EFFECTIVE DATE.

This chapter shall apply to the entirety of the County. All portions of former ordinances in conflict herewith are hereby repealed or superseded. This chapter shall be in full force and effect immediately upon and after its adoption and publication as required by law.
(Ord. 95-20, passed 7-3-1995)

TITLE 14: NATURAL RESOURCES

[RESERVED]

TITLE 15: AGRICULTURE AND ANIMALS

Article

1. **ANIMAL MANAGEMENT**

2. **FERAL CAT POPULATION CONTROL**

3. **ANIMAL CONTROL**

ARTICLE 1: ANIMAL MANAGEMENT

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CHAPTER 1: GENERAL PROVISIONS

§ 15-1-1-1 DEFINITIONS.

For the purpose of this chapter, the following definitions apply:

ANIMAL. Any living, nonhuman vertebrate.

ANIMAL CONTROL DIRECTOR (JCAC Director). The person employed by the Johnson County Board of Commissioners as the enforcement officer of the Johnson County Animal Control Department. The JCAC Director shall be a sworn humane officer with one or more police departments within Johnson County.

AT LARGE. An animal is not within or on the owner's property or under restraint of an owner or harborer. Feral cats cannot be found at large.

DETENTION. The act of taking physical possession and control of a dangerous or potentially dangerous animal by the JCAC Director or Personnel and transporting it to the Johnson County Animal Shelter or other appropriate place.

DIRECT CONTROL. An animal is under direct control when it is on a leash or within the property limits of its owner or harborer.

DOMESTIC ANIMAL. Domestic animal means dogs, cats, and ferrets. This term does not include livestock or poultry.

EXPOSED TO RABIES. An animal has been exposed to rabies when:

1. It has been bitten by or exposed to an animal known to have rabies; or
2. Is suspected of having been bitten by or exposed to an animal known to have rabies.

HARBORER. Any person, group of persons, or corporation who harbors, keeps, feeds, maintains, has lawful possession of, or has an animal in his or her care or who permits an animal to remain on or about his premises.

IMPOUNDMENT. The act of taking physical possession and control of an at large animal by the JCAC Director or Personnel and transporting it to the Johnson County Animal Shelter or other appropriate place.

JOHNSON COUNTY ANIMAL CONTROL DEPARTMENT (JCAC). The Department which enforces the provisions of this Title, consisting of the JCAC Director and Personnel.

JOHNSON COUNTY ANIMAL SHELTER (JCAS). Any premises designated by action of the Johnson County Board of Commissioners for the purpose of caring for and impounding for animals found in violation of this Title.

OWNER. Any person, group of persons, or corporation who owns, harbors, keeps, feeds, maintains, has lawful possession of, or knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in his care

or who permits an animal to remain on or about his premises. This shall not include feral cat colony caretakers of registered colonies of feral cats.

PERSONNEL. The persons employed by the Johnson County Board of Commissioners in order to carry out the provisions of this Title.

SECURE ENCLOSURE. A four-walled enclosure; does not include a chain-linked, barbed, or "invisible" fence.

SPAY/NEUTER. Operation done to a female/male animal in order to prevent conception of offspring.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-02, passed 4-11-2016.)

§ 15-1-1-2 APPLICATION

The provisions of this Title shall apply to unincorporated Johnson County.

(Ord. 2014-7, passed 1-12-2015.)

CHAPTER 2: DUTIES AND RESPONSIBILITIES OF ANIMAL OWNERS AND HARBORERS

§ 15-1-2-1 ANIMAL CARE

(A) Every owner or harborer of an animal shall see that the animal is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement. The animal's owner or harborer shall regularly, and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas.

(B) Every owner or harborer of an animal shall see that the animal has: food that is appropriate for the species in adequate amounts to maintain good health; fresh potable drinking water; and well-ventilated shelter, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely.

(C) Every owner or harborer of an animal shall see that the animal is protected against abuse, cruelty, neglect, torment, or any other mistreatment.

(D) Every owner or harborer of an animal shall see that the animal receives reasonably necessary medical care. In addition to the required rabies vaccination, such care may include recommended vaccinations as required by accepted veterinary standards. If the animal is diseased, injured, or exhibiting symptoms of disease or illness, its owner or harborer shall see that it receives

proper care and is segregated from other animals so as to prevent transmission of the disease.

(E) Every owner or harborer of an animal shall see that the animal is maintained in compliance with all applicable federal, state, and local laws and all regulations respecting animal care and control as are adopted by Johnson County and in effect from time to time.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-2-2 RESTRAINT OF DOMESTIC ANIMALS

(A) Restraint is controlling an animal:

1. By the use of a leash;
2. Placing the animal on or within a vehicle being driven or parked on a public street pursuant to 15-1-5-2 of this Article; and/or
3. Placing the animal within the property limits of its owner or harborer.

(B) Unless a domestic animal is engaged in lawful hunting accompanied by its owner or its harborer, the owner or harborer of any domestic animal shall keep the domestic animal under restraint at all times when off his or her property.

(C) No animal shall be tethered by use of a choke collar, or any collar too small for the size and age of the animal, or by any rope, chain, or cord directly attached to the animal's neck, or by a leash less than 12 feet in length, or by any tether or leash without swivels on both ends, or of an unreasonable weight as to prevent the animal from moving about freely.

(D) Any person violating the provisions of this Section shall be punished by a fine of not more than ten dollars ($10.00) for a first offense, fifty dollars ($50.00) for a second offense, nor more than seventy-five dollars ($75.00) for each subsequent offense.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-2-3 HARBORING A DOMESTIC ANIMAL WITHOUT IDENTIFICATION

(A) It is a violation for any person to own or harbor any domestic animal over the age of six months that does not, at all times, have appropriate identification in the form of either:

1. A tag with the animal’s owner’s name, current phone number, and current address; or

2. A microchip.

(B) It is a violation for a person, except the owner or harborer, to remove any identifying tag from an animal.

(C) Any person violating the provisions of this Section shall be punished by a fine of not more than ten dollars ($10.00) for a first offense, fifty dollars ($50.00) for a second offense, nor more than seventy-five dollars ($75.00) for each subsequent offense.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-2-4 REPORT OF BITE CASES

(A) In the event of any animal bite:

1. A physician or other practitioner in attendance;
2. A parent or guardian, if a child is bitten;
3. An adult who has been bitten; or
4. The person caring for an incapacitated person who has been bitten;

must report to the JCAC and the Johnson County Health Department the names and addresses of persons treated for such bite. Information that may be helpful in rabies control shall also be provided.

(B) Any person violating the provisions of this section shall be punished by a fine of not more than ten dollars ($10.00) for a first offense, fifty dollars ($50.00) for a second offense, nor more than seventy-five dollars ($75.00) for each subsequent offense.

(Ord. 2014-7, passed 1-12-2015.)

CHAPTER 3: RABIES CONTROL

§ 15-1-3-1 RABIES REPORTING

(A) Any animal that bites a person or is suspected of having been exposed to rabies shall promptly be reported by its owner or harborer to the JCAC and the Johnson County Health Department.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-3-2 SURRENDER AND QUARANTINE OF DOMESTIC ANIMALS

(A) The owner of any domestic animal that has bitten a human and is suspected of having been exposed to rabies shall surrender the animal to JCAC personnel upon demand by JCAC.

(B) The JCAC Director shall ensure that the domestic animal is securely quarantined for 10 (ten) days from the date of the bite at either:

1. The owner's premises;
2. At the Johnson County Animal Shelter at owner's expense; or
3. At the owner's option and expense, in a veterinary hospital of his or her choice.

The quarantine location shall be left to the JCAC Director's discretion.

(C) The animal's owner or harborer may reclaim the animal if it is declared to be free of rabies upon the expiration of the quarantine period and payment of appropriate impoundment and/or treatment fees.

(D) The JCAC Director shall order the humane euthanization of any animal found to be infected with rabies.

(E) Stray animals, or those whose ownership is not known, shall be humanely euthanized immediately after the quarantine period if involved in a human exposure situation and there is suspicion of rabies.

(F) Any person violating the provisions of this section shall be punished by a fine of not more than ten dollars ($10.00) for a first offense, fifty dollars ($50.00) for a second offense, nor more than seventy-five dollars ($75.00) for each subsequent offense.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-02, passed 4-11-2016.)

§ 15-1-3-3 WILD ANIMALS

(A) Any wild animal that has bitten a human or domestic animal, or is suspected of being rabid, shall be humanely euthanized immediately and the head submitted to the State Board of Health for pathological examination.

(B) The carcass of any animal exposed to rabies shall, upon demand, be surrendered to the JCAC.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-3-4 REPORTING RESPONSIBILITIES OF VETERINARIANS AND JCAC

(A) It shall be the duty of every licensed veterinarian to report to the JCAC and Johnson County Board of Health his or her diagnosis of any animal observed by him or her which is suspected of having been exposed to rabies.

(B) If any animal, domestic or otherwise, is diagnosed with rabies, the JCAC shall inform the Johnson County Health Officer of reported human contact and the confirmed diagnosis.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-3-5 POSITIVE RABIES DIAGNOSES

(A) If an animal under quarantine has been diagnosed as being rabid or suspected

by a licensed veterinarian of being rabid and dies while under observation, the JCAC shall immediately send or take the head of the animal packed in an iced container to the State Board of Health for pathological examination.

(B) Upon notice of any positive diagnosis of rabies, the JCAC shall recommend to the Johnson County Health Officer and State Veterinarian a County-wide quarantine for a period of 30 days. Upon the invocation of the quarantine by the State Veterinarian, no animal shall be permitted to be at large. All domestic animals must be under the direct control of a responsible person at all times during the quarantine periods.

a. During the period of rabies quarantine as herein provided, every animal bitten by an animal known to be rabid shall be:

i. Humanely euthanized;

ii. Treated for rabies infection by a licensed veterinarian; or

iii. Held under a minimum 30-day quarantine by the owner or a licensed veterinarian.

(Ord. 2014-7, passed 1-12-2015.)

CHAPTER 4: DANGEROUS ANIMAL DETERMINATIONS

§ 15-1-4-1 PURPOSE

This Chapter is intended to regulate and provide for:

(A) Dangerous animal determination;

(B) Registration for dangerous animals and wild animals; and

(C) Crime prevention dog requirements.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-2 DEFINITIONS

(A) Dangerous Animal. Any dog that has either:

1. Developed behavioral patterns that can result in physical harm or death to humans;
2. Been involved in more than one unprovoked reported bite incident in the County in the preceding three months;
3. Caused serious injury to a person without having been provoked by that person; or
4. Chased or approached a person in a menacing fashion or apparent attitude to attack at a place other than the property of its owner or harborer;

may be declared dangerous by the JCAC Director.

(B) Potentially Dangerous. A propensity or tendency of an animal to do any act that might endanger the safety of person or property in a given situation. It is the act of the animal and not the animal's state of mind that determines a

dangerous propensity.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-3 EXCEPTIONS

An animal shall not be declared a dangerous animal if:

(A) At the time of the incident, the dog was used by a law enforcement official for legitimate law enforcement purposes;
(B) The threat, injury or damage was sustained by a person or other dog who was:
    1. Trespassing upon premises occupied by the owner or the dog;
    2. Provoking, tormenting, abusing or assaulting the animal or had repeatedly, in the past, provoked, tormented, abused or assaulted the animal; or
    3. Committing or attempting to commit a crime; or
(C) The animal was:
    1. Responding to pain or injury;
    2. Protecting itself or its offspring; or
    3. Protecting or defending a human being or domestic animal from attack or assault.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-4 DANGEROUS ANIMAL DETERMINATION PROCEDURES

The following procedure shall apply to dangerous animal determinations by the JCAC:

(A) Upon probable cause and after a reasonable investigation, the JCAC Director is authorized to make a determination that an animal is dangerous or potentially dangerous based on the definitions in this Chapter. After determining that an animal is dangerous or potentially dangerous, the Director shall notify the owner of the animal of that status in writing.
(B) If the Director receives substantially new information before seven days have passed since the determination made under (A), the Director may elect to convene an informal, public, and non-judicial hearing to reconsider such a determination. The Director shall make public the outcome of the hearing within five days of the hearing.
(C) The Director shall provide reasonable notice of the hearing to the owner of the animal at least (5) days before the hearing. The informal hearing shall take place no less than five (5) and not more than twelve (12) business days after the initial determination.
(D) The Director is not required to convene a hearing.
(E) The owner may, within five days after a determination that an animal is dangerous, bring a petition in Johnson County seeking judicial review of the

determination. A decision by the court overturning the Director's determination shall result in the return of the animal to the owner. However, the court may still require registration of the animal under this Chapter.

(F) Judicial review of the Director's determination is limited to the record established during the informal hearing. The court cannot try the cause de novo or substitute its judgment for that of the Director's. The Director's decision can only be overturned if a court finds that the determination was made on arbitrary or capricious grounds.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-5 DETENTION OF A DANGEROUS ANIMAL

(A) If the Director has provided reasonable notice to the owner that an animal is dangerous or potentially dangerous and has probable cause to believe that an animal may pose a threat to public safety, he may obtain a search warrant pursuant to the laws of this jurisdiction and detain the animal.

(B) The owner of the animal shall be liable for the cost and expenses of keeping the animal at the JCAS. The owner shall pay on the first day of detention of the animal the full amount of costs for fifteen (15) days of detention as the animal is held pending hearings and appeals.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-6 REGISTRATION FOR WILD ANIMALS AND DANGEROUD ANIMALS

(A) It shall be a violation for a person to own a wild animal or dangerous dog in Johnson County without first having registered the animal with Johnson County Animal Control under this Section; however, this Section shall not apply to zoological parks or bona fide circuses or carnivals. There is no fee for the registration of an animal under this Section.

(B) Registration required by this Chapter shall be made on forms provided by the Johnson County Animal Control Department, and shall include the following:

1. The owner's name, address, and telephone number where the owner can be reached in the event of an emergency;
2. The address and type of premises where the animal is kept;
3. A detailed description of each animal registered; and
4. Any other information deemed necessary and appropriate by the Johnson County Animal Control Director, including whether or not the animal has been spayed or neutered.

(C) During the term of the registration, the owner of an animal registered under this Section shall notify the Johnson County Animal Control Department in writing of

any change in circumstances which would render the information contained in the registration incomplete or inaccurate.

(D) The term of the registration shall expire on December 31st of the year in which the registration is made, and shall be renewable upon re-application.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-7 LIMITATION ON OWNERSHIP

(A) It shall be a violation for any person, firm, corporation, organization, or department to own, possess, or maintain more than two dangerous dogs at any time within unincorporated Johnson County. This subsection shall not apply to duly licensed veterinarians and operators of commercial kennels whose possession is either to board temporarily or provide treatment.

(B) It shall be a violation for any person, firm, corporation, organization, or department to own, possess, or maintain any dangerous dog within unincorporated Johnson County unless the dangerous dog has been spayed or neutered by a licensed veterinarian and has been implanted with a microchip with a registered identification number at the owner's expense.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-8 DANGEROUS ANIMAL MUZZLE AND CONFINEMENT REQIREMENTS

The owner or harborer of a dangerous animal may not cause, suffer, or allow the dangerous animal to go unconfined, unrestrained, and without a muzzle, when outside the owner's property. The owner also may not allow it to run at large on any public street or byway, right-of-way, or any municipally-owned or public land or public building, at any time, or upon any private property without the permission of the owner of the private property. The following confinement requirements must be met:

(A) When confined to a yard, the yard must be fenced such that the animal may not escape by slipping under or over the fence or through an open gate. The fence must be constructed in such a manner that prevents the animal from biting or otherwise wounding a person who may brush against or stick a body part in, over, under, or through the fence.

(B) When confined to a home, the animal's confinement must be such as will prevent the animal from harassing neighbors or passers-by.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-4-9 PENALTIES

(A) A violation of this Chapter, unless otherwise stated, shall be punishable by a fine not less than $200 for a first violation; not less than $1,000 for a second violation; and upon a third violation, the dog shall be seized. If the violation results in the

dog causing serious injury to any person, the court shall, upon request of the JCAC Director, order the dog forfeited and/or humanely euthanized.

(B) The JCAC Director may order the immediate impoundment and possible humane euthanization of a dog previously determined to be a dangerous dog if the owner fails to abide by the conditions for registration and confinement in this Chapter.

(Ord. 2014-7, passed 1-12-2015.)

CHAPTER 5: SPECIFIC VIOLATIONS

§ 15-1-5-1 ANIMALS IN PARKED VEHICLES

(A) It shall be a violation for a person to confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold.

(B) Upon discovery of an animal in a parked car that is in a life or health threatening situation, an animal control officer, law enforcement officer, or humane officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle only after making a reasonable effort to locate the vehicle owner or other person responsible. The officer who removes an animal must leave written notice bearing his/her name and office and the address of the location where the animal can be claimed.

(C) Any person violating the provisions of this Section shall be punished by a fine of not more than ten dollars ($10.00) for a first offense, fifty dollars ($50.00) for a second offense, nor more than seventy-five dollars ($75.00) for each subsequent offense.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-5-2 TRANSPORTING DOGS IN PICK-UP TRUCKS

(A) The following definitions shall apply to this section:

1. Pick-up truck. A motor vehicle with an enclosed forward passenger compartment and an open rearward compartment used for the transportation of property.
2. Public way includes highway, street, avenue, boulevard, road, lane, or alley. For the purposes of this ordinance, off-street parking is also included. Does not include farmland.
3. Tether. A rope, chain, or cable of appropriate strength that is firmly anchored to the bed of an open bed pickup truck or similar vehicle in at least two places. Tether is to be used to restrain the animal and fastened to the animal by means of a harness and to be the appropriate length as to

afford the animal freedom to move about the vehicle, but to restrict the animal to a set radius to prevent it from reaching either side or the rear of the vehicle so that the animal cannot be thrown from, fall from, or jump from the vehicle.

4. Secured container. A portable kennel, crate, or dog box that is appropriately fastened to the bed or the chassis of the vehicle.

(B) No person shall operate a pickup truck with a dog in the back of the vehicle on a public way, unless:

1. the back of the vehicle is enclosed;
2. the sides and back of the pickup truck's bed are at least five feet high;
3. the dog is humanely cross-tethered to the vehicle by means other than neck restraints;
4. the dog is protected by a secured container or cage; or
5. the dog is otherwise protected in a manner that will prevent the dog from jumping, falling, or being thrown from the vehicle.

(C) Any person violating the provisions of this Section shall be punished by a fine of not more than ten dollars ($10.00) for a first offense, fifty dollars ($50.00) for a second offense, nor more than seventy-five dollars ($75.00) for each subsequent offense.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-5-3 UNLAWFUL USE OF AN ANIMAL

(A) It shall be violation for a person to make use of a dog in the commission of furtherance of any criminal act in Johnson County.

(B) Any person violating the provisions of this Section shall be punished by a fine of not more than ten dollars ($10.00) for a first offense, fifty dollars ($50.00) for a second offense, nor more than seventy-five dollars ($75.00) for each subsequent offense.

(C) Upon a finding of violation, the court, upon request by the JCAC Director, shall order the animal forfeited and/or humanely euthanized.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-5-4 OFFENSIVE USE OF AN ANIMAL

(A) It shall be a violation in Johnson County for a person to willfully deposit a dead animal upon public or private premises not owned by that person, or willfully to throw a live or dead animal against any other person, or aid or abet another person in doing so.

(B) Any person violating the provisions of this Section shall be punished by a fine of not more than ten dollars ($10.00) for a first offense, fifty dollars ($50.00) for a second offense, nor more than seventy-five dollars ($75.00) for each subsequent offense.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-5-5 INVESTIGATION

(A) Upon probable cause and obtaining a warrant, the Johnson County Animal Control Director and Johnson County Animal Control Personnel are empowered to enter upon premises where any animal is kept or harbored in a reportedly cruel or inhumane manner.
(B) Personnel may demand to examine the animal and take possession of the animal when, in his or her opinion, it requires veterinary care or other humane treatment.
(C) Personnel may request a licensed veterinarian to make a report or decision on the animal's health. Expenses of a report will be charged to the owner or harborer of the domestic animal.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-1-5-6 RIGHT TO INSPECT COMMERCIAL KENNELS

(A) For the purposes of this Section, a commercial kennel is any premise used to conduct a commercial business involving the boarding of domestic animals.
(B) The JCAC Director may, upon receiving a complaint or upon his or her own motion, inspect any commercial kennel and the books and records of that commercial kennel, without notice.
(C) Violations of this ordinance by commercial kennels may, at the discretion of the JCAC Director, require intervention by the Indiana Board of Animal Health; penalties for such violation may include shutting down the facility.

(Ord. 2014-7, passed 1-12-2015.)

ARTICLE 2: FERAL CAT POPULATION CONTROL

Chapter 1: General
15-2-1-1 Purpose
15-2-1-2 Definitions

Chapter 2: Caretakers
15-2-2-1 Caretaker Responsibilities

15-2-2-2 Violations

Chapter 3: Trap, Neuter, Return Program
15-2-3-1 Feral Cat Population Control through TNR

Chapter 4: Sponsors
15-2-4-1 Process
15-2-4-2 Sponsor Responsibilities

CHAPTER 1: GENERAL

§ 15-2-1-1 PURPOSE

The purpose of this Article is to control the population of feral cats in unincorporated Johnson County.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-2-1-2 DEFINITIONS

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

EARTIP: A straight-line cut off a feral cat's left ear to mark that the cat has been through Johnson County's TNR program.

FERAL CAT. Any cat that is unowned or a formerly-owned cat that has been abandoned or lost and is no longer socialized. A feral cat cannot be found at large pursuant to 15-1-1-1.

FERAL CAT COLONY CARETAKER (CARETAKER). Any individual, approved by a sponsor, who will provide care for a feral cat colony and participate in Johnson County's Trap, Neuter, and Return program. A feral cat colony caretaker is not an owner pursuant to 15-1-1-1 and does not assume the same responsibilities as an owner.

FERAL CAT COLONY. One or more cats that congregate, more or less, together as a unit.

FERAL CAT COLONY SPONSOR. Any animal welfare organization or local rescue group approved by the Johnson County Animal Control Department to keep track of and oversee Johnson County's feral cat colonies and feral cat colony caretakers.

TRAP, NEUTER, & RETURN (TNR). A program in which feral cats are trapped, spayed or neutered, vaccinated against rabies, eartipped, and returned to live in the wild. TNR activities done in Johnson County must be performed in accordance with this Article.

(Ord. 2014-7, passed 1-12-2015.)

CHAPTER 2: CARETAKERS

§ 15-2-2-1 CARETAKER RESPONSIBILITIES

(A) All feral cat colony caretakers must apply to and be approved by a feral cat colony sponsor.

(B) In addition to participating in Johnson County's TNR program, feral cat colony caretakers must:

1. Make all reasonable attempts to return trapped non-feral cats with identification to their owners. If there is no visible owner identification, send trapped non-feral cats to JCAC for impoundment;
2. Make all reasonable attempts to remove kittens from a colony before eight weeks of age for socialization and placement;
3. Ensure the colony has a steady supply of food and water; and
4. Follow the guidelines maintained by the feral cat colony sponsor by which they are approved.

(C) Feral cat colony caretakers must fully cooperate with their sponsor and JCAC in resolving:

1. Any situation involving feral cats posing a potential threat to public health and safety, including the possible risk of rabies transmission;
2. Any investigation into animal cruelty;
3. Any nuisance investigation; and
4. Any situation involving feral cats in unsafe or inappropriate areas.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-2-2-2 VIOLATIONS

(A) Caretakers are also subject to having their statuses revoked by their sponsor and/or JCAC. Upon losing caretaker status, the former caretaker's feral cat colony is subject to being impounded by JCAC unless the former caretaker has assumed ownership of the cats and all the responsibilities of an owner according to this Article.

(B) It shall be a violation for a person to provide food or water to a feral cat colony unless that person has been approved by a sponsor to be a caretaker. A feral cat colony being cared for by an unauthorized person is subject to being impounded by JCAC.

(C) It shall be a violation for any person other than the approved caretaker to trap and relocate cats that are already part of a colony, as indicated by the cat's eartip.

(D) Any person violating the provisions of Subsection (b) or (c) shall be punished by a fine of not more than ten dollars ($10.00) for a first offense, fifty dollars ($50.00) for a second offense, nor more than seventy-five dollars ($75.00) for each subsequent offense.

(Ord. 2014-7, passed 1-12-2015.)

CHAPTER 3: TRAP, NEUTER, AND RETURN PROGRAM

§ 15-2-3-1 FERAL CAT POPULATION CONTROL THROUGH TNR

(A) To reduce and ultimately eliminate the population of feral cats in Johnson County, a feral cat colony caretaker must participate in Johnson County's TNR program. TNR requires a feral cat colony caretaker to make every reasonable effort to:
   1. Humanely trap feral cats;
   2. Have a licensed veterinarian evaluate the health of all trapped feral cats;
   3. Have a licensed veterinarian sterilize (neuter/spay) all trapped feral cats;
   4. Have a licensed veterinarian administer a rabies shot to all trapped feral cats;
   5. Have a licensed veterinarian or veterinary technician eartip all trapped feral cats that have been sterilized and given a rabies shot;
   6. Return feral cats who have been through the TNR program to their original locations; and
   7. Maintain proof of sterilization and vaccination.

Should a licensed veterinarian determine that a feral cat is seriously ill or injured with no prognosis for human rehabilitation or survival outdoors, the veterinarian must humanely euthanize the animal.

(Ord. 2014-7, passed 1-12-2015.)

CHAPTER 4: SPONSORS

§ 15-2-4-1 PROCESS

(A) Any animal welfare organization or local rescue group may become a feral cat colony sponsor by being approved by JCAC. To be approved, a sponsor candidate must:
   1. Fill out a sponsor application form to be reviewed and assessed by JCAC; and
   2. Demonstrate the ability, capacity, and willingness to comply with the requirements set forth in this Article.

(B) A sponsor in violation of this ordinance will lose sponsor status. A former sponsor must turn in all its records to the JCAC and cease sponsorship activities. The caretakers approved by the former sponsor will be transferred by JCAC to another sponsor.

(C) Sponsors must establish a process to approve or deny feral cat colony caretaker applications and also a process for revoking caretaker status.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-2-4-2 SPONSOR RESPONSIBILITIES

(A) A feral cat colony sponsor must maintain the following:

1. guidelines for caretakers on how best to engage in Johnson County's TNR Program; and
2. records of each feral cat colony caretaker it approves, including:
   i. the caretaker's name and contact information; and
   ii. the size of each feral cat colony being cared for by each individual caretaker.

The sponsor must furnish the above records and/or guidelines to JCAC or Johnson County upon request.

(B) Sponsors must fully cooperate with JCAC in resolving:

1. any situation involving feral cats posing a potential threat to public health and/or safety, including the possible risk of rabies transmission;
2. any investigation into animal cruelty;
3. any nuisance investigation; and
4. any situation involving feral cats in unsafe or inappropriate areas.

(Ord. 2014-7, passed 1-12-2015.)

ARTICLE 3: ANIMAL CONTROL

Chapter 1: General

15-3-1-1 Purpose
15-3-1-2 Hiring Personnel
15-3-1-3 Enforcement
15-3-1-4 Repealer
15-3-1-5 Severability

Chapter 2: Impoundment and Redemption

15-3-2-1 Impoundment
15-3-2-2 Redemption of Impounded Domestic Animals
15-3-2-3 Humane Euthanization of Impounded Domestic Animals
15-3-2-4 Records

Chapter 3: Fees and Penalties

15-3-3-1 Fee Schedule
15-3-3-2 Penalty Table

CHAPTER 1: GENERAL

§ 15-3-1-1 PURPOSE

This Article is intended to regulate and provide for JCAC duties and powers and JCAS fees.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-3-1-2 HIRING PERSONNEL

(A) The Johnson County Board of Commissioners shall have the power to employ Personnel as are necessary to carry out the provisions of this Ordinance.
(B) The Johnson County Board of Commissioners may seek recommendations for employment of personnel from the JCAC Director.

§ 15-3-1-3 ENFORCEMENT

The provisions of this ordinance shall be enforced by the Johnson County Animal Control Department.

(Ord. 2014-7, passed 1-12-2015.)

§ 15-3-1-4 REPEALER

All prior ordinances, or portions thereof, in conflict with provisions of this Title are, to the extent of such conflict, hereby repealed.

(Ord. 2014-7, passed 1-12-2015.)

§ 13-3-1-5 SEVERABILITY

If any section, provision, or part of this Title is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Title as a whole or any portion thereof not adjudged invalid or unconstitutional.

(Ord. 2014-7, passed 1-12-2015.)

CHAPTER 2: IMPOUNDMENT AND REDEMPTION

§ 15-3-2-1 IMPOUNDMENT

(A) The JCAC shall capture and impound in the Johnson County Animal Shelter:
    1. Any animal found at large;
    2. Any animal in violation of 15-1-2-3 above. A microchipped animal may need to be transported to the shelter to properly identify its owner and may be impounded until its owner can be located.

(B) When domestic animals, livestock, or poultry are found at large and personnel of the JCAC know or have reason to know of their ownership, the animal may be impounded at the personnel's discretion. The JCAC or personnel may, at their discretion, cite the owner(s) of the animal for a violation of this ordinance.

(C) Immediately upon impounding domestic animals, livestock, or poultry, the JCAS personnel shall make a good faith effort to notify the owner and inform him or her of the conditions whereby he or she may regain custody of the animal.

(D) Any livestock, poultry, or other animal not defined as a domestic animal under this article that is not claimed by its owners before the expiration of three calendar days shall become the property of the JCAS, and shall be disposed of at the discretion of the JCAC Director or personnel.

1. The JCAC may place the animal in the custody of a person deemed a responsible and suitable owner. This new owner shall agree to comply with provisions of this Article and such other regulations as shall be fixed by the Johnson County Animal Control Department. If the animal is one in which respective rights of the owner or person in possession or custody are determined by state law, state law preempts this Article.
2. Any animal impounded under this subsection D, and not reclaimed by its owner within three days, may be humanely euthanized by the JCAC.

(E) Any domestic animal not claimed by its owners before the expiration of five calendar days shall become the property of the JCAS. Unclaimed domestic animals will be disposed of at the discretion of the JCAC Director or personnel.

1. The JCAC may place the animal in the custody of a person deemed a responsible and suitable owner. This new owner shall agree to comply with provisions of this Article and such other regulations as shall be fixed by the Johnson County Animal Control Department. If the animal is one in which respective rights of the owner or person in possession or custody are determined by state law, state law preempts this Article.
2. Any domestic animal impounded under the provisions of this Chapter, and not reclaimed by its owner within five days, may be humanely euthanized by the JCAC.
3. No domestic animal which has been impounded shall be allowed to be adopted from the JCAS unless the animal is spayed or neutered or the prospective owner agrees to have the animal spayed or neutered.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-02, passed 4-11-2016.)

§ 15-3-2-2 REDEMPTION OF IMPOUNDED ANIMALS

(A) The owner or harborer shall be entitled to resume possession of any animal impounded under provisions of this Chapter upon proof of the following:
   1. Payment of impoundment fees set forth in the fee schedule at 15-3-3-1;
   2. That a domestic animal has been spayed or neutered, or proof that arrangements have been made with the JCAC Director for the animal to be spayed or neutered; and
   3. Vaccination against rabies, or proof that arrangements have been made for the domestic animal to be vaccinated against rabies by a licensed veterinarian.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-02, passed 4-11-2016.)

§ 15-3-2-3 HUMANE EUTHANIZATION OF IMPOUNDED ANIMALS

Any impounded animal which creates a physical safety or health threat to JCAC personnel or the general public may, at the discretion of the JCAC Director or his or her designee, be humanely euthanized prior to the expiration of the applicable confinement period.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-02, passed 4-11-2016.)

§ 15-3-2-4 RECORDS

(A) It shall be the duty of the JCAC to keep accurate and detailed records of:
   1. The impoundment and disposition of all animals coming into its custody;
   2. All bite cases reported to it and the investigation of same; and
   3. All monies belonging to Johnson County in the possession of the JCAC.

(B) Accounting records shall be open to inspection at reasonable times by such persons responsible for similar records of Johnson County. Such records shall be audited by Johnson County annually and in the same manner as all other Johnson County records.

(Ord. 2014-7, passed 1-12-2015.)

CHAPTER 3: FEES AND PENALTIES

§ 15-3-3-1 FEE SCHEDULE

Fees set forth herein shall be collected by the JCAC and paid over to the Johnson County Auditor to be paid into the Johnson County General Fund as required by the Auditor.

(A) Impoundment Fee: Impoundment fees for all animals shall be $15 for the first day and $5 for each additional day.

(B) Euthanasia Fee: Euthanasia fees for all animals shall be $45.

(C) Disposition Fee: Disposition fees for all animals shall be $15.

(D) Vaccination Fee: Vaccination fees shall be $25 per domestic animal.

(E) Quarantine Fee: Animals subject to quarantine may be quarantined at the JCAS at the owner's expense of $15 per day.

(F) Adoption Fee: Adoption fees shall be $115 for each animal adopted.

1. Of the $115 adoption fee, $50 will be applied to Fund #4008 which will serve as payment toward the spay/neuter fee.
2. The remaining balance of $65 will be applied to Fund #4915, which is payment toward adoption supplies only.
3. Adoption fees may be waived or reduced at the discretion of the JCAC Director in the event of JCAS overcrowding or animal illness.

(G) Fees Imposed for Boarding Livestock: Pursuant to I.C. 35- 46-3-6(c), the JCAC shall require owners convicted of I.C. 35-46-3-1 *et seq*. and I.C. 15-17-18 *et seq.* to pay the costs of boarding livestock animals.

(Ord. 2014-7, passed 1-12-2015; amended by Ord. 2016-02, passed 4-11-2016.)

§ 15-3-3-2 PENALTY TABLE

The penalties set forth herein shall be collected by the JCAC and paid over to the Johnson County Auditor to be paid into the Johnson County General Fund as required by the Auditor.

Section	Violation	Penalty
15-1-2-2	Failure to Restrain	Up to $10 first offense; up to $50 second offense; up to $75 subsequent offenses
15-1-2-3	Domestic Animal with No Identification	Up to $10 first offense; up to $50 second offense; up to $75 subsequent offenses
15-1-2-6	Failure to Report Bites	Up to $10 first offense; up to $50 second offense; up to $75 subsequent offenses
15-1-4	Dangerous Animals	Up to $200 first offense; up to $1000 for second offense; seizure of animal

		for third offense
15-1-5-1	Animals in Parked Cars	Up to $10 first offense; up to $50 second offense; up to $75 subsequent offenses
15-1-5-2	Dogs in Pickup Trucks	Up to $10 first offense; up to $50 second offense; up to $75 subsequent offenses
15-1-5-6	Unlawful Use of an Animal	Up to $10 first offense; up to $50 second offense; up to $75 subsequent offenses; or court-ordered fines/euthanization
15-1-5-7	Offensive Use of an Animal	Up to $10 first offense; up to $50 second offense; up to $75 subsequent offenses
15-2-2-2 (b) & (c)	Feral Cat Violations	Up to $10 first offense; up to $50 second offense; up to $75 subsequent offenses

The penalties imposed by this Title shall not reduce, substitute for, or in any manner be deemed to be in derogation of the rights accorded victims of personal injury or property damages as provided for by Indiana code or at common law.

(Ord. 2014-7, passed 1-12-2015.)

TITLE 16: PUBLIC HEALTH

Article

1. **BOARD OF HEALTH**

2. **SWIMMING POOL**

3. **COUNTY JAIL; INMATE HEALTH CARE**

4. **ALCOHOL AND DRUG SERVICES PROGRAM**

ARTICLE 1: BOARD OF HEALTH

Section

Chapter 1: Service Fees

16-1-1-1 Definitions

16-1-1-2 Fees for services
16-1-1-3 Fines for violations of retail food establishment sanitation requirements
16-1-1-4 Collection accounting and dispositions
16-1-1-5 Effective date

CHAPTER 1: SERVICE FEES

§ 16-1-1-1 DEFINITIONS.

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

AUTHORIZED REPRESENTATIVE. Any person authorized by the Johnson County Health Officer to carry out any of the duties of the Johnson County Health Department and the Johnson County Health Officer as provided by statute.

BOARD. The Johnson County Board of Health, as provided for in I.C. 16-20-2, as amended or substituted therefore.

CRITICAL ITEM AND NONCRITICAL ITEM. Those items identified as such in the State Department of Health "Retail Food Establishment Sanitation Requirements" and/or by way of the "Retail Food Establishment Inspection Report" as provided by the Indiana State Department of Health.

ESTABLISHMENT. Any person, business, or entity which is subject to the State Department of Health "Retail Food Establishment Sanitation Requirements," as the same may be amended hereafter.

HEALTH OFFICER. The Johnson County Health Officer, as provided for in I.C. 16-20-2-16, as amended or substituted therefor.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, or association.

(Ord. 2007-24, passed 9-10-2007)

§ 16-1-1-2 FEES FOR SERVICES.

(A) The Board of Health has authority to charge a fee for certain services. Those fees shall be as follows:

Service	***Fee***

Service	***Fee***
Death certificate	$15.00 ($13.00 Board, $2.00 Coroner)
Resubmitted death certificates	$15.00
Birth certificate, per copy	$10.00
Birth certificate, combination wallet and regular size	$15.00
Birth certificate, protective cover - regular size	$2.00
Birth certificate, protective cover - wallet size	$1.00
Court Ordered Name Change	$10.00
Amendments	$25.00
Genealogy research, per name (plus regular fee for certificate)	$5.00
Paternity affidavits	$50.00
Photo copies (1 to 4 pages - no charge) 5 or more pages - each	$1.00
Electronic copy fee	$5.00
Food permits - Before July 1	
5 or fewer employees	$100.00
6-14 employees	$220.00
15 or more employees	$300.00
Temporary establishment (14 or fewer days)	$30.00
Seasonal Temporary, defined as an event in association with a fixed location, specific event (including Farmers' Market), organized festivals, and holiday celebrations (April 1st – November 30th)	$50.00
After June 30 and before December 1	
5 or fewer employees	$50.00
6-14 employees	$110.00
15 or more employees	$150.00
Temporary establishment (14 or fewer days)	$30.00
December 1 to December 31	The fee will be the following year's annual permit fee. Permit will be effective to December 31st of the following year.
New Opening/Plan Review Fee	
Under 3,000 square feet	$50.00
3,000 to 10,000 square feet	$150.00
More than 10,000 square feet	$250.00
Septic Permits	
Septic system permit - new installation	$125.00
Septic system permit - repair	$75.00

Service	***Fee***
Septic permit - new application fee	$75.00
Visual well inspection	$50.00
Septic evaluation for mortgages (septic and well evaluation)	$100.00
Swimming Pool Permits	
Pool application fee	$100.00
Pool permits - seasonal	$75.00
Pool permits - annual	$150.00
Tattoo/body piercing facility permit	$500.00
Nursing Fees (effective July 28, 2015) The final cost of purchased vaccine will be determined by the cost of the vaccine, taxes, shipping, handling, processing, and administration fee, and will be billed to the patient's contracted insurance company. If the patient chooses to pay cash for a vaccine, the final cost will be the vaccine cost per dose rounded up to the nearest five dollar ($5.00) increment, plus an administration fee.	
TB Skin Tests - (unless initiated by the Health Department)	$8.00
Administration Fee (per person)	$20.00 per visit*
Returned Check Fee	$20.00 plus an amount equal to the actual charge by the depository institution for each returned or dishonored instrument, pursuant to I.C. 26-1-3.1-502.5.

***Administration fee is waived for anyone who has any form of Medicaid insurance. Medicaid will be billed a $20.00 administration fee per vaccine. The administration fee is waived for an adult in direct care of an infant who needs protections against pertussis. Vaccine will not be denied to anyone due to inability to pay administration fee.**

(B) Food permits are not transferable from one person/owner to another. A new food permit is required whenever there is a new person/owner and the new permit shall be obtained prior to the conduct of business under the new person/owner.

(C) All food permit, pool permit, tattoo/body piercing facility permit, and septic permit fees are subject to being doubled if any activity which requires a permit takes place before the necessary permit is obtained.

(Ord. 2007-24, passed 9-10-2007; Ord. 2010-06, passed 10-18-10; Ord. 2013-02, passed 4-8-13, Ord. 2015-03, passed 7-27-2015)

§ 16-1-1-3 FINES FOR VIOLATIONS OF RETAIL FOOD ESTABLISHMENT SANITATION REQUIREMENTS.

(A) The sanitation requirements, as established by the Indiana State Department of Health as their Retail Food Establishment Sanitation Requirements, are incorporated herein by reference as they exist on the date of this chapter's passing and as they are subsequently modified or amended. All such establishments, which are subject to inspections by the Johnson County Health Officer through his or her authorized representatives and the Johnson County Health Department to determine compliance with sanitation requirements, are subject to the fines set out under the Schedule of Civil Penalties, Title 410 IAC 7-23, as the same is subsequently modified, amended, or recodified.

(B) It is further determined as follows:

(1) All fines are payable within thirty (30) days of the report citing the violation. If the same has not been paid within thirty (30) days from the date due, the same shall bear an additional penalty of 50%, over and above the amount already assessed.

(2) Any and all licenses or permits for any establishment, which are issued or approved by the Johnson County Health Department, shall not be issued or approved until such time as all outstanding fines have been paid or otherwise resolved.

(3) Nothing in this section shall limit the Johnson County Health Department's, the Johnson County Health Officer's, or the Johnson County Board of Health's other enforcement measures available, including, but not limited to, the closure of the establishment and/or denial of a license or permit.

(4) The establishment subject to the fine may appeal by requesting in writing a hearing with the Director of the Environmental Health Division of the Johnson County Health Department, so long as the written request for said hearing is received by the Johnson County Health Department within ten (10) days of the date of the inspection report which resulted in the assessment of the fine. A hearing shall be held, if practicable, within twenty (20) days thereafter. If the establishment desires to appeal to the Johnson County Health Officer, within ten (10) days of the written decision of the Director of the Environmental Health Division, a hearing shall be held, if practicable, within twenty (20) days of receipt of the request. The time frame for the payment of any fine is suspended for the period of time from the date of the first timely written request for appeal until the date of the final decision. In the event that the establishment fails to make a written request for appeal in a timely manner as stated herein, all rights to further appeal are waived and the fine shall stand as the final decision of the Johnson County Health Department. Any further appeals shall be according to the statutes pertaining to the appeal of a final order from an administrative body and must meet the statutory time constraints for an appeal. The hearings set out above shall be conducted by the head of the Environmental Health Division

and/or the Johnson County Health Officer, respectively, and shall not be subject to the formal rules of evidence.

(5) The Johnson County Health Department may pursue the establishment of the collection of the fines in any court of competent jurisdiction in Johnson County, Indiana, and shall be entitled to an award for attorney fees, costs of collection, and other expenses incurred in the inspection process and collection of the fines in question.

(6) The Johnson County Health Department through its environmental health specialists, sanitarians, the Director of the Environmental Health Division, and the Johnson County Health Officer have the authority and discretion to fully or partially waive fines and penalties as they deem appropriate based upon the past performance of the establishment, the nature and number of the "non-critical" failures, the efforts at correction, and such other circumstances as they deem fit and appropriate in determining whether or not the fines should be pursued for the violations indicated. The failure to assess a fine or penalty, or a waiver of a fine or penalty, shall not be considered or operate as a waiver as to any future violation.

(Ord. 2007-24, passed 9-10-2007; Ord. 2010-06, passed 10-18-10; Ord. 2013-02, passed 4-8-13)

§ 16-1-1-4 COLLECTION ACCOUNTING AND DISPOSITIONS.

(A) The Board shall collect such fees established as part of this chapter in accord with the above schedule.

(B) All fees collected by the Board shall be accounted for in detail for each program service area.

(C) All fees collected by the Board shall be transferred to the Johnson County Health Fund. Monies collected in accordance with provision of this chapter shall be used only for maintenance or future expansion of the specific program service from which they are derived.

(Ord. 2007-24, passed 9-10-2007)

§ 16-1-1-5 EFFECTIVE DATE.

This chapter shall be effective April 8, 2013, with the exception of 16-1-1-2(A) Death Certificate Fee, which shall become effective July 1, 2013.
(Ord. 2007-24, passed 9-10-2007; Ord. 2010-06, passed 10-18-10; Ord. 2013-02, passed 4-8-2013)

ARTICLE 2: SWIMMING POOL

Section

Chapter 1: Regulations
16-2-1-1 Regulations adopted by reference
16-2-1-2 Effective date

CHAPTER 1: REGULATIONS

§ 16-2-1-1 REGULATIONS ADOPTED BY REFERENCE.

Any and all of the provisions of the State Department of Health Swimming Pool Rule, 410 I.A.C. 6-2.1, and any successor thereto, and as heretofore or hereafter amended or supplemented, are adopted in their entirety as the "Swimming Pool Ordinance" for the County, as though fully set out herein.
(Ord. 2005-18, passed 1-20-2005)

§ 16-2-1-2 EFFECTIVE DATE.

This chapter shall be effective June 20, 2005.
(Ord. 2005-18, passed 1-20-2005)

ARTICLE 3: COUNTY JAIL; INMATE HEALTH CARE

Section

Chapter 1: Co-Payments
16-3-1-1 Jurisdiction
16-3-1-2 Inmate co-payments
16-3-1-3 Effective date

CHAPTER 1: CO-PAYMENTS

§ 16-3-1-1 JURISDICTION.

This chapter does not apply to a person confined to the County Jail (hereinafter "Jail") who:

(A) Maintains a policy of insurance from a private company covering:
(1) Medical care;
(2) Dental care;
(3) Eye care; and/or
(4) Any other health care related service.
(B) Is willing to pay for the person's own medical care.
(Ord. 2004-14, passed 9-20-2004)

§ 16-3-1-2 INMATE CO-PAYMENTS.

(A) Except as provided in subsection (B) below, a person confined to the Jail shall be required to make a co-payment in an amount of $15 for each provision of any of the following services:
(1) Medical care;
(2) Dental care;
(3) Eye care; and/or
(4) Any other health care related service, including prescriptions and their related handling expenses.
(B) A person confined to the Jail is not required to make co-payments under subsection (A) above if:
(1) The person does not have funds in the person's commissary account or trust account at the time the service is provided;
(2) The person does not have funds in the person's 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 a non-self-inflicted injury received in the Jail; or
(5) The service is provided at the request of the County Sheriff or a Jail administrator.
(C) Money collected pursuant to this chapter must be deposited into the County Medical Care For Inmates Fund.
(D) Co-payments shall be debited from an inmate's commissary account before commissary items are disbursed or before the release of the inmate from the Jail.
(E) If an inmate does not have funds in his or her commissary account at the time the medical service is provided, a negative balance will be placed on his or her account for 60 days from the date the service was provided. After the 60-day period has passed, the negative balance shall be removed.
(F) Medical treatment shall not be denied for the inability or failure to make co-payments under this chapter.
(Ord. 2004-14, passed 9-20-2004)

§ 16-3-1-3 EFFECTIVE DATE.

This chapter shall be in force and effect from and after its passage, approval, and publication according to law.
(Ord. 2004-14, passed 9-20-2004)

ARTICLE 4: ALCOHOL AND DRUG SERVICES PROGRAM

Section

Chapter 1: General Provisions
16-4-1-1 Continued establishment

CHAPTER 1: GENERAL PROVISIONS

§ 16-4-1-1 CONTINUED ESTABLISHMENT.

(A) The County Alcohol and Drug Services Program previously has been established in the County.
(B) For the continued establishment of the program, the County Board of Commissioners as the legislative body of the County must approve the continued operation of the program.
(C) The County Board of Commissioners now issues this section approving the continued establishment of the County Alcohol and Drug Services Program.
(Ord. 2001-6, passed 4-30-2001)

TITLE 17: RESERVED

[RESERVED]

TITLE 18: RESERVED

[RESERVED]

TITLE 19: RESERVED

[RESERVED]

TITLE 20: RESERVED

[RESERVED]

TITLE 21: LIBRARIES

[RESERVED]

TITLE 22: COUNTY EMPLOYEES

Article

1.	**VACATION; FULL-TIME EMPLOYMENT**
2.	**PER DIEM**
3.	**USE OF CREDIT CARDS BY GOVERNMENTAL UNIT**
4.	**BUSINESS TRAVEL POLICIES**
5.	**DUTY WEAPONS; RETIREMENT BADGES AND IDENTIFICATION**
6.	**ACCESS CARDS; REPLACEMENT**
7.	**DEFERRED COMPENSATION PLAN; SHERIFF'S DEPARTMENT**
8.	**BLANKET SURETY BONDS**

ARTICLE 1: VACATION; FULL-TIME EMPLOYMENT

Section

Chapter 1: General Provisions

22-1-1-1 Vacation with pay to full-time hourly employees

CHAPTER 1: GENERAL PROVISIONS

§ 22-1-1-1 VACATION WITH PAY TO FULL-TIME HOURLY EMPLOYEES.

(A) All full-time County hourly employees who are compensated for their services on an hourly basis shall be granted vacation with pay after one year of full-time employment.
(B) The Board of Commissioners shall determine the rates at which vacation time accrues and publish those rates in the Johnson County Government Employee Handbook.
(C) Employees will be compensated for unused vacation time upon their death, which may then be distributed to their heirs and assigns in accordance with applicable law.
(Ord. 77-7, passed 9-19-1977, amended by Ord. 2015-10, passed 12-22-2015)

ARTICLE 2: PER DIEM

Section

Chapter 1: Election Day; Inspectors, Judges, and Poll Clerks
22-2-1-1 Title
22-2-1-2 Purpose
22-2-1-3 Findings
22-2-1-4 Effective date

CHAPTER 1: ELECTION DAY; INSPECTORS, JUDGES, AND POLL CLERKS

§ 22-2-1-1 TITLE.

This chapter shall be known as the "Poll Workers Per Diem Ordinance of Johnson County, Indiana."
(Ord. 2000-2, passed 3-6-2000)

§ 22-2-1-2 PURPOSE.

The County Board of Commissioners, pursuant to I.C. 3-6-6-25, establishes a per diem for inspectors, judges, poll clerks, and assistant poll clerks for the performance of all the duties of office imposed upon them by state law.
(Ord. 2000-2, passed 3-6-2000)

§ 22-2-1-3 FINDINGS.

The following shall be paid per diem for performance of their duties on election day as follows:

(A) Inspectors: $120 per day of service;
(B) Judges: $70 per day of service; and
(C) Poll clerks: $70 per day of service.

(Ord. 2000-2, passed 3-6-2000)

§ 22-2-1-4 EFFECTIVE DATE.

This chapter shall be in full force and effect on and after March 6, 2000.
(Ord. 2000-2, passed 3-6-2000)

ARTICLE 3: USE OF CREDIT CARDS BY GOVERNMENTAL UNIT

Section

Chapter 1: General Provisions

22-3-1-1 Procedures to obtain a department credit card
22-3-1-2 Authorized uses of County credit cards
22-3-1-3 Record keeping

CHAPTER 1: GENERAL PROVISIONS

§ 22-3-1-1 PROCEDURES TO OBTAIN A DEPARTMENT CREDIT CARD.

County department credit card agreements must be approved and signed by the County Board of Commissioners. The maximum credit limit allowed will be $5,000, unless the department provides information that supports a request for a higher limit. Efforts must be made to locate credit card agreements that do not require an annual fee, although the County Board of Commissioners may consider approving such an agreement that requires an annual fee.
(Ord. 98-11, passed 10-5-1998; Ord. 2008-27, passed 12-8-2008)

§ 22-3-1-2 AUTHORIZED USES OF COUNTY CREDIT CARDS.

(A) Permission to carry and use the credit card is at the discretion of the department head.

(B) Only those persons specifically authorized by the department head may use the department's Visa card. Card users must have read and signed a copy of the Department Credit Card Use Policy.
(C) The Visa credit card may only be used to secure services or purchase goods for the exclusive use and benefit of the department.
(D) There is a $5,000 credit limit on each department's account. Several cards may be issued to a department, however, all of the cards draw off of the same account and collectively reduce the $5,000 account limit.
(E) All costs incurred and charged with the credit cards must be business related and not personal in nature. Personal use is strictly prohibited.
(F) The credit cards may not be used for cash advances.
(G) Expenses of $5 or less may not be charged.
(Ord. 98-11, passed 10-5-1998; Ord. 2008-27, passed 12-8-2008)

§ 22-3-1-3 RECORD KEEPING.

All departments utilizing credit cards must maintain an accounting system or log which would include the names of individuals requesting usage of the cards, their position, estimated amounts to be charged, fund and account number to be charged, and the date the card is issued and returned. Procedures for payments shall be no different than for any other claim. Original, unaltered receipts must be attached and submitted timely for proper advertisement and payment. Any interest or penalty incurred due to late filing or furnishing of documentation by an officer or employee shall be the responsibility of that officer or employee.
(Ord. 98-11, passed 10-5-1998; Ord. 2008-27, passed 12-8-2008)

ARTICLE 4: BUSINESS TRAVEL POLICIES

Section

Chapter 1: Procedures for Business Travel and Expense Reimbursement for County Government Officials and Employees

22-4-1-1 Policy statement
22-4-1-2 State-called meetings
22-4-1-3 Transportation
22-4-1-4 Meal allowance
22-4-1-5 Lodging
22-4-1-6 Out-of-state travel
22-4-1-7 Use of benefit time in conjunction with business travel
22-4-1-8 Recordkeeping and claim submission
22-4-1-9 Recovery of expenses erroneously paid
22-4-1-10 Annual review
22-4-1-11 Repealer

22-4-1-12 Effective date

CHAPTER 1: PROCEDURES FOR BUSINESS TRAVEL AND EXPENSE REIMBURSEMENT FOR COUNTY GOVERNMENT OFFICIALS AND EMPLOYEES

§ 22-4-1-1 POLICY STATEMENT.

Johnson County funds may be used for business travel in accordance with the following ordinance, which was established by Joint Council and Board of Commissioners Ordinance 2008-1 and amended by 2015J-01 and applies to all Johnson County Elected Officials, Department Heads, and employees.

Travel and training should be viewed as an essential part of employees' progress in performing their respective duties. It is incumbent on the Elected Officials and Department Heads to encourage such travel and training when deemed to be beneficial to all concerned, respectful of taxpayer money and relevant to the employee's job description.

Department Heads and Elected Officials are both hired and elected based on the confidence that each will perform the duties of their office with the utmost care. Each has a submitted and approved budget giving limit to their expenditures and certain discretion in the use of budgeted funds. In the event of misuse or mismanagement of budgeted funds the Board of Commissioners should take corrective measures within their ability to do so and work with the County Council regarding additional appropriations, transfers, and the next fiscal budget.

It is the duty of the Department Head or Elected Official to ensure that the travel and training complies with the aforementioned requirements. When there is deemed to be abuse of travel and training funds, the final decision regarding reimbursement shall be rendered by the Board of Commissioners.

Elected Officials, Department Heads, and employees should avoid impropriety or the appearance of impropriety, including the public perception that a business trip has been taken for personal reasons. County funds may never be used for personal gain. All Elected Officials, Department Heads, and employees shall exercise special care not to incur expenses or seek reimbursement for expenses that could be reasonably construed to be personal.

This ordinance applies to the use of public funds, whether such funds are expended directly or in response to a request for reimbursement. All Elected Officials, Department Heads, and employees shall make reasonable attempts to procure the most economical and cost-effective rates available which are appropriate for the travel situation. Travel status should not start prior to, or end after, the normally required periods of time

necessary to complete the official County business.

For the purposes of this ordinance, the term "event" shall include training, education, certification, licensing, and any other conference or meeting which provides valuable information to the attendee that is relevant to his or her employment with Johnson County.
(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-2 STATE-CALLED MEETINGS.

Use of County funds for expenses arising from attendance at state-called meetings shall be made in accordance with Indiana Code.
(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-3 TRANSPORTATION.

(A) Mileage, Parking, and Tolls
  (1) When a personal vehicle is used for County business travel purposes, County funds may be expended for mileage at the rate established by the Internal Revenue Service.
  (2) County funds may be used for parking and toll fees incurred during the performance of County business.
  (3) County funds may be used for valet parking only if valet parking is less costly, more efficient, and/or safer than other alternatives.

(B) Air Travel
  (1) County funds may be used for the least expensive class of airline ticket available for travel that has been pre-approved by the Board of Commissioners in accordance with Section V, below.
  (2) County funds may be used to deliver an Elected Official, Department Head, or employee to the airport.

(C) Vehicle Rental
  (1) County funds may be used for vehicle rental expenses, including collision and/or liability damage waiver insurance, when suitable local public transportation is not available.
  (2) County funds may not be used for rental expenses accumulated for personal travel.

(D) Exceptions
  (1) Employees with unusual circumstances or who are requesting exceptions to this Section shall request approval from their Elected Official or Department Head.
  (2) Elected Officials and Department Heads with unusual circumstances or who are requesting exceptions to this Section shall request approval from the Board of Commissioners at least sixty (60) calendar days prior to the date of intended departure.

(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-4 MEAL ALLOWANCE.

(A) Expenditures of County funds for meals during business travel are limited to Thirty-Five Dollars ($35.00) per day (including tax and gratuities).

(B) Meal allowances for out-of-state travel may be subject to review per Section V.

(C) County funds shall not be used for meals when business travel is within Johnson County, subject to Indiana Code provisions regarding state-called meetings.

(D) The following limitations apply to the daily meal allowance:

(1) County funds up to 25% of the daily meal allowance may be used for breakfast.

(2) County funds up to 25% of the daily meal allowance may be used for lunch.

(3) County funds up to 50% of the daily meal allowance may be used for dinner, in conjunction with an overnight stay or when the Event exceeds 7.5 hours.

(4) When meals are provided through the Event, use of County funds for those provided meals is prohibited.

(E) Exceptions

(1) Employees with unusual circumstances or who are requesting exceptions to this Section shall request approval from their Elected Official or Department Head.

(2) Elected Officials and Department Heads with unusual circumstances or who are requesting exceptions to this Section shall request approval from the Board of Commissioners at least sixty (60) calendar days prior to the date of intended departure.

(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-5 LODGING.

(A) Use of County funds for lodging up to One Hundred Dollars ($100) plus tax per night is permitted for Events occurring more than fifty (50) miles from the Elected Official, Department Head, or employee's primary place of County employment.

(B) County funds shall not be used for upgrades in lodging.

(C) If accommodations are shared by people from different budgetary departments, separate hotel bills must be obtained or an explanation for the division of the expense must be provided.

(D) If accommodations are shared by persons not employed by Johnson County:

(1) A separate bill need not be issued if the expense of lodging is being shared with another person.

(2) County funds may be used to pay that portion of the hotel bill equal to the total cost divided by the number of occupants, or the single occupancy room rate may be claimed.

(3) In all cases, the Elected Official, Department Head, or employee shall request the hotel staff to record the payments and/or single occupancy room rate on the hotel bill.

(E) Prior Approval Required for All Lodging

(1) Employees shall request approval for any overnight stay from their Elected Official or Department Head.

(2) Elected Officials and Department Heads shall request approval from the Board of Commissioners for any overnight stay at least sixty (60) calendar days prior to the date of intended departure.

(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-6 OUT-OF-STATE TRAVEL.

(A) All out-of-state travel requires prior approval from the Board of Commissioners.

(B) The following information, when available, will be helpful to the Board of Commissioners when determining whether to approve out-of-state travel:

(1) Travel dates;

(2) Agenda; and

(3) Estimated expenses.

This list is not exhaustive.

(C) Approval will not be given if equivalent training and educational opportunities are available within the State of Indiana.

(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-7 USE OF BENEFIT TIME IN CONJUNCTION WITH BUSINESS TRAVEL.

(A) While the primary purpose of travel must be County business, approval may be granted to make a trip wherein personal/vacation time and business travel are merged.

(B) If the travel costs increase due to the personal/vacation time, then the Elected Official, Department Head, or employee is responsible for payment of any additional expenses charged.

(C) If personal/vacation leave is combined with any business trip, County funds may not be used for the lodging for the extra days of travel time.

(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-8 RECORDKEEPING AND CLAIM SUBMISSION.

(A) All employees must obtain advance authorization from their Elected Official or Department Head before planning or embarking on business travel.
(B) It shall be the duty of the Elected Official or Department Head to monitor their department's compliance with this ordinance in all areas, including proper documentation as herein required.
(C) In order for expenses incurred for Event travel to be paid with County funds, the following must be submitted:
  (1) A claim explanation/reimbursement form developed by the Johnson County Auditor for this purpose;
  (2) Original, unaltered, itemized receipts documenting all expenses;
  (3) Proof of attendance in the form of conference agenda or certificate of completion;
  (4) Documentation reflecting the distance of the Event from the primary place of employment if requesting reimbursement for lodging under Section IV; and
  (5) A full and complete mileage claim form, if requesting reimbursement for mileage under Section II.

(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-9 RECOVERY OF EXPENSES ERRONEOUSLY PAID.

The County may recover any expense or allowance paid to any Elected Official, Department Head, employee, or entity which was paid due to error, illegality, or fraud within a reasonable time after its discovery or within the applicable statute of limitations or relevant Indiana code.
(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-10 ANNUAL REVIEW.

This ordinance shall be reviewed annually by the Johnson County Board of Commissioners with due consideration given to the State of Indiana's then-existing travel policies and procedures.
(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-11 REPEALER.

All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.
(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

§ 22-4-1-12 EFFECTIVE DATE.

This ordinance shall take effect on May 1, 2015.
(Ord. 2008-1, passed 3-10-2008; amended by Ord. 2015J-01, passed 4-27-2015)

ARTICLE 5: DUTY WEAPONS; RETIREMENT BADGES AND IDENTIFICATION

Section

Chapter 1: General Provisions
22-5-1-1 Title
22-5-1-2 Purpose
22-5-1-3 Definitions
22-5-1-4 Findings
22-5-1-5 Effective date

CHAPTER 1: GENERAL PROVISIONS

§ 22-5-1-1 TITLE.

This chapter shall be known as the "Retention of Service Weapon Ordinance of Johnson County, Indiana."
(Ord. 2003-18, passed 12-22-2003)

§ 22-5-1-2 PURPOSE.

The powers granted to the County Board of Commissioners pursuant to I.C. 36-1-4 *et seq*., authorize it to dispose of certain interests in property; and the Board and the County Sheriff desire to express their appreciation to employees who retire in good standing from the County Sheriff's Office.
(Ord. 2003-18, passed 12-22-2003)

§ 22-5-1-3 DEFINITIONS.

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

ELIGIBLE EMPLOYEE. A regular employee of the Office who is issued a service weapon (handgun).

OFFICE. Refers to the County Sheriff's Office.
(Ord. 2003-18, passed 12-22-2003)

§ 22-5-1-4 FINDINGS.

(A) If an eligible employee retires after at least 20 years of service, the employee may:
  (1) Retain the employee's issued service weapon; and
  (2) Receive a "retired" badge in recognition of the employee's service to the Office and the citizens of the County.

(B) Upon an eligible employee's retirement, the Sheriff shall issue to the employee an identification card that:
  (1) Gives the employee's name and rank;
  (2) Signifies that the employee is retired; and
  (3) Notes the employee's authority to retain the employee's service weapon.

(Ord. 2003-18, passed 12-22-2003)

§ 22-5-1-5 EFFECTIVE DATE.

This chapter shall be in full force and effect on and after December 22, 2003.
(Ord. 2003-18, passed 12-22-2003)

ARTICLE 6: ACCESS CARDS; REPLACEMENT

Section

Chapter 1: General Provisions
22-6-1-1 Access cards; charges

CHAPTER 1: GENERAL PROVISIONS

§ 22-6-1-1 ACCESS CARDS; CHARGES.

(A) Any employee who loses an access card provided to the employee free of charge by the County Board of Commissioners and who requests a replacement access card shall be charged $3.60 for the replacement card.

(B) Furthermore, any employee, regardless of whether or not the employee requests a replacement card, shall notify the Maintenance Director immediately upon loss of any access card.

(Ord. 08-07, passed 3-24-2008)

ARTICLE 7: DEFERRED COMPENSATION PLAN; SHERIFF'S DEPARTMENT

Section

Chapter 1: General Provisions
22-7-1-1 Establishment

CHAPTER 1: GENERAL PROVISIONS

§ 22-7-1-1 ESTABLISHMENT.

(A) The County Board of Commissioners, meeting in a regularly scheduled session, hereby establishes a Deferred Compensation Plan for the County Sheriff's Office to allow for the voluntary participation of employees of the Sheriff's Office; and the County Sheriff's Office will utilize the Deferred Compensation Plan established by County Sheriff's Offices in the state known as the Indiana Sheriffs 457(b) Plan and participate in the group trust arrangement established by that Deferred Compensation Plan; and the Sheriff is authorized to sign the adoption agreement to participate in the Deferred Compensation Plan.

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

(Ord. 2008-21, passed 9-8-2008)

ARTICLE 8: BLANKET SURETY BONDS

Section

Chapter 1: General Provisions
22-8-1-1 Blanket surety bonds

CHAPTER 1: GENERAL PROVISIONS

§ 22-8-1-1 BLANKET SURETY BONDS.

It is desired and deemed necessary and in the best interests of the local government that those provisions of I.C. 5-4-1-18 which authorize blanket surety bonds for all County officers required to be bonded, be adopted in and for the County. Therefore, in the furtherance of the purpose, the County Council of the County does hereby authorize the acquisition of a blanket surety bond for all County officers required to be bonded, and the County Auditor and/or Board of County Commissioners are hereby authorized within limits prescribed by law, to proceed with the acquisition of bond of a type and nature as hereinbefore provided.
(Ord. 1, passed 12-4-1989)

TITLE 23: CEMETERIES

[RESERVED]

TITLE 24: WEIGHTS AND MEASURES

Article

1. **GUIDELINES FOR INSPECTOR**

ARTICLE 1: GUIDELINES FOR INSPECTOR

Section

Chapter 1: General Provisions

24-1-1-1 Definitions
24-1-1-2 State standards; compliance required
24-1-1-3 Inspection of mobile instruments
24-1-1-4 Instrument repair and installation
24-1-1-5 Security seals
24-1-1-6 Commodity regulations
24-1-1-7 Enforcement

CHAPTER 1: GENERAL PROVISIONS

§ 24-1-1-1 DEFINITIONS.

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

COUNTY INSPECTOR. The person or persons duly authorized to inspect weighing or measuring instruments in the County.

INSTRUMENT. Any scale, weight, beam, measure, or weighing or measuring device of every kind or instrument, or parts thereof, subject to regulation by the Division of Weights and Measures of the State Department of Health.

(Ord. 2009-05, passed 4-27-2009)

§ 24-1-1-2 STATE STANDARDS; COMPLIANCE REQUIRED.

No person engaged in the business of selling, buying, exchanging goods or commodities by weight, measurement, or volume shall use an instrument in his or her business operations for such purpose if such instrument does not meet the standards established by the state or the Division of Weights and Measures of the State Department of Health. A person who violates this section shall be fined $50.

(Ord. 2009-05, passed 4-27-2009)

§ 24-1-1-3 INSPECTION OF MOBILE INSTRUMENTS.

(A) If an instrument is mobile or otherwise operated at more than one location and is not made available to be inspected by the County Inspector at a permanent business location during regular business hours of the County, the County Inspector shall have the authority to order the owner or operator to present the instrument for inspection by the County Inspector at a time and location designated by the County Inspector.

(B) A person who fails to comply with such order of the County Inspector shall be fined $50.

(Ord. 2009-05, passed 4-27-2009)

§ 24-1-1-4 INSTRUMENT REPAIR AND INSTALLATION.

(A) All owners or operators of instruments shall inform the County Inspector that an instrument has been repaired or installed, and shall provide the County Inspector with the location of such instrument prior to that instrument being placed into service. The County Inspector thereafter shall certify the instrument's accuracy, and shall affix a security seal and/or annual approval seal. A person who violates this section shall be

fined $50 for each such instrument placed into service without such certification and seal.

(B) Any person who owns or operates more than one instrument of a particular type at a business location shall serially number each instrument in such a manner that each instrument shall be readily distinguishable from all other such instruments of that type present at that location. A person who violates this section shall be fined $25.

(Ord. 2009-05, passed 4-27-2009)

§ 24-1-1-5 SECURITY SEALS.

(A) When a weighing or measuring device is security sealed by a County Inspector, such security seal shall not be cut, severed, or removed without permission of a County Inspector. Any weighing or measuring device designed to be security-sealed shall be sealed by a County Inspector.

(B) Repair personnel whose equipment is certified under § 24-1-1-4 may remove a security seal for the purpose of making repairs without prior approval of the County Inspector. Repair personnel who cut, sever, or remove a security seal shall notify the County Inspector within 24 hours.

(C) If the instrument bears an annual approval seal on its exterior, such approval seal shall not be altered, defaced, or removed.

(D) No security seal or annual approval seal shall be valid in the County except a seal authorized by the County Inspector.

(E) No weighing or measuring device shall be used in the business of selling, buying, bartering, or exchanging of goods or commodities if the security seal has been cut, severed, or removed until it is resealed by the County Inspector or permission is given by the County Inspector if immediate resealing is impractical.

(F) A person who violates this section shall be fined $100.

(Ord. 2009-05, passed 4-27-2009)

§ 24-1-1-6 COMMODITY REGULATIONS.

(A) All persons engaged in the selling, buying, bartering, or exchanging of goods or commodities must sell, buy, barter, or exchange the goods or commodities using the legal method of selling, buying, bartering, or exchanging such goods or commodities as required by the National Conference on Weights and Measures Sale of Commodities Regulation.

(B) All commodities and goods offered for sale in packages or containers shall meet all labeling requirements of the National Conference on Weights and Measures Packaging and Labeling Regulations. A manufacturer, wholesale distributor, or retail seller who violates this section may be fined as follows for the number of such units at each location where they are available for purchase:

1 to 25 units	$50
26 to 50 units	$100
51 to 75 units	$150
76 to 100 units	$200
101 to 200 units	$400
201 or more units	$500

(C) All commodities when required to be sold by weight must be sold by net weight, and all commodities required to be sold by measure or count shall be accurate as required.

(D) The manufacturer, wholesale distributor, or retail seller of a prepackaged commodity that is less than the weight, measure, or count designated on its package may be fined as follows for the number of such units at each location where they are available for purchase:

1 to 25 units	$50
26 to 50 units	$100
51 to 75 units	$150
76 to 100 units	$200
101 to 200 units	$400
201 or more units	$500

(Ord. 2009-05, passed 4-27-2009)

§ 24-1-1-7 ENFORCEMENT.

(A) The County Inspector may issue to the violator a citation that shall be written on a citation ticket and kept on file in the Weights and Measures Office.

(B) If the violator does not pay the fine and/or correct the problem within 10 calendar days, the matter shall be referred to the County Attorney for prosecution.

(C) The fine shall be doubled if the person has a prior violation of this chapter within one year.

(D) Each day the violation continues constitutes a separate violation.

(E) All fines shall be deposited into a dedicated, nonreverting fund (Fund Number 462) to be used for capital purchases for the Weights and Measures Department, subject to appropriation of funds by the County Council.

(Ord. 2009-05, passed 4-27-2009)

TITLE 25: LICENSES

Article

1.	**SECOND-HAND GOODS; PAWN BROKERS**
2.	**PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS**
3.	**FOOD SERVICE ESTABLISHMENTS**
4.	**CONTRACTORS OPERATING WITHIN JURISDICTION OF COUNTY**
5.	**ALCOHOL SALE**
6.	**TATTOO PARLORS; BODY PIERCING**

ARTICLE 1: SECOND-HAND GOODS; PAWN BROKERS

Section

Chapter 1: General Provisions

25-1-1-1 Pawnbrokers
25-1-1-2 Dealers in used or second-hand goods

CHAPTER 1: GENERAL PROVISIONS

§ 25-1-1-1 PAWNBROKERS.

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

CUSTOMER.

(a) Any person who, as a part of his or her regular business, deposits or pledges any personal property or thing of value with another person or business, on condition of obtaining or recovering the property back again at a stipulated price, or any person who applies for sale of or who sells any personal property or thing of value to another person or business.

(b) Any person who shall be paid an advance on the consignment of any merchandise to be sold by another person or business;

(c) Any person who shall sell pawn tickets to another person or business so that another person or business may redeem and resell that merchandise; and/or

(d) Any person who shall renegotiate, with another person or business, a pawn loan between themselves and another person or business.

PAWNBROKER.

(a) Any person who as a part of his or her regular business, loans money on the deposit or pledge of any personal property or thing of value, on the condition of redelivering or selling the article back again at a stipulated price;

(b) Any person who shall pay cash advances on the consignment of merchandise to be sold;

(c) Any person who as a part of his or her regular business practice shall buy pawn tickets from individuals so as to redeem and resell that merchandise;

(d) Any person who shall as a part of his or her regular business renegotiate pawn loans between individuals and other pawnbrokers.

(e) This term does not apply to used car dealers and retailers who take in partial consideration of the purchase of a new item a used item which is the same type of merchandise they normally sell new.

TRANSACTION.

(a) Any sale, loan, pledge, or deposit of any personal property or thing of value between a customer and a person or business as a part of the regular business of the person or business.

(b) Any advance payment on the consignment of any merchandise between a customer and a person or business.

(c) Any sale of pawn tickets by a customer to a person or business for the purpose of redemption and resale of the pawned merchandise.

(d) Any renegotiation of a pawn loan by a customer and a person or business of a pawn loan between the customer and another person or business.

(B) *Pawnbroker license required*. It shall be unlawful for any person to engage in the business of a pawnbroker outside of the corporate limits of the cities and towns in the County without first obtaining a pawnbroker license therefor from the County Auditor.

(C) *Application for pawnbroker license*.

(1) All applicants for a pawnbroker license shall first furnish to the County Auditor evidence of compliance with the requirements of subsection (D) below.

(2) The evidence shall be in the form of a three-inch by five-inch photograph in which the installation of the device required by subsection (D) below is clearly visible and identifiable, in addition to other written information as the County Auditor, in his or her discretion, may require.

(3) All applications for a pawnbroker license shall be supported by affidavits of at least three resident freeholders of the County stating that the applicant is of good moral character.

(4) All applicants for a pawnbroker license shall, as a condition for the granting of a pawnbroker license, and

on a portion of the application provided by the County Auditor, agree that in the event the applicant, as a licensed pawnbroker, receives merchandise of any kind which is stolen, he or she claims no right, title, or interest in or to the merchandise, and that upon a request by a law enforcement officer having jurisdiction over the location of his or her place of business, he or she will voluntarily surrender the merchandise to the possession of that law enforcement officer when given a receipt for same.

(D) *Photographic recording devices; photograph required*.

(1) All applicants for a pawnbroker license under this chapter shall install, and all licensed pawnbrokers shall operate or cause to be operated in the regular course of business, a photographic recording device for use in recording the photograph of all three of the following:

(a) The customer;

(b) The customer's social security card or his or her driver's license; and

(c) The card record required by subsection (I) below on transactions of $15 or more or when the property involved has a value of $15 or more.

(2) The photographic recording devices shall be maintained in good operating condition and be mounted in such a manner as to take a full front photograph of the head and shoulders of each customer as he or she completes each transaction, and a simultaneous photograph of items in subssection (D)(1)(b) and (c) above.

(3) The licensed pawnbroker shall furnish sufficient lighting to ensure that the photographic image is identifiable.

(4) No licensed pawnbroker shall accept any article as collateral or for security or for purchase unless he or she shall make a photograph, as provided in this chapter, of the person from whom the article is being received, his or her identification, and the card record, as required above.

(E) *Specifications for photographic recording devices*. All photographic recording devices installed by applicants for a pawnbroker license and licensed pawnbrokers under this chapter, pursuant to the requirements of subsection (D) above, shall meet the following specifications: Any photographic camera of dual lens type which is pre-focused and permanently mounted, and which provides simultaneous single frame photographs of both the person standing before the horizontal lens and a document and/or article placed on a copyboard beneath the vertical lens.

(F) *Pawnbroker license fees*. The annual fee for a pawnbroker license required by this chapter shall be $200 for each place of business of the licensed pawnbroker.

(G) *Unlawful purchases*. It shall be unlawful for any licensed pawnbroker under this chapter to receive any article(s) in the course of the pawnbroker's business from any person who is in an intoxicated condition, a minor or who is known or suspected by the pawnbroker to have acquired and be disposing of those article(s) unlawfully.

(H) *Record book*.

(1) Every licensed pawnbroker under this chapter shall keep and preserve a book in which shall be legibly written in ink an accurate description in the English language of all articles pawned and the amount of money loaned thereon; the time of the transaction; the name, address, telephone number, age, color, height, weight, complexion, style of beard or mustache, any visible distinctive marks or conditions (if any), style of dress of the person pawning the articles; and the number of the pawn ticket issued therefor. Every licensed pawnbroker under this chapter shall keep, in addition to the ledger records required by this subsection, records of each customer and each article pawned or purchased by control number of the photographs taken of the person and of the documents as required by subsection (D) above, which records shall be accessible by name of the person pawning or selling the article, by the article type, and by the photograph control number.

(2) The record book required to be kept by subsection (H)(1) above shall be open to inspection at all reasonable times by a law enforcement officer having jurisdiction over the location of the business and the County Auditor.

(I) *Card record*.

(1) In addition to the record book required by this chapter, all licensed pawnbrokers under this chapter shall fill out one of the cards prescribed by this subsection for each article pawned. The licensed pawnbroker shall fill out the front of each card in its entirety and the description of the customer on the back. The customer shall write in his or her own handwriting his or her name and address on the back of the card and place his or her right thumb print in the space provided. If the right thumb is missing, any of the customer's fingerprints may be used, and so indicated. The thumb print or fingerprint shall be made in the manner approved by law enforcement agencies and shall not be blurred or obliterated. All cards required by this subsection shall contain, in addition to such other information as is required by this subsection, the control number of the photograph required by subsection (D) above.

(2) All exposed frames of 16 millimeter films containing photographs of persons selling or pledging articles taken during each business day as required by this subsection, shall be kept as official records on file by control number by the licensed pawnbroker for at least 90 days at his or her place of business and the records shall be available at any time to officers of the law enforcement agency having jurisdiction over the licensed pawnbroker's place of business, and shall be given to the officers of the law enforcement agency upon request.

(3) The back side of each of the cards prescribed by subsection (I)(1) above shall be in the following form:

"Signature _____
Address _____
Description of Customer--To be filled out by the dealer
_____
_____
_____
Sex ____ Age _____ Height _____ ft _____ in.
Weight about _____ lbs.
Race or Nationality _____
Clothing _____
Complexion _____ Right Thumb print"

(4) Before the hour of 12:00 p.m. of each day, each licensed pawnbroker under this chapter shall deliver all of the cards filled out on the previous business day, pursuant to the requirements of this subsection, to the County Sheriff.

(J) *Retention of acquired property*. All property received by a licensed pawnbroker under this chapter shall be held intact by the licensed pawnbroker for at least seven days after the card record required by this chapter is delivered to the County Sheriff. Whenever any licensed pawnbroker receives written notice, either from the County Sheriff or from an individual, that someone is maintaining claim of right to possession of the property adverse to the licensed pawnbroker, the licensed pawnbroker shall keep the property in his or her possession or turn it over to the County Sheriff if so required by the County Sheriff.

(K) *Serial numbers required*. No licensed pawnbroker shall accept as collateral or security or for purchase any property of the type given manufacturer's serial numbers or other identifying insignia unless the property shall have plainly visible thereon the manufacturer's serial number or other identifying insignia.

(L) *Violations; penalty*. Any person who violates one or more of the provisions of this chapter shall be guilty of an ordinance violation, and upon conviction, may be fined not more than $2,500 for each violation. The County Auditor shall have the power and authority to revoke any license granted under this chapter for any violation by a licensed

pawnbroker of any provision or condition contained in this chapter. The revocation shall occur only after due notice in writing and opportunity for hearing before the County Auditor or his or her designee have been afforded the licensed pawnbroker.

(M) *Confidentiality of photographs*. All photographs taken in accordance with the provisions of subsection (D) above shall be restricted, with respect to the access to the photographs and the use thereof, to law enforcement agencies for the purpose of investigations involving wanted persons and stolen property. Any use of the photographs by or for private individuals or other commercial concerns is expressly prohibited.

(Ord. 83-9, passed 8-8-1983)

§ 25-1-1-2 DEALERS IN USED OR SECOND-HAND GOODS.

(A) *Second-hand dealer license requirements*.

(1) It shall be unlawful for any person to engage in the business of buying, selling, or in any way dealing with used or second-hand goods of any kind outside of the corporate limits of the cities and towns in the County, without first obtaining a second-hand dealer license from the County Auditor.

(2) This chapter shall not apply to retailers who primarily sell unused goods who, in the course of selling the unused goods, occasionally receive used goods as partial consideration for the sale of the unused goods, and dispose of the same by sale or otherwise.

(3) Also, this chapter does not apply to used car retailers who take in partial consideration of the purchase of a new item, a used item, which is the same type merchandise they normally sell new.

(B) *Application for second-hand dealer license*.

(1) All applications for second-hand dealer licenses required by this chapter shall be submitted on forms provided by the County Auditor and the applicant shall provide all information requested thereon.

(2) There shall be four classes of second-hand dealer licenses, as follows.

(a) *Regular*. A regular second-hand dealer license may be granted to any person who sells or intends to sell second-hand goods from a fixed location for a period exceeding 15 consecutive days in a calendar year.

(b) *Transient*. A transient second-hand dealer license may be granted to any person who sells or intends to sell second-hand goods from various locations for a period not exceeding 15 consecutive days at any one specific location. The license shall only be issued for and valid at a location where a person has been issued a group license

as defined herein, and the group licensee has sponsored the transient license applicant.

(c) *Group*. A group second-hand dealer license may be granted to any person who sponsors a used goods show at any one location for a period not exceeding 15 consecutive days. The group licensee shall be required to set out the names and addresses of all persons the applicant for a group license will allow to participate in the used goods show and the applicant for a group license will be required to obtain a transient license for each of those persons that do not hold one. A transient license is required of each person other than the group licensee who participates in the used goods show.

(d) *Antique dealer*. An antique dealer designation may be given to any of the above three classes of second-hand dealer license upon the request of the applicant, who satisfactorily shows that he or she predominately deals in what is commonly known as antiques or works of art; and the County Auditor, in his or her discretion, may make special designation upon payment of an additional fee (to that required for a regular, transient, or group license) of $25.

(3) Any person may apply for, and hold, more than one class of second-hand dealer license at a time; provided, that, the issuance of one class of license shall not automatically entitle an applicant to another class of license.

(C) *Second-hand dealer license fee*. The annual fee for a second-hand dealer license required by this chapter shall be $15 for each place of business of the licensed second-hand dealer.

(D) *Card record*.

(1) All licensed second-hand dealers under this chapter shall fill out one of the cards described in subsection (D)(2) below for each article purchased. The licensed second-hand dealer shall fill out the front of each card in its entirety and the description of the customer on the back. The customer shall write in his or her own handwriting his or her name and address on the back of the card and place his or her right thumb print in the space provided. If the right thumb is missing, any of the customer's fingerprints may be used, and so identified. The thumb print or fingerprint shall be made in the manner approved by law enforcement agencies and shall not be blurred or obliterated.

(2) The back side of each of the cards prescribed by subsection (D)(1) above shall be in the following form:

"Signature

_____

Address
_____
_____
Description of Customer--To be filled out by dealer
_____
_____
_____
Sex _____ Age _____ Height _____ ft. _____ in.
Weight _____ lbs.
Race or Nationality _____
Clothing
_____
____
Complexion _____ Right Thumb print"

(3) Before the hour of 12:00 p.m. of each day, each licensed second-hand dealer licensed under this chapter shall deliver all of the cards filled out on the previous business day, pursuant to the requirements of this subsection, to the County Sheriff.

(E) *Retention of acquired property*.

(1) All property received by a licensed second-hand dealer under this chapter shall be held intact by the licensed second-hand dealer for at least seven days after the card report required by this chapter is delivered to the County Sheriff.

(2) Whenever any licensed second-hand dealer receives written notice, either from the County Sheriff or from an individual, that someone is maintaining a claim of right to possession of the property adverse to the licensed second-hand dealer, the licensed second-hand dealer shall keep the property in his or her possession or turn it over to the County Sheriff if so required by the County Sheriff.

(3) Once notice of an adverse claim to property has been given under this subsection (E), the property shall be held for a period of 20 days, during which legal proceedings may be commenced to determine who is entitled to the property.

(4) If the matter is not settled or legal proceedings have not been commenced within 20 days, the property shall be returned to the licensed second-hand dealer by the County Sheriff, if held by the Sheriff, and the licensed second-hand dealer may dispose of the property, as he or she sees fit.

(F) *Violations, penalty*. Any person who violates one or more of the provisions of this chapter shall be guilty of an ordinance violation, and upon conviction, may be fined not more than $2,500 for each violation. The County Auditor shall have the power and authority to revoke any license granted under this chapter for any violation by a licensed second-hand dealer of any provision or condition contained in this chapter. The revocation shall occur only after due notice in writing and opportunity for

hearing before the County Auditor or his or her designee have been afforded the licensed second-hand dealer.

(Ord. 83-9, passed 8-8-1983)

ARTICLE 2: PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

Section

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CHAPTER 1: PEDDLERS AND CANVASSERS

§ 25-2-1-1 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply:

CANVASSER. A person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the noncommercial primary purpose of:

1. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause; OR

2. Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service.

PEDDLER. A person who attempts to make personal contact with a resident at his or her residence without prior specific invitation from the resident, with the primary purpose of attempting to sell or solicit a good or service, whether or not the goods or services are actually delivered at the time of the sale. This term includes solicitors and those collecting information for commercial purposes.
(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-2 LICENSE REQUIRED.

(A) No person shall be engaged as a peddler in unincorporated Johnson County, Indiana, without first complying with the requirements of this Chapter and securing a license pursuant to this Chapter.
(B) A license is NOT required for canvassers, although canvassers may choose to obtain a license for the purpose of reassuring County residents of the canvasser's good faith.
(C) Licenses granted under this Chapter shall be good for a period of six (6) months, at the expiration of which reapplication is required.
(D) Each person engaging in peddling activities, whether individually or as a representative of a company, shall complete an application.
(E) License renewal shall be in the same manner and be subject to the same conditions as the original license.
(F) Licenses are non-transferable. No person shall use a license issued to any other person.
(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-3 APPLICATION FOR LICENSE.

Applicants for a license under this chapter shall file with the Johnson County Sheriff's Office, on a form provided by that Office, a sworn application in writing which shall give the following information:

(A) Proof of age, address, and identification of applicant, to be provided by presenting the applicant's driver's license, state identification card, passport, or other United States government-issued identification card;

(B) A brief description of the nature of the business and the goods to be sold;

(C) The name and address of the company represented by the applicant, if any;

(D) If the company is incorporated, the state of its incorporation, whether it is authorized to do business in Indiana and evidence that the corporation has designated a resident agent in Indiana upon whom legal service may be made, and that the corporation will be responsible for the acts of its employees in the County;

(E) The motor vehicle make, model, year, color, and state license plate number of any vehicle which will be used by each person;

(F) The website and email address of a representative for the company, where residents having subsequent questions can go for more information;

(G) A statement as to whether the applicant has been convicted of any felony or misdemeanor, and, if so, the nature of the offense, the penalty or punishment imposed, the date and place of such offense, and whether the applicant is required to be registered as a sex offender in this or any state;

(H) The last counties, cities, or towns, not exceeding three (3), where the applicant carried on business immediately preceding the date of application;

(I) A statement as to whether a civil judgment has ever been entered against the applicant or, to the applicant's knowledge, the company, for fraud, deceit, or breach of contract, if so, the full details thereof; and

(J) Authorization for the Johnson County Sheriff's Office to conduct a criminal background check to verify information disclosed on the application.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-4 GENERAL PROHIBITIONS; PENALTIES.

(A) No person shall:

1. With or without a license, enter upon private property where any form of sticker or sign is clearly displayed advising that the occupant does not wish to be called upon by peddlers, canvassers, and/or solicitors, such as a "No Soliciting" sign;
2. With or without a license, remove any sign or sticker that gives notice that the occupant does not wish to be called upon by peddlers, canvassers, and/or solicitors;

3. With or without a license, distribute any commercial or non-commercial literature at any private property in a manner that causes permanent damage to such property; or
4. With or without a license, remain on private property after being asked by the occupant to leave.

Any person violating the provisions of this Subsection (A) may be subject to criminal penalties under Indiana Code.

(B) No person shall:
1. With or without a license, use, or attempt to use, any entrance other than the front or main entrance to the dwelling except by express invitation of the occupant of the property; or
2. Engage in peddling activities as defined above without first obtaining a license from the Johnson County Sheriff's Office.

Any person violating the provisions of this Subsection (B) shall be punished by a fine of not more than ten dollars ($10.00) for a first offense, fifty dollars ($50.00) for a second offense, nor more than seventy-five dollars ($75.00) for each subsequent offense. Multiple citations may be issued on the same day, if more than one offense occurs. Repeated violations may result in license revocation.

(C) It is a violation of this Chapter for any person, organization, corporation, or business entity to instruct, direct, command, order, organize or otherwise arrange for any person to engage in any violation of this Chapter. Any person violating the provisions of this Subsection (C) shall be punished by a fine of not less than $500 and not more than $2,500 for each violation. Repeated violations may result in license revocation.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-5 GROUNDS FOR DENIAL OF LICENSE.

The Johnson County Sheriff's Office may deny an applicant a license for any of the following reasons:

(A) The applicant has been convicted of a crime, if
1. the crime is substantially related to the qualifications, functions, or duties of the business, profession, or occupation for which the license is to be issued;
2. the crime was against the property of another;
3. the crime was of a nature such that the applicant must register as a sex offender; or
4. the crime was against a person;

(B) The applicant has committed any act involving dishonesty, fraud, or deceit which resulted in criminal or civil liability;

(C) The applicant made any false, misleading, or fraudulent statement on an application, or has submitted an incomplete application; or

(D) Issuance of the license would be inconsistent with public health, safety, or general welfare.

The Johnson County Sheriff shall issue a written denial within three (3) business days, stating therein the basis for the denial.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-6 LICENSE FORM.

(A) The license shall show the date of issuance, the activity licensed, and the expiration date of the license (not more than six months from date of issue), a current photo of the applicant, and shall be signed by the Johnson County Sheriff. The Johnson County Sheriff shall keep a record of all licenses issued.

(B) All applicants for a license under this Chapter shall pay to the Johnson County Sheriff a license fee of Ten Dollars ($10.00) for each six (6) month period in which the applicant proposes to transact business.

(C) Pursuant to I.C. § 25-25-2-1, this fee shall not apply to a United States veteran described in I.C. § 10-17-5-2 or I.C. § 10-17-5-1, or any other United States veteran who holds an honorable discharge from such service issued by the proper authorities. Upon the presentation of the veteran's certificate of honorable discharge, properly executed, to the Johnson County Sheriff and proving the person's identity as the person named in the person's certificate of honorable discharge, the Sheriff shall issue to the former soldier or sailor a free license under this Chapter. United States veterans must comply with all other requirements of this Chapter.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-7 EXHIBITION OF LICENSE.

(A) Each person engaged in an activity licensed under this Chapter at the residence of a prospective buyer shall at the outset disclose to the prospective buyer his or her name and the company he or she represents. If requested to do so, the license holder must immediately leave the premises.

(B) The license holder must carry license at all times when engaged in the licensed activity, and shall exhibit the license when applying for a renewal and upon demand of any law enforcement officer to avoid penalties under this Chapter.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-8 REVOCATION OF LICENSE.

Any license issued may be suspended or revoked by the Johnson County Sheriff, for any of the following causes:

(A) Fraud, misrepresentation, or incorrect statement contained in the application, or made in carrying on the licensed activity;

(B) Actions unauthorized or beyond the scope of the license granted;

(C) Violation of any regulation or provision of this Chapter applicable to the activity for which the license has been granted, or any applicable regulation or law of the state; or

(D) Failure to continuously comply with all conditions required as precedent to the approval of the license.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-9 HEARING.

(A) Any person aggrieved by the action of any County official in denying or revoking a license shall have the right to a hearing before the County Auditor, or his or her designee, on any such action, provided a written request therefor is filed with the County Auditor within ten (10) days after receipt of the notice of the denial or revocation of any license.

(B) The action taken by the County Auditor, or his or her designee, after the hearing shall be final.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-10 REPEALER.

All prior ordinances, or portions thereof, in conflict with provisions of this Chapter are hereby repealed.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-11 SEVERABILITY.

If any section, provision, or part of this Chapter is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Chapter as a whole or any portion thereof not adjudged invalid or unconstitutional.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-1-12 EFFECTIVE DATE.

This Chapter shall be in full force and effect from and after its passage, approval, and publication according to law.

(Ord. 2015-02, passed 6-22-2015)

CHAPTER 2: TRANSIENT MERCHANTS

§ 25-2-2-1 "TRANSIENT MERCHANT" DEFINED.

For the purposes of this chapter, the term "transient merchant" includes all persons, firms, limited liability companies, and corporations, both as principals and agents, who engage in, do, or transact any temporary or transient business in this state, either in one (1) locality or in traveling from place to place in this state, offering for sale or selling goods, wares, or merchandise, and those who, for the purpose of carrying on such business, hire, lease, or occupy any permanent or mobile building, structure, or real estate for the exhibition by means of samples, catalogues, photographs, and price lists or sale of such goods, wares, or merchandise. The term does not include the following:

(A) any person, individual, copartner, limited liability company, or corporation which grows the goods, wares, or merchandise that is sold or offered for sale;

(B) a person who makes crafts or items by hand and sells them or offers them for sale;

(C) an auctioneer who is licensed under IC 25-6.1;

(D) a resident of the County in which the sale takes place who conducts a sale of tangible personal property for no more than four (4) days per calendar year;

(E) an organization that is exempt from the Indiana gross retail tax under IC 6-2.5-5-26;

(F) a person who:
1. sells merchandise;
2. offers to sell merchandise; and
3. provides proof that the sale is being conducted as part of an activity sponsored by an organization described in Subsection (E); and

(G) a person who:
1. organizes;
2. sells merchandise at;
3. offers to sell merchandise at; or
4. exhibits at;

a trade show or convention.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-2 LICENSE REQUIRED.

(A) No person shall be engaged as a transient merchant in unincorporated Johnson County, Indiana, without first complying with the requirements of this Chapter and securing a license pursuant to this Chapter.

(B) No license shall be good for more than one (1) location or for more than one person.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-3 APPLICATION FOR LICENSE; NOTICE TO STATE REVENUE DEPARTMENT.

Any transient merchant desiring to transact business in Johnson County, Indiana, shall file a verified application for a license with the Johnson County Auditor on forms provided for that purpose.

(A) Attached to the application shall be a receipt showing that personal property taxes on the goods, wares, and merchandise to be offered for sale or sold have been paid, and such representation will be attested to by the applicant on the application form under the penalties for perjury.

(B) Attached to the application shall be a copy of a notice, which ten (10) days before the application has been filed, shall have been mailed by registered mail by the applicant to the Indiana Department of Revenue. The notice shall state the precise period of time and location from which the applicant intends to transact business, the approximate value of the goods, wares, and merchandise to be offered for sale or sold, and such other information as the Indiana Department of Revenue or its successor may request or by regulation require. Such representations that the applicant has complied with the above provisions shall be attested to by the applicant on the application form under the penalties for perjury.

Falsification of any application requirement is grounds for refusing to issue a license or for the revocation of the license.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-4 INVESTIGATION OF THE APPLICANT.

Upon receipt of an application for a license under this Chapter, the Auditor shall forward the application to the Johnson County Sheriff who may conduct an investigation concerning the truth of the facts stated in the application, the character of the applicant, and the condition of the premises upon which the proposed licensed activity is to take place.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-5 LICENSE FEE; VETERAN'S FEE EXEMPTION.

(A) All applicants for a license under this Chapter shall pay to the Johnson

County Treasurer a license fee of One Hundred Dollars ($100.00) for each six (6) month period in which the applicant proposes to transact business. The applicant shall thereupon file the Johnson County Treasurer's receipt for such payment with the Johnson County Auditor.

(B) Pursuant to I.C. § 25-25-2-1, this fee shall not apply to a United States veteran described in I.C. § 10-17-5-2 or I.C. § 10-17-5-1, or any other United States veteran who holds an honorable discharge from such service issued by the proper authorities. Upon the presentation of the veteran's certificate of honorable discharge, properly executed, to the Johnson County Auditor and proving the person's identity as the person named in the person's certificate of honorable discharge, the auditor shall issue to the former soldier or sailor a free license under this Chapter. United States veterans must comply with all other requirements of this Chapter.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-6 ISSUANCE OF LICENSE.

Upon the filing application and applicant's full compliance with all the provisions of this Chapter, the Johnson County Auditor shall issue to the applicant a license authorizing the applicant to transact business as proposed in the application. Such license is not transferable and is valid only in unincorporated Johnson County.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-7 DENIAL OF LICENSE.

The Johnson County Auditor's Office may deny an applicant a license for any of the following reasons:

(A) The applicant has been convicted of a crime, if:
1. the crime is substantially related to the qualifications, functions, or duties of the business, profession, or occupation for which the license is to be issued;
2. the crime was against the property of another;
3. the crime was of a nature such that the applicant must register as a sex offender; or
4. the crime was against a person, such as homicide, attempted homicide, rape, attempted rape, sexual assault, or battery;

(B) The applicant has committed any act involving dishonesty, fraud, or deceit which resulted in criminal or civil liability;

(C) The applicant made any false, misleading, or fraudulent statement on an application, or has submitted an incomplete application; or

(D) Issuance of the license would be inconsistent with public health, safety, or general welfare.

The Johnson County Auditor shall issue a written denial within three (3) business days,

stating therein the basis for the denial.
(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-8 EXPIRATION.

Within ten (10) days after a license expires, the license holder shall file with the Johnson County Auditor an inventory of all goods, wares, and merchandise sold and the price received therefore, which inventory shall be verified by the person who filed the application for the license with the Johnson County Auditor.
(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-9 PENALTY FOR VIOLATION.

(A) A person who:
1. transacts business without having first obtained a license under this chapter;or
2. knowingly advertises, offers for sale, or sells any goods, wares, or merchandise contrary to this ordinance;

commits a Class B Infraction for each day a violation occurs.

(B) A person licensed under this Chapter who refuses to leave the premises of a prospective buyer when requested to do so may be subject to fines of up to $100 per occurrence. Repeated violations of this subsection may result in license revocation.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-10 EXCEPTIONS.

The provisions of this Chapter shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business nor to bona fide sale of goods, wares, or merchandise by sample for future delivery, or to sheriffs, constables, or other public officers selling goods, wares, and merchandise according to law, nor to bona fide assignees or receivers appointed in Indiana selling goods, wares, and merchandise for the benefit of creditors.
(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-11 TEMPORARY ASSOCIATION OR PARTNERSHIP.

A temporary association or partnership with a person excluded from the definition of transient merchant does not relieve a transient merchant from complying with this Chapter.
(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-12 HEARING.

(A) Any person aggrieved by the action of any County official in denying or revoking a license shall have the right to a hearing before the County Auditor, or his or her designee, on any such action, provided a written request therefor is filed with the County Auditor within ten (10) days after receipt of the notice of the denial or revocation of any license.

(B) The action taken by the County Auditor, or his or her designee, after the hearing shall be final.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-13 REPEALER.

All prior ordinances, or portions thereof, in conflict with provisions of this Chapter are hereby repealed.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-14 SEVERABILITY.

If any section, provision, or part of this Chapter is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Chapter as a whole or any portion thereof not adjudged invalid or unconstitutional.

(Ord. 2015-02, passed 6-22-2015)

§ 25-2-2-15 EFFECTIVE DATE.

This Chapter shall be in full force and effect from and after its passage, approval, and publication according to law.

(Ord. 2015-02, passed 6-22-2015)

ARTICLE 3: FOOD SERVICE ESTABLISHMENTS

Section

Chapter 1: General Provisions

25-3-1-1 Permits
25-3-1-2 Sanitation requirements
25-3-1-3 Sale, examination, and condemnation
25-3-1-4 Inspection of establishment
25-3-1-5 Temporary food service establishments

25-3-1-6 Approval of plans
25-3-1-7 Penalties

CHAPTER 1: GENERAL PROVISIONS

§ 25-3-1-1 PERMITS.

(A) *Permits required*.

(1) It shall be unlawful for any person to operate a food service establishment, temporary food service establishment, mobile food unit, pushcart, or food processing establishment in the County who does not possess a valid permit from the County Health Officer. The permit shall be posted in a conspicuous place in the eating establishment.

(2) Only persons who comply with the applicable requirements of this chapter shall be entitled to receive and retain a permit. The permit for a food service establishment shall be for a term of one year beginning January 1, and expiring December 31 of the same year and shall be renewed annually.

(3) The permit for a temporary food service establishment shall be for a term of one year or one continuous operation.

(4) Any permit issued by the County Health Officer shall contain the name and address of the person to whom the permit is granted, the address of the premises for which the same is issued, and such other pertinent data as may be required by the County Health Officer.

(5) A separate permit shall be required for each food service establishment, temporary food service establishment, mobile food unit, pushcart, or food processing establishment operated or to be operated by any person. A permit issued under this chapter is not transferable.

(6) A permit shall be issued to any person on application after inspection and approval by the County Health Officer; provided, that the food service establishment, temporary food service establishment, mobile food unit, pushcart, or food processing establishment complies with all the applicable provisions of this chapter.

(7) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

(B) *Permit fee*. The permit fee applicable to permits under this chapter is set out in a separate County ordinance.

(C) *Delinquent fee*. A delinquent fee of 25% of the standard fee will be assessed on any permit not renewed by March 1.

(D) *Waiver of fee*. The provisions of this chapter shall apply to all food service operations operated by fraternal organizations, service clubs, religious, educational, and charitable institutions. However, no permit fee shall he paid by religious, educational, or service organizations.

(Ord. 84-1, passed 2-13-1984)

§ 25-3-1-2 SANITATION REQUIREMENTS.

All food service establishments, food processing establishments, mobile food units, pushcarts, and temporary food service establishments shall comply with the minimum sanitation requirements specified by the State Board or Health Rule 410 I.A.C. 7-15.1 or as the same may be hereafter changed or amended.

(Ord. 84-1, passed 2-13-1984)

§ 25-3-1-3 SALE, EXAMINATION, AND CONDEMNATION.

(A) It shall be unlawful for any person to sell through a food service establishment, food processing establishment, mobile food unit, pushcart, or temporary food service establishment any food which is unwholesome, adulterated, or misbranded.

(B) Samples of food may be taken and examined by the County Health Officer as often as may be necessary to determine freedom from unwholesomeness, adulteration, or misbranding.

(C) The County Health Officer may, on written notice to the owner or operator, impound and forbid the sale of any food which is unwholesome, adulterated, or misbranded, or which he or she has probable cause to believe to be unwholesome, adulterated, or misbranded.

(D) The County Health Officer may cause to be removed or destroyed any food which in his or her opinion is unwholesome, adulterated, or misbranded; provided that in the case of misbranding which can be corrected by proper labeling, the food may be released to the operator for correct labeling under the supervision of the County Health Officer.

(Ord. 84-1, passed 2-13-1984)

§ 25-3-1-4 INSPECTION OF ESTABLISHMENT.

(A) *Frequency of inspection*. Frequency of inspection may vary due to the risk factor associated with the food service activity. Based on the risk factor, the frequency of inspection may vary from three months to no less than an annual inspection for each food service establishment, food processing establishment, mobile food unit, pushcarts, or temporary food service establishment for which a permit is required under the provision of this chapter.

(B) *Procedures when violations are noted*. If, during the inspection of any food service establishment, food processing establishment, mobile food unit, pushcart, or temporary food service establishment, the County Health Officer discovers the violation of any of the sanitation requirements in § 25-3-1-2, he or she shall issue a written report listing the violations to the proprietor or, in his or her absence, to the person in charge, and fixing a time within which the operator shall abate and remedy the violations. A copy of the written report shall be filed with the records of the County Board of Health.

(C) *Authority to inspect and to copy records*. The person operating any facility for which a permit is required under this chapter shall, upon the request of the County Health Officer, permit the County Health Officer, or his or her authorized representative, access to all parts of the food service establishment, food processing establishment, mobile food unit, pushcart, or temporary food service establishment and shall permit copying any or all records related to the enforcement of this chapter.

(D) *Final inspection; prosecution or hearing for violators*. If upon a second and final inspection, the County Health Officer finds that the permittee is violating any of the provisions of this chapter which were in violation on the previous inspection, and concerning which a written order was issued, the County Health Officer shall furnish evidence of the violation to the County Prosecuting Attorney, and he or she shall prosecute all persons violating the provisions of this chapter; or the County Health Officer may promptly issue written order to the permittee of the food service establishment, food processing establishment, mobile food unit, pushcart, or temporary food service establishment to appear at a certain time, no later than 10 days from the date of final inspection, and at a place in the County fixed in the order to show cause why the permit issued under the provisions of § 25-3-1-1 above should not be revoked.

(E) *Revocation of permit*. The County Health Officer, upon the hearing, if the permittee should fail to show cause, shall revoke the permit and promptly give written notice of the action to the permittee. The County Health Officer shall maintain a permanent record of his or her proceedings filed in the office of the County Health Department.

(F) *Suspension of permit*.

(1) Any permit issued under this chapter may be temporarily suspended by the County Health Officer without notice or hearing for a period of not to exceed 30 days, for any of the following reasons:

(a) Insanitary or other conditions which in the County Health Officer's opinion may endanger the public's health; and/or

(b) Interference with the County Health Officer, or any of his or her authorized representatives, in the performance of his or her duties.

(2) Provided, however, that upon written application from the permittee, served upon the County Health Officer within 15 days

after the suspension, the County Health Officer shall conduct a hearing upon the matter, after giving at least five days' written notice of the time, place, and purpose thereof, to the suspended permittee; provided, further, that any suspension order shall be issued by the County Health Officer in writing and served upon the permittee by leaving a copy at his or her usual place of business or by delivery of registered or certified mail to that address.

(G) *Reinstatement of permit*. Any person whose permit has been suspended may at any time make application to the County Health Officer for the reinstatement of his or her permit.

(Ord. 84-1, passed 2-13-1984)

§ 25-3-1-5 TEMPORARY FOOD SERVICE ESTABLISHMENTS.

(A) *Frequency of inspection*. As often as deemed necessary, the County Health Officer shall inspect each temporary food service establishment for which a permit is required under the provisions of this chapter.

(B) *Procedure to follow when sanitation violations are noted*. If, during the inspection of any temporary food service establishment, the County Health Office discovers the violation of any of the sanitation requirements of § 25-3-1-1 above, he or she shall order the immediate correction of the violation.

(C) *Authority to inspect and to copy records*. The person operating the temporary food service establishment shall, upon the request of the County Health Officer, permit the County Health Officer, or his or her authorized representative, access to all parts of the temporary food service establishment and shall permit copying of any or all records relative to the enforcement of this chapter.

(D) *Revocation of permit and penalties for continued operation*. Upon failure of any person maintaining or operating a temporary food service establishment to comply with any order of the County Health Officer, it shall be the duty of the County Health Officer to revoke the permit of the person and establishment and to forbid the further sale or serving of food therein. Any person continuing to sell or serve food in the temporary food service establishment, the permit of which has been revoked, shall be subject to the penalties provided in § 25-3-1-7 below.

(Ord. 84-1, passed 2-13-1984)

§ 25-3-1-6 APPROVAL OF PLANS.

All food service establishments which are hereafter constructed or renovated shall conform in their construction to the applicable requirements of this chapter. Properly prepared plans and specifications shall be submitted to and approved by the County Health Officer before starting any construction work.

(Ord. 84-1, passed 2-13-1984)

§ 25-3-1-7 PENALTIES.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Upon conviction, the violator shall be punished for the first offense by a fine of not more than $500; for the second offense by a fine of not more than $1,000; and for a third and each subsequent offense by a fine of not more than $1,000, and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the County Health Officer shall constitute a distinct and separate offense.
(Ord. 84-1, passed 2-13-1984)

ARTICLE 4: CONTRACTORS OPERATING WITHIN JURISDICTION OF COUNTY

Section

Chapter 1: Comprehensive Listing

25-4-1-1	General provisions
25-4-1-2	Listing fees
25-4-1-3	Listing requirements
25-4-1-4	Board of Contractors
25-4-1-5	Organization of Board
25-4-1-6	Meetings
25-4-1-7	Record of proceedings
25-4-1-8	Registry of listings
25-4-1-9	Qualifications to be listed
25-4-1-10	Bond
25-4-1-11	Approval for listing
25-4-1-12	Listing personal; not transferable
25-4-1-13	Suspensions or revocation of listing for a person
25-4-1-14	Suspension or revocation of listing for partnership or corporation
25-4-1-15	Hearing and appeal
25-4-1-16	Improper display

CHAPTER 1: COMPREHENSIVE LISTING

§ 25-4-1-1 GENERAL PROVISIONS.

(A) *Title*. This chapter shall be known and may be cited as the Contractors Listing Ordinance of Johnson County, Indiana.

(B) *Compliance*. No contractor shall operate in any manner whatsoever in the County, except in full compliance with all provisions of this chapter and after lawful issuances of permits required by this chapter.

(C) *Purpose*. The purpose of this chapter is to establish a comprehensive listing of contractors who operate within the jurisdiction of the County, and providing for the administration, enforcement, and amendment thereof in order to promote the health safety and general welfare of the residents of the jurisdiction.

(D) *Application*. It is not intended by this chapter to interfere with, abrogate, or amend any covenants or other agreements between parties, nor is it intended by this chapter to repeal, abrogate, or annul or in any way interfere with existing provisions of laws or ordinances not specifically repealed by this chapter, or any rules or regulations previously adopted or issued pursuant to law relating to the listing of contractors.

(E) *Severability*. If any provision of this chapter or application of any provision to particular circumstances is held invalid, the remainder of the ordinance or application of that provision to other circumstances shall not be affected.

(F) *Jurisdiction*. This chapter shall apply to all land within the County.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-2 LISTING FEES.

Fees shall be charged for listing contractors in the County in accordance with the fee schedule adopted by the County Board of Commissioners. Fees shall represent the cost of administering the listing program.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-3 LISTING REQUIREMENTS.

Any person, partnership, corporation, or other entity engaging in any construction activity for which a building permit is required shall be a listed contractor under this chapter. However, an individual constructing a dwelling or appurtenant structure for personal use or occupancy shall be exempt from the requirements of this chapter upon the execution of a contractor listing exemption form (which is attached hereto and incorporated herein by reference); provided that, the individual cannot obtain more than one permit for a new residence or two remodel permits in a given calendar year.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-4 BOARD OF CONTRACTORS.

A Board of Contractors (hereinafter referred to as the "Board") shall consist of seven voting members and shall be responsible for carrying out the provisions of this chapter relative to listing of contractors. The Director of the Department of Planning and Zoning of the County (hereinafter referred to as the Director) and any other administrator from other political subdivisions participating in the contractor listing process, shall be nonvoting ex-officio members of the Board. The seven voting members of the board shall be appointed by the County Board of Commissioners for two-year terms in such manner that three terms expire on January 1 of one year, and four other terms expire on January 1 of the next year. Six of the seven members appointed by the County Board of Commissioners shall be persons who are listed in accordance with this chapter and who have had at least five years' experience as contractors, and the remaining appointed member shall be a person (not listed under the ordinance) representing the public at large. Appointment of the six listed contractors shall be made in such a manner that varied fields of contracting, such as, excavation, grading, major systems, single and multi-family construction, as well as the geographical areas of the County and jurisdictions participating in the contractors' listing program are represented on the Board. Each appointed member shall be a resident of the County. Those members are appointed by, and shall serve at the pleasure of, the County Board of Commissioners and shall hold no other elective or appointed office in the County.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-5 ORGANIZATION OF BOARD.

The Board shall meet annually each January on a date specified for regular monthly meetings in the County and elect a Chairperson and any other officers, who shall serve one year or until a successor is chosen, whichever is longer.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-6 MEETINGS OF BOARD.

The Board shall hold regular meetings once each month in offices of the County if there is some official business to come before the Board. Special meetings may be called by the Chairperson or any three members upon giving written notice fixing the time and place of the meeting at least two days in advance of the special meeting. Four appointed members of the Board shall constitute a quorum for the transaction of all business.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-7 RECORD OF PROCEEDINGS.

The Board shall create a summary record of its proceedings which shall be maintained in the offices of the County Planning and Zoning Department and be available as a public record.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-8 REGISTRY OF LISTINGS.

The Board shall maintain a registry of all persons, partnerships, corporations, and other entities which apply for and receive listing as a listed contractor.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-9 QUALIFICATIONS TO BE LISTED.

(A) A person, partnership, corporation, or other entity shall be entitled to receive a listing as contractor if the following requirements are met:
  (1) An application form indicating the name, address, and legal business status of the contractor has been submitted to the Department of Planning and Zoning of the County;
  (2) The listing fee specified in § 25-4-1-2 of this chapter has been paid;
  (3) A surety bond meeting the requirements of § 25-4-1-10 has been posted;
  (4) The person, partnership, corporation, other entity or any principal, partner, owner, or officer thereof, does not have a listing issued under this chapter currently suspended nor has such a listing been revoked within the preceding 365 days; and
  (5) The partnership does not have a partner or the corporation does not have an officer who, within the preceding 365 days, served as a partner in a partnership, an officer in a corporation, or an owner or principal of any entity listed under this chapter at the time when actions related to policies or practices of the partnership or corporation occurred which provided a basis on which the listing of the partnership, corporation, or entity was revoked or suspended for more than 180 days.

(B) Unless these requirements are met, a person, partnership, corporation, or other entity shall not be entitled to be listed as a contractor. No prerequisites other than those contained in this section shall be imposed in determining which persons, partnership, corporations, or other entities may be listed contractors.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-10 BOND.

(A) Before a listing is issued to any person, partnership, or corporation, the Director shall require the applicant to file a surety bond in the amount of $20,000.

(B) The bond shall be maintained in full force and effect for a period of not less than one year.

(C) The bond shall set forth the name, phone number, and address of the agent representing the bonding company and shall be:

(1) Issued by a surety authorized to do business in the state;

(2) Payable to the County or an unknown third party as obligee; and

(3) Conditioned upon:

(a) Compliance with requirements set forth in this chapter which must be met to retain listing;

(b) Prompt payment of all fees owed to the County as set forth in this chapter;

(c) Prompt payment to the County for any loss or expense for damages to property of the County caused by any action of the contractor, his or her agents, employees, principals, subcontractors, materialmen, or suppliers in violation of requirements of State statute, County regulations, or this Code, which requirement must be met to properly carry out construction activity, a land alteration, while engaged in any construction activity, land alteration, sewer work, or excavation work;

(d) Prompt payment to a person, partnership, or corporation which is an unknown third party obligee for any:

1. Losses arising out of violations;

2. Expenses necessary to correct violations; and

3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violation of regulation of this Code, which requirements must be met to properly carry out construction activity, a land alteration, sewer work, or excavation work on property of the unknown third party obligee, caused by any action of the contractor, his or her agents, employees, principals, subcontractors, materialmen, or suppliers while engaged in any construction activity, land alteration, or sewer work. However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless the conduct or improper workmanship violates requirements of the State statute, County regulation, or this Code, which requirement must be met to properly carry out construction activity, land alteration, sewer work, or excavation work.

(e) The Director may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of $20,000 if the County Board of Commissioners approves the obligor financial institution

as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the County and an unknown third party as the protection afforded by a surety bond; and

(f) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to $20,000. A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit or if a written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit. The surety or financial institution shall pro-rate payment according to the amount of the claims.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-11 APPROVAL FOR LISTING.

Approval of a person, partnership, or corporation as a listed contractor shall be by the Director acting on behalf of the Board. The listing shall be in effect for a one-year period. No listing shall be issued by the Director to any person, partnership, or corporation except as provided in this section.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-12 LISTING PERSONAL; NOT TRANSFERABLE.

No listing issued under the provisions of this chapter shall be assigned or transferred.
(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-13 SUSPENSIONS OR REVOCATION OF LISTING FOR A PERSON.

The Board may, pursuant to § 25-4-1-15, suspend the listing of a person for a period of up to 365 days or revoke the listing of a person if one of the following is shown:

(A) The listed contractor made any materially false statement of fact on his or her application for listing;

(B) The listed contractor failed to post and maintain the surety bond and required by § 25-4-1-10;

(C) Construction activity, land alteration, sewer work, or excavation work for which the listed contractor was responsible as obtainer or as transferee of the permit, was performed either incompetently or in such manner that it

does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of the state law, regulations of the County, or provisions of this Code;

(D) The listed contractor failed to correct a violation of building standards and procedures, provisions of State law, regulations of the County, or provision of the Code, relative to construction activity, land alteration, sewer work, or excavation work, for which the listed contractor was responsible as permit obtainer or permit transferee after an authorized official or employee of the County issued a notice of Code violation, revoked a permit, or issued a stop-work order and the violations causing any of these actions remained uncorrected for a period of 10 days from the date when the listed contractor received notice of the Code violation, revocation of permit, or stop-work order, or in the instance where a period of 10 days was not sufficient, the longer period of time as was fixed by the authorized official or employee in writing;

(E) The listed contractor has consistently failed to apply for or obtain required permits for construction activity, land alteration, sewer work, or excavation work accomplished by the listed contractor;

(F) The listed contractor has consistently failed to timely file certificates of completion and compliance, as required, for construction activity accomplished pursuant to his or her listing;

(G) The listed contractor consistently failed to give notice of availability for inspection at designated stages of construction activity or sewer work;

(H) The listed contractor has attempted to conceal violations of building standards and procedures, provisions of State law, regulations of the County, or provisions of this Code relative to construction activity, land alteration, sewer work, or excavation work; and/or

(I) The listed contractor has not properly paid the fee specified by § 25-4-1-2 above for a listing which has been issued, or is delinquent in other fees owed pursuant to this Code.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-14 SUSPENSION OR REVOCATION OF LISTING FOR PARTNERSHIP OR CORPORATION.

The Board may, pursuant to § 25-4-1-15, suspend the listing of a partnership or corporation for a period of up to 365 days or revoke the listing of a partnership or corporation if one of the following is shown:

(A) A materially false statement of fact was placed on the listed contractor's application for listing by an agent of the listed contractor;

(B) The listed contractor failed to post and maintain the surety bond and insurance required by § 25-4-1-10;

(C) Construction activity, land alteration, sewer work, driveway work, or excavation work for which the listed contractor was responsible as obtainer or as transferee of the permit was performed either incompetently

or in such manner that it does not comply with building standards and procedures, provisions of State law, regulations of the County, or provisions of this Code;

(D) The listed contractor failed to correct a violation of building standards and procedures, provisions of State law, regulations of the County, or provisions of this Code relative to construction activity, land alteration, or sewer work for which the listed contractor was responsible as permit obtainer or transferee after an authorized official or employee of the County issued a notice of Code violation, revoked a permit, or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of 10 days from the date when the listed contractor received notice of the Code violation, revocation of permit, or stop-work order, or in the instance where a period of 10 days was not sufficient, the longer period of time was fixed by the authorized official or employee in writing;

(E) The listed contractor has consistently failed to apply for or obtain required permits for construction activity, land alteration, sewer work, or excavation work accomplished by the listed contractor;

(F) The listed contractor has consistently failed to give notice of availability for inspection at designated stages of construction activity or sewer work;

(G) The listed contractor has consistently failed to timely file certificates of completion and compliance, as required, for construction activity accomplished pursuant to his or her listing;

(H) The listed contractor has not properly paid the fee specified by § 25-4-1-2 for a listing which has been issued, or is delinquent in other fees owed pursuant to this Code;

(I) The partnership presently has a partner or the corporation presently has an officer who has a listing under this chapter currently suspended or who has had the listing revoked within the preceding 365 days;

(J) The partnership presently has a partner or the corporation presently has an officer who, within the preceding 365 days, served as a partner in a partnership or an office in a corporation listed under this chapter at the time when actions related to policies or practices of the partnership or corporation occurred which provided a basis on which the listing of the partnership or corporation was revoked or suspended for more than 180 days; and

(K) The listed contractor has attempted to conceal violations of the building standards and procedures, provisions of State law, regulations of the County, or provisions of this Code relative to construction activity, land alteration, sewer work, driveway work, or excavation work;

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-15 HEARING AND APPEAL.

(A) The date and place for a revocation or suspension hearing shall be fixed by the Board. At least 10 days before the date a written copy of the charges, prepared by the County, and notice of the time and place of the hearing thereon shall be served upon the listed contractor, either by hand delivery to the listed contractor or to the partner of a listed contractor or officer of a listed contractor, or by certified mail with return receipt addressed to the listed contractor at its main place of business as shown by the listed contractor's application for listing. The 10 or more days shall run from the date the notice is mailed as shown by the post mark thereon.

(B) The listed contractor may appear in person or by counsel, produce evidence (including testimonial and documentation evidence), make argument, and cross-examine witnesses at the hearing. The County shall have the same right. The Board may cause or allow any other relevant evidence to be introduced. On the basis of the evidence presented at the hearing, the Board shall make findings and enter an order in accordance with the findings, which shall not become effective until 10 days after notice and copy thereof has been served upon the listed contractor, in the same manner required for notice of the hearing.

(C) On or before 10 days after service of the order, the listed contractor may appeal therefrom to the County Board of Commissioners by serving a notice of appeal upon the Commissioners either in person or by filing it at their office, with a copy thereof delivered to the Board at the office to the Director who shall deliver the copy to the Board. Unless the appeal is so taken, the order of the Board shall be final.

(D) If so appealed, the order of the Board shall be stayed until the appeal is heard and determined by the County Board of Commissioners. The Commissioners shall thereupon render the decision as they find justified and sustained by the evidence, either affirming, reversing, or modifying the terms of the order of the Board. The Commissioners' order shall be final and conclusive and shall be binding upon both the listed contractor and the Board.

(Ord. 95-24, passed 8-21-1995)

§ 25-4-1-16 IMPROPER DISPLAY.

It shall be unlawful for any person, partnership, or corporation accomplishing construction activity, land alteration, sewer work, or driveway work to use the word "listed" in connection with its business if the person, partnership, or corporation is not a listed contractor. Such a person, partnership, or corporation shall not, for example, use the word "listed" on any display used for advertising or identification or on any of its business forms.

(Ord. 95-24, passed 8-21-1995)

ARTICLE 5: ALCOHOL SALE

Section

Chapter 1: General Provisions
25-5-1-1 Title
25-5-1-2 Findings and purpose
25-5-1-3 Definitions
25-5-1-4 Prohibition; sale; public facilities
25-5-1-5 Penalties

CHAPTER 1: GENERAL PROVISIONS

§ 25-5-1-1 TITLE.

This chapter shall be known as the "Alcohol Sale Ordinance of Johnson County, Indiana."
(Ord. 99-8, passed 6-1-1999)

§ 25-5-1-2 FINDINGS AND PURPOSE.

(A) The regulation of alcoholic beverage sales upon property and within structures under the jurisdiction of the County Board of Commissioners is necessary to protect the health, welfare, comfort, and environment of our citizens; and

(B) Accordingly, the purpose of this chapter is to protect the public health and welfare by prohibiting and/or regulating the sale of alcoholic beverages in certain facilities or on certain property owned or leased by the County.
(Ord. 2014-5, passed 7-14-2014)

§ 25-5-1-3 DEFINITIONS.

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

ALCOHOL. The compound C_2H_5OH, known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE. A liquid or solid which is, or contains, alcohol and which is fit for human consumption and which is reasonably likely, or intended, to be used as a beverage.

SALE OF ALCOHOL. Includes the commercial sale, barter, transfer, or exchange of alcohol or an alcoholic beverage.

(Ord. 99-8, passed 6-1-1999)

§ 25-5-1-4 PROHIBITION; SALE; PUBLIC FACILITIES.

(A) Except as designated below, the sale of alcoholic beverages shall be prohibited:

(1) Upon any land or property or within any structure owned by the County;

(2) Upon any land or property or within any structure leased by the County, providing that this prohibition shall apply only to those areas actually being leased by the County; and

(3) Polling places.

(B) Notwithstanding Subsection (A), a person or entity may sell beer and/or wine upon the real estate known as the Johnson County Park and Hoosier Horse Park, 2949 East North Street, Edinburgh, Indiana 46124 near Camp Atterbury, Indiana so long as a person or entity seeking to sell beer and/or wine at any specified event at the Park shall:

(1) have received a temporary beer/wine permit from the State of Indiana; and

(2) submit a written request, approved by the Johnson County Parks and Recreation Department, to the Johnson County Parks Board seeking approval to sell beer and wine during a designated event; and

(3) agree to comply with any and all conditions imposed by the Johnson County Parks and Recreation Department, Johnson County Parks Board, and Johnson County Board of Commissioners in connection with the sale of beer and wine at such event. Such conditions shall include, but are not limited to, implementation of a Safety and Security Plan, compliance with Johnson County liability insurance requirements, indemnification agreement, and a Johnson County permit fee.

In addition to the penalties set forth in § 25-5-1-5, failure to comply with this subsection may result in event cancellation, forfeiture of rental deposit, and/or refusal to grant future permit requests.

(C) Notwithstanding Subsection (A), a person or entity may sell beer and/or

wine upon the real estate known as the Johnson County 4-H Fairgrounds, 250 Fairground Street, Franklin, Indiana 46131so long as a person or entity seeking to sell beer and/or wine at any specified event at the Fairgrounds shall:

(1) have received a temporary beer/wine permit from the State of Indiana; and

(2) submit a written request, approved by a designated Johnson County Fair Board Committee, to the Johnson County Fair Board seeking approval to sell beer and wine during a designated event; and

(3) agree to comply with any and all conditions imposed by the Johnson County Fair Board and Johnson County Board of Commissioners in connection with the sale of beer and wine at such event. Such conditions shall include, but are not limited to, implementation of a Safety and Security Plan, compliance with Johnson County liability insurance requirements, indemnification agreement, and a Johnson County permit fee.

Events at which beer or wine are sold shall not occur concurrently with 4-H activities.

In addition to the penalties set forth in § 25-5-1-5, failure to comply with this subsection may result in event cancellation, forfeiture of rental deposit, and/or refusal to grant future permit requests.

(Ord. 2014-5, passed 7-14-2014; amended by Ord. 2016-03, passed 4-11-2016.)

§ 25-5-1-5 PENALTIES.

Persons violating the provisions of this chapter shall be subject to the penalty imposed for a Class C infraction, as set forth in I.C. § 34-28-5-4. Accordingly, this chapter shall be enforced by the provisions of I.C. § 34-28-5.
(Ord. 99-8, passed 6-1-1999; amended by Ord. 2016-03, passed 4-11-2016.)

ARTICLE 6: TATTOO PARLORS; BODY PIERCING

Section

Chapter 1: Minimum Standards
25-6-1-1 General provisions

CHAPTER 1: MINIMUM STANDARDS

§ 25-6-1-1 GENERAL PROVISIONS.

(A) Tattoo parlors and body piercing facilities shall be operated in accordance with this chapter and 410 I.A.C. 1-5, or any successor provisions, and as the same is amended hereafter.

(B) All tattoo parlors and/or body piercing facilities shall have hand-washing facilities in each tattooing and/or body piercing station. Each hand-washing facility shall have a hand-washing sink supplied with hot and cold running water from an approved water source, soap, and single use towels. The sink shall be separate from the public restroom facilities.

(C) All tattoo parlors and/or body piercing facilities shall be well-ventilated and provided with an artificial light source equivalent to at least 20 foot candles three feet off the floor, except that at least 100 foot candles shall be provided at the level where the tattooing or body piercing is being performed and where instruments and sharps are assembled.

(D) Operators shall keep disinfection and sterilization equipment in an area that is not accessible to the public.

(E) Operators shall have all disinfection and sterilization equipment tested by an approved independent laboratory on a monthly basis. Operators shall provide test results to the Health Officer on a monthly basis. Operators are subject to a $50 fine if the Health Officer does not receive test results by the 21st day of the month.

(F) Operators shall maintain a copy of photo identification of each patron with age identification for two years.

(G) Operators shall require all tattoo artists and/or body piercers to show proof of having received the hepatitis B vaccination or proof of having declined the vaccination by signing a waiver.

(H) License and license fees:

(1) No person may operate a tattoo parlor and/or body piercing facility without obtaining a license. The license shall be posted in a conspicuous place at the facility. The license shall begin September 1 and expire August 31 of the following year and shall be renewed annually;

(2) The license fee shall be $500 annually. The license fee for a facility not open in the previous licensing year, filing after March 1, shall be $250;

(3) An additional fee of $100 shall be imposed for license renewal fees submitted after September 1;

(4) Facilities that open without first obtaining a license are subject to a doubling of the annual license fee;

(5) Temporary or mobile tattoo parlors and/or body piercing facilities shall be prohibited from obtaining a license. Persons violating this section of the ordinance are subject to a $2,000 fine;

(6) No license issued under this article may be transferred to another person or another location. No refund will be granted for any unexpired period of the license; and

(7) In the event that an establishment is cited for a violation of a specific item as specified in 410 I.A.C. 1-5 and/or, this chapter, or any successor provisions, and as amended hereafter; the establishment is subject to a fine of $100.

(I) Closure of tattoo parlors and body piercing facilities:

(1) Tattoo parlors and body piercing facilities may be closed when any of the following occur:

(a) Untimely reporting of test results;

(b) Proper hand-washing sink not provided at each station;

(c) Conditions that present an imminent threat to public health or transmission of communicable disease; and/or

(d) Three or more occurrences of the conditions described in this chapter within a 12-month period.

(2) The Health Officer may post a sign notifying the public that the facility has been closed. It is a violation of this chapter for any person other than the Health Officer to remove this sign.

(J) Any and all attorneys fees or other costs expended by the County Health Department for the enforcement of this chapter or the collection of fees and fines relative thereto, in administrative hearings, in court, or otherwise, as against violators of this chapter, shall be payable by the violators and shall be collectable by the County Health Department in court, if necessary.

(Ord. 2005-24, passed 8-29-2005)

ARTICLE 7: SOCIAL GATHERING PERMITS AND LICENSES

Section

Chapter 1: Permit or License Required

25-7-1-1 Permit or License Required

25-7-1-2 Exemptions

Chapter 2: Application for Permit or License

25-7-2-1 Application for Permit or License

Chapter 3: Liability Insurance

25-7-3-1 Insurance

25-7-3-2 Filing of Certification of Insurance

25-7-3-3 Minimum Coverage

Chapter 4: Denial, Grounds
25-7-4-1 Age Minimum
25-7-4-2 Felony Conviction
25-7-4-3 Complete Application
25-7-4-4 Other Grounds for Denial

Chapter 5: Scope of Permit and License
25-7-5-1 Scope of Permit
25-7-5-2 Scope of License

Chapter 6: Hours of Social Gatherings
25-7-6-1 Hours of Social Gatherings

Chapter 7: Fees
25-7-7-1 Allowance of Fees
25-7-7-2 Fee Structure
25-7-7-3 Authority to Set Fees

Chapter 8: Failure to Obtain a Permit
25-7-8-1 Failure to Obtain a Permit

Chapter 9: Violation of License or Permit Terms
25-7-9-1 Violation of License or Permit Terms

CHAPTER 1: PERMIT OR LICENSE REQUIRED

§ 25-7-1-1 PERMIT OR LICENSE REQUIRED

No person shall hold a social gathering or function where music is performed live or reproduced by any type of electronic or mechanical device, without first obtaining a social gathering permit or annual social gathering license.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-1-2 EXEMPTIONS

(A) For the purposes of this section, the terms fraternal organization and bona fide clubs shall mean an association:

(1) With more than fifty (50) members that owns, maintains, or operates club quarters within Johnson County;

(2) That is authorized and incorporated to operate as a nonprofit club under Indiana law;

(3) That has been continuously incorporated and operating for a period of not less than one (1) year; and

(4) That has not been primarily formed or activated to evade the provisions of this Article;

(B) The permit or annual license required by this Article shall not be required under the following circumstances:

(1) For a social gathering held by a fraternal, educational, government, charitable, or religious organization or a bona fide club, as long as:

(a) the function is not open to the general public and admission to the social gathering is limited to members and invited guests;

(b) the social gathering is controlled exclusively by the fraternal, educational, governmental, charitable, or religious organization or bona fide club; and

(c) after payment of expenses, all of the proceeds collected go directly to charitable or welfare purposes or directly into the treasury of such institutions, organizations, or schools.

(2) For a social gathering that is not advertised in any manner and not open to the general public, and for which there is no admission fee or cover charge;

(3) For a person who holds a one-year or two-year permit for the sale of alcoholic beverages and who holds a social gathering on the licensed premises and where entry is limited to persons who are twenty-one (21) years of age or older;

(4) For a social gathering involving dancing that is performed as an exhibition or theatrical production, or part thereof, for the entertainment or benefit of an audience which is not expected or encouraged to participate in the social gathering;

(5) For any function involving a recognized school or class, the purpose of which is to teach dancing; or

(6) For every person who holds a hotel license and the hotel licensee holds a social gathering on the premises.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 2: APPLICATION FOR PERMIT OR LICENSE

§ 25-7-2-1 APPLICATION FOR PERMIT OR LICENSE

Applicants for a license under this Article shall file with the County Auditor at least three (3) business days prior to the requested time of the social gathering a sworn application on a form provided by the County Auditor that shall give the following information:

(A) The name, mailing address, and telephone number of the applicant, and the names and addresses of all partners if a partnership, all officers of a corporation, and all other persons who will be associated in the operation of the business, including, but not limited to, the name, date of birth, mailing address, and telephone number of the person or persons who will be present for the duration of the social gathering and who will be responsible for managing the social gathering;

(B) The applicant's retail merchant certificate number, federal tax identification number, and alcoholic beverage permit number, if the premises are licensed for the sale of alcoholic beverages;

(C) On social gathering permit applications, the date and hours when, and address where, each social gathering will be held, and if a single application is for more than one (1) social gathering permit, it shall state the date, location, and hours of each social gathering;

(D) On annual social gathering license applications, the location, hours, and maximum number of days per month that social gatherings will be held;

(E) Whether the social gathering(s) will be open to the public, and whether there will be an admission charge, or any age or other restrictions on who may be admitted;

(F) Whether the premises on which the social gathering will be held are owned or leased for a term of one (1) year or more by the applicant;

(G) Whether the applicant, including partners in a partnership and officers of a corporation, and any person responsible for managing the social gathering, has ever been convicted of a felony or misdemeanor; and

(H) Any other information required by the Johnson County Code or deemed appropriate by the County Auditor.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 3: LIABILITY INSURANCE

§ 25-7-3-1 INSURANCE

The applicant shall procure, and maintain throughout the term of the permit or license, a policy of general premises liability insurance that names Johnson County as an "additional insured" party, and that would protect the permittee or licensee and Johnson County from any claims that may arise out of or result from the operation of the social gathering or social gatherings.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-3-2 FILING OF CERTIFICATION OF INSURANCE

The applicant shall file a certificate of insurance with the Johnson County Auditor before a permit or license can be issued.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-3-3 MINIMUM COVERAGE

The limits of liability upon any insurance required by this Article shall in no instance be less than one million dollars ($1,000,000) per occurrence.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 4: DENIAL, GROUNDS

§ 25-7-4-1 AGE MINIMUM

The County Auditor shall not issue a social gathering permit or annual social gathering license to any person who has not reached the age of twenty-one (21) years of age.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-4-2 FELONY CONVICTION

The County Auditor shall not issue a social gathering permit or annual social gathering license to any person who has been convicted of a felony.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-4-3 COMPLETE APPLICATION

The County Auditor shall not issue a social gathering permit or annual social gathering license to any person who does not complete the application and any steps required by the application in its entirety.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-4-4 OTHER GROUNDS FOR DENIAL

In addition to any other reasons stated in this Article, the County Auditor may refuse to issue a permit or license required by this Article for any of the following reasons:

(B) The application or a person named on the application has been convicted of a misdemeanor or found in violation of any law relating to alcoholic beverages, narcotics, or disorderly or immoral conduct;

(C) The applicant or a person named on the application permitted violations of law to occur at a prior social gathering held or managed by him or her, without stopping the violations or reporting them to police;

(D) Persons under the age of twenty-one (21) years will be admitted to the social gathering, and the social gathering is to be held on premises licensed for the sale of alcoholic beverages or within five hundred (500) feet, measured in any direction, of a premises licensed for the sale of alcoholic beverages; or

(E) The applicant has failed to provide all information required by this Article or has falsely provided such information.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 5: SCOPE OF PERMIT AND LICENSE

§ 25-7-5-1 SCOPE OF PERMIT

Each permit issued under this Article shall allow the permittee to hold one (1) social gathering at one (1) location for a continuous period, and a separate permit shall be required for each social gathering.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-5-2 SCOPE OF LICENSE

In lieu of obtaining separate social gathering permits pursuant to this Article, a license with a term of one (1) year may be obtained from the County Auditor. Annual social gathering licenses shall be issued for specific numbers of social gatherings per month at one (1) location. The specific number of social gatherings permitted per month under a license shall not exceed five (5). Separate social gathering permits shall be required if the annual licensee desires to hold more social gatherings in any given month than are allowed by the license.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 6: HOURS OF SOCIAL GATHERINGS

§ 25-7-6-1 HOURS OF SOCIAL GATHERINGS

Under no circumstances may any part of a permitted or licensed social gathering under this Article be held between the hours of 2:00 a.m. and 6:00 a.m. if entry is not limited to persons eighteen (18) years of age or older.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 7: FEES

§ 25-7-7-1 ALLOWANCE OF FEES

Fees shall be assessed before a permit or license under this Article may be issued, including but not limited to a license fee, permit fee, fire inspection fee, and/or local fingerprint fee. Fees collected shall be deposited into the County General Fund.

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-7-2 FEE STRUCTURE

The fee structure shall consist of the following:

(A) Annual License Fee: $335.00

(B) One Day Permit: $210.00

(C) Fire Inspection: $85.00

(D) Local Fingerprint Fee: $10.00

(Ord. 2013-06, passed 4-22-2013)

§ 25-7-7-3 AUTHORITY TO SET FEES

The Johnson County Board of Commissioners shall have the sole authority to set fees under this Article.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 8: FAILURE TO OBTAIN A PERMIT

§ 25-7-8-1 FAILURE TO OBTAIN A PERMIT

Law enforcement officials may immediately shut down any social gathering that meets the criteria for requirement of a permit or license under this Article and fails to obtain the proper permit or license.

(Ord. 2013-06, passed 4-22-2013)

CHAPTER 9: VIOLATION OF LICENSE OR PERMIT TERMS

§ 25-7-9-1 VIOLATION OF LICENSE OR PERMIT TERMS

Law enforcement officials may immediately shut down any licensed or permitted social gathering under this Article that occurs in violation of the terms of the license or permit, including but not limited to holding social gatherings outside of the permitted hours, exceeding the number of social gatherings allowed under an annual license, or misrepresenting information on an application for a license or permit under this Article.

(Ord. 2013-06, passed 4-22-2013)

TITLE 26: ECONOMIC DEVELOPMENT

Article

1. DEPARTMENT OF ECONOMIC DEVELOPMENT

ARTICLE 1: DEPARTMENT OF ECONOMIC DEVELOPMENT

Section

Chapter 1: Department of Economic Development

26-1-1-1 Creation
26-1-1-2 Appointment; terms of Commissioners
26-1-1-3 Compensation; qualifications of Commissioners
26-1-1-4 Officers; meetings; by-laws
26-1-1-5 Powers

CHAPTER 1: DEPARTMENT OF ECONOMIC DEVELOPMENT

§ 26-1-1-1 CREATION.

There is created in the County of Johnson a Department of Economic Development, pursuant to I.C. 36-7-12-1 et seq. to be known as the Johnson County Economic Development Commission.
(Ord. 83-2, passed 7-11-1983)

§ 26-1-1-2 APPOINTMENT; TERMS OF COMMISSIONERS.

(A) The Department of Economic Development shall be governed by a board of three members, to be appointed by the Board of County Commissioners of Johnson County, Indiana, as follows:
  (1) One of the members so appointed shall be selected by the Board of County Commissioners of Johnson County, Indiana;
  (2) One shall be selected by the County Council; and
  (3) One shall be selected by the Common Council of the City of Greenwood.

(B) The Commissioners so appointed shall take office upon their appointment and their terms shall run the following number of years from February 1, 1984:
  (1) The Commissioner selected by the Common Council of the City of Greenwood, one year;
  (2) The Commissioner selected by the County Council, two years; and
  (3) The Commissioner selected by the Board of County Commissioners of Johnson County, Indiana, three years.

(C) At the expiration of the respective terms of each of the Commissioners originally appointed, their respective successors shall be selected and nominated in the same manner as the original appointee, each of which

nominees shall be appointed by the Board of County Commissioners, within ten days after receiving the nomination, and each succeeding member will serve for a term of four years. In the event any person appointed as Commissioner shall fail to qualify as hereinafter provided within ten days after the mailing to him or her of the notice of his or her appointment, or if any member after qualifying shall die, resign, or vacate the office, or be removed as provided by law, a new member shall be chosen and appointed to fill the vacancy in the same manner as provided for the member in respect to whom the vacancy occurred, and the member chosen and appointed shall serve for the remainder of the vacated term.

(Ord. 83-2, passed 7-11-1983)

§ 26-1-1-3 COMPENSATION; QUALIFICATIONS OF COMMISSIONERS.

(A) The Commissioners shall receive no salaries, but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of his or her duty.

(B) The Commissioners shall receive a per diem allowance for each day of attendance at a Commission meeting, if that allowance does not exceed the per diem allowance for members of the General Assembly and is authorized by the County Council.

(C) No person shall be appointed as a Commissioner who is not a resident of the County of Johnson. If any Commissioner shall cease to qualify as a resident of the County of Johnson, his or her appointment on the Economic Development Commission Board shall thereby terminate and his or her office shall become vacant. Each Commissioner, before entering upon his or her duties, shall take and subscribe an oath of office in the usual form, to be endorsed upon the certificate of his or her appointment, which shall be promptly filed with the County Council.

(Ord. 83-2, passed 7-11-1983)

§ 26-1-1-4 OFFICERS; MEETINGS; BY-LAWS.

(A) The Economic Development Commission originally appointed shall meet within 30 days after its appointment at a time and place designated by the Board of County Commissioners of Johnson County, for the purpose of organization and shall meet to reorganize in the month of February of the succeeding year. The Commission shall elect one of its members as President, one as Vice-President, and one as Secretary, each of which shall serve from the day of his or her election until January 31 next following his or her election and until his or her successor is elected and qualified.

(B) The Commission is authorized to adopt all by-laws, rules, and regulations as it may deem necessary for the proper conduct of its proceedings, the carrying out of its duties and the safeguarding of the funds and property

placed in its custody. Regular or special meetings shall be held at any time as it may determine and upon any notice as it may fix, either by resolution or in accordance with the provisions of the by-laws, rules, and regulations adopted. A majority of the Commission shall constitute a quorum and the concurrence of a majority shall be necessary to authorize any action. All records of the Commission are public records.

(Ord. 83-2, passed 7-11-1983)

§ 26-1-1-5 POWERS.

The Economic Development Commission shall have all powers, privileges, and duties as provided by I.C. 36-7-12-1 et seq. and as granted by all acts of the Indiana General Assembly heretofore or hereafter enacted, which apply to a Department of Economic Development of a county.
(Ord. 83-2, passed 7-11-1983)

TITLE 27: ELECTRONIC DEVELOPMENT

[RESERVED]

TITLE 28: COUNTY FUNDS

Article

1. **FEES AND FUNDS**

ARTICLE 1: FEES AND FUNDS

Section

Chapter 1: Tables of Fees and Funds
28-1-1-1 Table of funds
28-1-1-2 List of fees

CHAPTER 1: TABLES OF FEES AND FUNDS

§ 28-1-1-1 TABLE OF FUNDS.

The following table lists specific funds created by and for the County.

Fund Number/Name	***Special Provisions***	***Ord. No.***	***Date Passed***
Accident Report Fund	All accident fund fees shall be receipted to the Accident Report Fund as required by I.C. 9-29-11-1(b)2.	98-2	6-8-1998
Aerial Photography Fund (#396)	1. The Auditor of the County is directed to create "The Aerial Photography Fund," which shall be known as Fund #396. Further, the funds will be expended as needed by the County to pay for the costs of aerial photography in the County.	2007-05	4-16-2007
	2. The Fund shall be interest bearing, and funds and any residual shall be used by the County to assist in the payment of aerial photography upon appropriation by the County Council.		
Alternative Dispute Resolution Co-Payment Fund	1. The exclusive source of deposits into the Alternative Dispute Resolution Fund shall be the co-payments, assessment charges, and/or service charges ordered to be paid by Plan participants.	2005-09; 2007-30	--2005; 10-15-2007
	2. The expenditures from the Alternative Dispute Resolution Fund are restricted to the terms of the Plan and must be disbursed in a manner that primarily benefits those Plan participants who have the least ability to pay for private services (I.C. 33-23-6-2(c)).		
	3. The amounts remaining in the Alternative Dispute Resolution Fund shall be non-reverting at each respective year end.		
	4. The Alternative Dispute Resolution Fund shall continue in existence until rescinded by subsequent action by the Board.		
	5. Any remaining balance of the Alternative Dispute Resolution Fund at the time of its termination shall be paid into the Professional Services line item of the Circuit Court and the Superior Court No. 2 on a pro-rata basis.		
Animal Adoption Fee Fund (#416)	All adoption fee shall be deposited into Fund #416 for payment of veterinarian services and other expenses related to animal adoption.	2008-09	3-17-2008
Animal Shelter Building Donation Fund	1. The revenue paid into the Fund shall be restricted to donations from citizens who express a desire to assist with the purchase of land and improvements to the land for the construction of a new animal shelter.	2004-06	3-22-2004
	2. The expenditures from the Fund are		

Fund Number/Name	***Special Provisions***	***Ord. No.***	***Date Passed***
	restricted to the following purposes; the costs associated with the location, appraisal, and purchase of land and improvements to the land for the construction of a new animal shelter.		
	3. The Fund shall be non-reverting at each respective year end and the Fund shall continue in existence until rescinded by subsequent action by the Board.		
	4. Any remaining balance of the Fund shall be paid into the Animal Shelter General Donation Fund.		
Animal Shelter General Donation Fund	1. The revenue paid into the Fund shall be restricted to donations from citizens who express a desire to assist with the purchase of items, services, and supplies for use at the County Animal Shelter.	2004-07	3-22-2004
	2. The expenditures from the Fund are restricted to the following purposes: food for animals under the care of the Shelter, litter for animals under the care of the Shelter, veterinarian services, and medicines provided to animals under the care of the Shelter, and supplies for use in the adoption activities of the Shelter.		
	3. The Fund shall be non-reverting at each respective year end and the Fund shall continue in existence until rescinded by subsequent action by the Board.		
	4. Any remaining balance of the Fund shall be paid into the County General Fund.		
Bad Check Services Fund	See § 28-1-1-2(C) below.	2005-15	6-6-2005
Child Advocacy Donations Fund (#284)	Any moneys received by any County entity as a donation for the Child Advocacy Center shall be deposited into Fund 284 and only used for the purpose of construction, maintenance, training, and furnishing the Child Advocacy Center.	2006-8	6-26-2006
Circuit and Superior Courts	1. Non-Reverting Interpreters Funds for the Circuit and Superior Courts are established that are separate from the General Fund for each of the courts to be used exclusively for accepting and disbursing monies received from parties who use a court-appointed interpreter. The judge of said court shall specify the fee amount, which shall be applied consistently to parties requiring	2010-01	7-12-2010

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	an interpreter.		
	2. The monies contained in this fund shall be received and deposited in a fund established for each court and the funds therein shall be appropriated therefrom by the Johnson County Council as provided herein.		
	3. This fund shall be maintained separate from all County funds, and shall be invested, with the interested earned thereon, deposited into the non-reverting fund for the respective court.		
	4. Monies held in the non-reverting fund of the respective court shall be withdrawn at the discretion of the judge of such court for the purpose of paying for interpreter services and costs associated therewith.		
	5. All property acquired from monies held in the non-reverting fund for the respective court shall be for the purpose of providing interpreter services and shall be titled in the name of the court from whose fund the money was drawn for acquisition of such property.		
	6. The life of each non-reverting interpreter fund created hereby shall be perpetual unless terminated by subsequent ordinance.		
Community Corrections Commissary Fund	1. A Community Corrections Commissary Fund is established that is separate from the General Fund. The money in the Fund does not revert to the General Fund. If the Fund is terminated by rescission of Ord. 2000-7, any remaining balance in the Fund shall revert to the General Fund.	2000-7	6-26-2000
	2. The Executive Director of the Community Corrections Center (hereinafter "Executive Director") shall deposit all money from commissary sales and inmate telephone call commissions into the Fund. The contents of the Fund shall be kept in a depository designated under I.C. 5-13-8.		
	3. The Executive Director or his or her designee, at his or her discretion, and without appropriation may disburse money from the Fund for:		
	a. Merchandise for resale to inmates through		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	the commissary;		
	b. Expenses of operating the commissary, including, but not limited to, facilities and equipment; and		
	c. Consistent with the rules, regulations, and statutes pertaining of the State Department of Corrections, any other purpose that benefits the Community Corrections Center or programs attendant thereto.		
	4. The Executive Director shall maintain a detailed record of the Fund's receipts and disbursements. The Executive Director shall semiannually provide a copy of this record of receipts and disbursements to the County Board of Commissioners and the County Council.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Comprehensive Plan Update Fund (#404)	1. The Auditor of the County is directed to create "The Johnson County Comprehensive Plan Update Fund," which shall be known as Fund #404. Further, the funds will be expended as needed by the County and the County Planning and Zoning Department to pay only for the costs of the County Comprehensive Plan Update.	2007-15	7-16-2007
	2. The Fund shall be interest bearing and any residual shall be paid to the County to assist only in the payment of any and all costs related to the County Comprehensive Plan Update.		
Corrections Fund	1. The County Board of Commissioners hereby elects, pursuant to I.C. 11-12-6 et seq., to accept deposits from the State Department of Corrections.	96-3; 97-2	2-5-1996; 2-10-1997
	2. The County Board of Commissioners hereby elects to receive deposits from the Department of Corrections at Level 3 funding.		
	3. The County Board of Commissioners hereby establishes a County Corrections Fund to be administered by the Commissioners which shall consist of deposits from the State Department of Corrections pursuant to I.C. 11-12-6-13.		
	4. The County Corrections Fund may be used only for funding the operations of the		

Fund Number/Name	***Special Provisions***	***Ord. No.***	***Date Passed***
	County jail and related jail programs or other local correctional facilities. Any money remaining in the County Corrections Fund at the end of the calendar year shall not revert to any other fund, but shall remain in the County Corrections Fund.		
County Road 600 N Repair Fund (#377)	1. The Auditor of the County shall create "The County Road 600 N Repair Fund." Further, the funds will be expended as needed by the County to pay for costs of the 600 N Road and Drainage Tile Repair as "First" Dollar Expenditures.	2005-04	2-14-2005
	2. The Fund shall be interest bearing and any residual shall be paid to the County, if the total project expense exceeds $6,141.33.		
	3. The residents' share shall not exceed $3,675, excluding any accrued interest the fund acquires, all pursuant to the attached cost estimate marked Exhibit A, attached to Ord. 2005-04.		
	4. If the total project expense is less than $6,141.33 and the residents have contributed into the Fund $3,675, excluding interest, then any amounts remaining in the Fund after payment of all project expenses shall be refunded to the residents in a pro rata manner based upon the individual resident's contribution.		
Cumulative Bridge Fund	There is established a Cumulative Bridge Fund in accordance with the provisions of I.C. 8-16-3. The fund will not exceed $0.25 on each $100 of assessed valuation.	2006-10; 2009-7	7-10-2006; 7-20-2009
Drug Free Community Fund	1. The County Board of Commissioners and pursuant to I.C. 5-2-11-1 *et seq.* now designates that an approved political subdivision or agency for the purpose of administering the County Drug Free Community Fund is the County Citizens Against Substance Abuse.	93-2	--1993
	2. Ten percent of the funds collected under I.C. 33-37-7, pursuant to I.C. 5-2-11-5(b)(1), shall be used to provide prevention and education services in the County and 10% of the funds, pursuant to I.C. 5-2-11-5(b)(2) be used to provide treatment in the County and up to 15% of the funds collected be used to provide for education,		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	prevention, criminal justice, or treatment services in the County. The services as indicated shall be administered by the County Citizens Against Substance Abuse.		
East Lake Lot Owners Association Fund (#431)	1. The Auditor of the County shall create "The East Lake Lot Owners Association, Inc. Fund" which shall be Fund #431. Further, the funds will be expended as needed by the County to pay for costs associated with the sponsor's 25% to or as directed by the U.S. Department of Agriculture for the repairs.	2008-19	7-21-2008
	2. The Fund shall be interest bearing and any unused balance at the completion of the sponsor's financial obligation shall be refunded to the East Lake Lot Owners Association, Inc.		
Economic Development Service Fund	See § 28-1-1-2(B) below.	2005-17	7-5-2005
Edinburgh Tower Fund (#510)	All moneys utilized from the Fund #510 must first be appropriated by the County Council.	2006-09	7-3-2006
Electronic Map Generation Fund	1. All revenue received pursuant to the fees collected for the copies of electronic maps shall be deposited with the Treasurer and credited to the Electronic Map Generation Fund as required by I.C. 5-14-3-8.5(a).	98-3	11-9-1998
	2. The Electronic Map Generation Fund is a dedicated fund to be expended only for the following purposes as set forth in I.C. 5-14-3-8.5(b)1 and (b)2:		
	a. The maintenance, upgrading, and enhancement of the electronic map; and		
	b. The reimbursement of expenses incurred by a public agency in supplying an electronic map in the form requested by a purchaser.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Emergency Telephone System Fund	1. A monthly fee per telephone access line shall be collected by the telephone service supplier in the sum of $1.95 per month commencing March 1, 2006, and continuing on a monthly basis thereafter until further action to either increase or decrease the fee, which fees shall be used for the purpose of paying for the lease, purchase, or maintenance of enhanced	3; 92-3; 97-1; 2006-02	5-8-1989; 11-9-1992; 2-10-1997; 2-1-2006

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	emergency telephone equipment including necessary computer hardware, software, and data base provisioning, to pay the rates associated with the service suppliers' enhanced emergency telephone system network services, and to provide for a reserve for uncollected fees.		
	2. Each service supplier that collects the enhanced emergency telephone fee on behalf of the County is entitled to a 3% administrative fee as compensation for collecting the fees. The remaining amount of the fee collected during the calendar quarter shall be remitted to the Johnson County Treasurer within ten days of the last day of the quarter. At the same time the collected fees are remitted, the service supplier shall provide a fee collection report to the Johnson County Treasurer, on a form provided by the Treasurer.		
	3. The Johnson County Treasurer shall deposit the remitted funds in a separate fund to be known as the Johnson County Emergency Telephone System Fund. The Johnson County Treasurer may invest the money in the fund in the same manner other moneys are invested with the interest earned from the investment to be deposited in that fund.		
	4. During January of each year, each service supplier that is required to collect the fee for the County shall provide a delinquent fee report to the Johnson County Treasurer. The report shall list the name, address, and amount due for each service user who is two or more months delinquent in paying the fee. The service supplier shall also indicate the amount of delinquent fees for which each person included on the list is liable. The Johnson County Treasurer may initiate an action in any Court of competent jurisdiction to enforce the collection of the fees for which any service user is liable.		
Enhanced Access Fund	1. All revenue received pursuant to the fees imposed by GIS data internet access shall be deposited with the Treasurer and credited to the Enhanced Access Fund as required by I.C. 5-14-3-8.3.	2000-03	5-8-2000

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	2. The is a dedicated fund to be expended only for the following purposes as set forth in I.C. 5-14-3-8.3(b)1 and (b)2:		
	a. The replacement, improvement, and expansion of capital expenditures; and		
	b. The reimbursement of operating expenses incurred in providing enhanced access to public information.		
Food and Beverage Fund	1. a. The Johnson County Food and Beverage Tax (the "County Food and Beverage Tax") is hereby imposed on food and beverage transactions, at the rate of 1% of the gross retail income of the food and beverage transactions occurring anywhere in the County.	2005-03	6-22-2005
	b. The County Food and Beverage Tax shall apply to food and beverage transactions occurring after the last day of the mouth succeeding the month in which this regulation is adopted.		
	2. a. Pursuant to I.C. 6-9-35-11, tax revenues from the County Food and Beverage tax (the "County tax revenues") shall be reported on forms approved by the County Treasurer.		
	b. County tax revenues shall be paid monthly to the County Treasurer not more than 20 days after the end of the month in which the County food and beverage tax is collected.		
	c. Pursuant to I.C. 6-9-35-11, the County Treasurer is responsible for collecting and enforcing the provisions of I.C. 6-2.5 with respect to the County food and beverage tax.		
	3. a. There is hereby established a County Food and Beverage Tax Fund into which the County Treasurer shall deposit all County food and beverage tax revenues.		
	b. Pursuant to I.C. 6-9-35-12(a), the County Treasurer is directed to pay to the Treasurer of the state on or before the fifth day of every month 50% of the County tax revenues deposited in the County Food and Beverage Tax Fund on or before the twentieth day of the preceding month, so long as there are any current or future project obligations. In any state fiscal year, if the total amount of the tax revenues from the imposition		

Fund Number/Name	***Special Provisions***	***Ord. No.***	***Date Passed***
	of the food and beverage tax pursuant to I.C. 6-9-35 by all the suburban counties and paid to the Treasurer of the Capital Improvement Board or its designee equals $5,000,000, the entire remainder of the County tax revenues during that state fiscal year shall be retained by the County Treasurer or paid by the Treasurer of the state to the County Auditor, upon warrants issued by the Auditor of the state.		
	c. It is the intent of the County that County tax revenues paid to the Treasurer of the Capital Improvement Board be used solely to pay or to secure the payment of project obligations that are lease rentals or other agreements described in I.C. 6-9-35-12.		
	d. County tax revenues remaining in the County Food and Beverage Tax Fund, after making the required payments to the Treasurer of the state under subsection b. above shall be retained by the County and used for any purpose permitted under I.C. 6-9-35-14, including the pledge of County tax revenues to the payment of bonds, leases, or other obligations in accordance with I.C. 5-1-14-4.		
	4. The County Auditor, as the Clerk of this Council, shall, upon passage, immediately send a certified copy of these regulations to the Commissioner of the Department of State Revenue.		
	5. The County food and beverage tax terminates on January 1 of the year immediately following the year in which the last payment required of the Capital Improvement Board for project obligations is made, for any project obligations that existed on July 1, 2006.		
Income Tax Special Account	1. The Johnson County Council ordains that the required County Income Tax Special Account balance be reduced from a six month balance to a three month balance within 90 days of adoption of these regulations.	96-4	4-24-1996
	2. The Johnson County Council ordains that the Johnson County Auditor be and is hereby directed to transmit a copy of these regulations to all appropriate agencies, including the budget		

Fund Number/Name	***Special Provisions***	***Ord. No.***	***Date Passed***
	agency, within 30 days of passage.		
Juvenile Services Fee Fund	1. All court-ordered juvenile services user fees shall be deposited into this account to develop, appropriately staff, and deliver rehabilitative programming through the various departments of the Johnson County Circuit Court. 2. The amounts remaining in the Juvenile Services Fee Fund shall be non-reverting at the conclusion of each fiscal year. 3. Juvenile Services Fees, for such evidence-based programming shall be established by the Johnson Circuit Court. 4. Juvenile Services Fees generated and receipted into the Juvenile Services Fee Fund and any expenditures therefrom shall be made by the Johnson Circuit Court and its departments for purposes of developing, appropriately staffing, training, equipping, and delivering rehabilitative court-ordered juvenile programming. Such programming will involve a range of services which support a juvenile's intellectual, physical, emotional, and social development as well as rehabilitation. It may include , but is not limited to: Day Reporting; Life Skills; Counseling; and, Re-Entry Programming. 5. The Juvenile Services Fee Fund shall remain in perpetual existence until its terms are amended or terminated by subsequent Ordinance. In the event that any such termination should occur, the remaining balance contained in the Juvenile Services Fee Fund shall revert to the Johnson County General Fund.	2011-05	9-12-11
Lamb Lake Lot Owners Association Fund (#422)	1. The Auditor of the County shall create "The Lamb Lake Lot Owners Association's Fund" which shall be Fund #422. Further, the funds will be expended as needed by the County to pay for costs associated with the sponsor's 25% to or as directed by the U.S. Department of Agriculture for the repairs.	2008-18	7-14-2008
	2. The Fund shall be interest bearing and any unused balance at the completion of the sponsor's financial obligation shall be refunded to the Lamb Lake Lot Owners Association.		
Law Enforcement Fund	1. There is hereby created Law Enforcement	90-1	4-9-1990

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	Fund. The fund shall consist of deposits in the form of voluntary surrender fees, reimbursement for restitution, and other law enforcement related fees recovered by the office of the Johnson County Prosecutor which are not required to be deposited in the County General Fund.		
	2. The Law Enforcement Fund shall be appropriated for funding activities recovered by I.C. 34-4-30.1 and I.C. 34-4-30.5 and liquidation of personal or real property obtained from criminal defendants.		
	3. Moneys from this fund shall be subject to appropriation in accordance with I.C. 36-2-5-2.		
	4. All money collected under this section shall be transferred to the County Auditor who shall deposit the funds and disburse as the Prosecuting Attorney directs. Any money remaining in the Fund at the end of the year does not revert to any other Fund, but continues in the Law Enforcement Fund.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
License Excise Surtax and Wheel Tax	1. Effective January 1, 2008, each passenger vehicle, motorcycle and truck with a declared gross weight of 11,000 pounds or less, which is registered in the County and subject to the state excise tax, shall be subject to the surtax in the amount of $25, in accordance with the provisions of the County Motor Vehicle Excise Surtax Act. The surtax shall be paid with the registration of each motor vehicle. The County Treasurer shall deposit revenue received from the surtax in a fund to be known as the Johnson County Surtax Fund (the "Surtax Fund") and shall distribute the moneys on deposit in the Surtax Fund in accordance with the County Motor Vehicle Excise Surtax Act.	2007-03	6-11-2007
	2. Effective January 1, 2008, the following classes of vehicles, registered in the County, shall be subject to the Wheel Tax, as set forth below, in accordance with the provision of the County Wheel Tax Act. The Wheel Tax shall be paid with the registrations of each motor vehicle. The		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	County Treasurer shall deposit revenue received from the Wheel Tax into a fund to be known as the Johnson County Wheel Tax Fund (the "Wheel Tax Fund") and shall distribute the Wheel Tax Fund in accordance with the County Wheel Tax Act.		
	a. Buses - $40		
	b. Recreational vehicles - $40		
	c. Semitrailers - $40		
	d. Tractors - $40		
	e. Trailers (11,000 lbs gvw or more) - $40		
	f. Trailers (under 11,000 lbs gvw) - $25		
	g. Trucks - $40		
	3. Pursuant to the County Wheel Tax Act, a vehicle is exempt from the Wheel Tax, if it is:		
	a. Owned by the state or a state agency or a political subdivision thereof;		
	b. Subject to the surtax; or		
	c. A bus owned and operated by a religious or nonprofit youth organization and used to haul person to religious services for the benefit of its members.		
	4. These regulations may be rescinded, subject to I.C. 6-3.5-4-4 and the rates set forth herein may be decreased or increased only in accordance with the Act. Moreover, these regulations shall terminate and be of no further force or effect after the sixtieth month following the effective date hereof. Furthermore, these regulations shall be immediately rescinded by the Johnson County Council if another source of income equal to or greater is made available for use.		
North West Lake Lot Owners Association Fund (#430)	1. The Auditor of the County shall create "The North West Lake Lot Owners Association Fund" which shall be Fund #430. Further, the funds will be expended as needed by the County to pay for costs associated with the sponsor's 25% to or as directed by the U.S. Department of Agriculture for the repairs.	2008-20	7-21-2008
	2. The Fund shall be interest bearing and any unused balance at the completion of the sponsor's		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	financial obligation shall be refunded to the North West Lake Lot Owners Association.		
Park Non-Reverting Capital Fund and Non-Reverting Operating Fund	1. There shall be a Non-Reverting Capital Fund for the Johnson County Park and Recreation Department from which fund the Johnson County Council may appropriate sums as are reasonably necessary and requested by the Park Board for the repair of facilities, renovation of facilities, construction of facilities, and other purposes as deemed appropriate by law.	96-1; 98-1; 2004-03	3-11-1996; 3-9-1998; 12-6-2004
	2. There is established a Non-Reverting Operating Fund from which appropriations may be made by the Johnson County Park Board to meet the reasonably necessary fiscal requirements of the Johnson County Park Department. The appropriations shall be made if deemed appropriate by the Johnson County Park Board.		
	3. The Johnson County Park Board and the Johnson County Park Department shall keep the Johnson County Council informed as to the amount and use of all funds expended by them from the funds.		
	4. Income generated by the Johnson County Park Department through long term leases of real estate upon which the park is located shall be deposited into the Johnson County Park Non-Reverting Capital Fund.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Olive Branch Road Special Account	1. There is hereby created the Olive Branch Road Special Account which account is to be administered by the Board of County Commissioners.	88-1	11-14-1988
	2. All funds in the Olive Branch Road Special Account shall be disbursed by the Board of County Commissioners, at its discretion, for the purposes of these regulations, and with the provision that the Board not be required to follow the procedures relating to special appropriations in disbursing the funds.		
	3. For each lot in a development, for which a building permit is requested, the developer shall pay the sum of $600 to the Johnson County Plan		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	Commission, which sum shall be deposited in the Olive Branch Road Special Account, to be utilized for the purposes of these regulations.		
	4. All interest on the money in the Olive Branch Road Special Account shall, as accrued, be deposited to the account and not to the General Fund of the County.		
	5. The Olive Branch Road Special Account shall be a revolving account, in that the funds shall continue to accumulate and remain in the account and not be returned to the General Fund of the County at the end of any calendar year.		
	6. At the discretion of the Board of County Commissioners, the Board or its designee, shall spend the money in the Olive Branch Road Special Account, including not only the $600 per lot fees paid into the account by developers as required herein, but shall also include all accrued interest earned on the account, for anything connected with the County road system at or near the intersection of Olive Branch Road and Berry Road, including, but not limited to, engineering fees relating to design and construction of improvements, right-of-way acquisition costs, legal fees, construction costs, and any expenses related to the project, the expenditures not being subject to the procedure relating to special appropriations.		
	7. The Olive Branch Road Special Account shall continue until there is no longer any need for any remaining funds in the account, at which time, by declaration of the Board of County Commissioners, the remaining funds shall then at that time revert to the General Fund of the County.		
Professional Liability, Workers Compensation and Casualty Reserve Fund (#249)	1. The County Professional Liability, Workers Compensation, and Casualty Reserve Fund shall be a non-reverting fund.	2005-34	11-28-2005
	2. Prior to the end of each fiscal year, the County Board of Commissioners and the County Auditor shall transfer any remaining balance of unexpended appropriated funds in the Commissioners' professional liability and casualty line item 122-342.0 to the County		

Fund Number/Name	***Special Provisions***	***Ord. No.***	***Date Passed***
	Professional Liability, Workers Compensation, and Casualty Reserve Fund (Fund 249).		
Prosecutor's Infraction Deferral Program; User Fee Fund	1. Funding from the Infraction Deferral Program established by the Johnson County Prosecutor be appropriated, as reimbursement for the costs incurred through participation in the program, to the various governmental entities referenced herein.	92-1	5-11-1992
	2. Further, the Clerks of the various Courts in which traffic infractions are filed are hereby directed to remit all funds received through the infraction deferral program to the Auditor of Johnson County not less than monthly or more frequently as required by law. The Auditor shall, upon receipt of these funds, deposit them into the Johnson County User Fee Fund. The Auditor is herein authorized and directed to disburse from this User Fee Fund monthly based upon the following schedule:		
	a. For all moving and non-moving violations filed in a Johnson County Court, including all city and/or Town Courts - $17.50 to the Town or City Court where the infraction was filed (but not including Magistrate, Superior, or Circuit Courts), $10 to be deposited into the Johnson County Prosecutor's Office Pretrial Diversion Account.		
	b. Further, the Auditor of Johnson County shall disburse monthly all monthly user fees collected through the Infraction Deferral Program into the Johnson County Prosecutor's Office Pretrial Diversion account.		
	c. In addition to the foregoing, a further $12.50 from each initial user's fee shall be held in the Johnson County User Fee Fund for further appropriation by the Johnson County Council to law enforcement agencies participating in the infraction deferral program, the appropriate being in addition to and supplementing any existing or future annual appropriation to the law enforcement agencies from the County Council or any other appropriating entity.		
Public Defender Services Fund	1. There shall be established for each Court in Johnson County funded in whole or in part	96-5	11-12-1996

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	from the General Fund of the County a Fund to be known as the Supplemental Public Defender Services Fund.		
	2. The Clerk of Johnson County shall deposit into the account all moneys received which are collected from indigent defendants and which are court ordered reimbursements for:		
	a. Reasonable attorney's fees, if an attorney has been appointed for the person by the court; and		
	b. Costs incurred by the County as a result of court appointed legal services rendered to the person. The funds herein referenced shall be deposited, when collected, into the Supplemental Public Defender Services Fund.		
	3. The fiscal body of the County shall appropriate money from the fund to supplement and provide court appointed legal services to qualified defendants.		
	4. The Supplemental Public Defender Services Fund may be used only to supplement the provision for court appointed legal services and may not be used to replace other funding of court appointed legal services.		
	5. Any money remaining in the fund at the end of the calendar year does not revert to any other fund but continues in the Supplemental Public Defender Services Fund.		
	6. The Court ordering the payment of funds as herein provided shall be responsible for the enforcement of its orders issued pursuant to these regulations and Indiana law.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Railroad Crossing Upgrade Fund (#302)	1. The Auditor of the County is directed to create "The Railroad Crossing Upgrade Fund," which shall be known as Fund #302. Further, the funds will be expended as needed by the County to pay only for the costs of upgrading railroad crossings in the County.	2007-02	3-5-2007
	2. The first project to be paid for from this Fund shall be for the upgrading and improvement of the railroad crossing on Stones Crossing Road		

Fund Number/Name	***Special Provisions***	***Ord. No.***	***Date Passed***
	west of Highway 135 and east of Morgantown Road in the County.		
	3. The Fund shall be interest bearing and any residual shall be paid to the County to assist only in the payment of upgrades for railroad crossings.		
Sheriff's Deferral Fee Fund (#288)	1. The Auditor of the County is directed to create "The Johnson County Sheriff's Deferral Fee Fund," which shall be known as fund #288. Further, the funds will be expended as needed by the Sheriff upon appropriation by the County Council.	2007-03	3-19-2007
	2. The Fund shall be interest bearing and shall be a non-reverting fund.		
Sheriff's Office Equipment and Training Fund	1. There is established in the County a special non-reverting fund, to be known as the "County Sheriff's Office Equipment and Training Fund," into which shall be deposited all moneys received from unrestricted donations for the general operation of the Sheriff's Office, and from which shall only be paid the costs and expenses for the purchase, repair, and maintenance of Sheriff's Office equipment and for training of Sheriff's Office personnel.	2005-16	6-6-2005
	2. The County Sheriff's Office Equipment and Training Fund shall exist until terminated by ordinance of the County Board of Commissioners.		
Sheriff's Office Laboratory Fee Fund	1. There is established in the County a special non-reverting fund, to be known as the "County Sheriff's Office Laboratory Fee Fund," into which shall be deposited all money received by the County as a police laboratory fee from defendants who are charged with illegal drug activity and from which shall only be paid costs and expenses for the purchase, repair, and maintenance of police laboratory equipment and for training of police laboratory personnel.	2005-16	6-6-2005
	2. The County Sheriff's Office Laboratory Fee Fund shall exist until terminated by ordinance of the County Board of Commissioners.		
Sheriff's Office Seizure and Forfeiture Fund	1. There is established in the County a special non-reverting fund, to be known as the "County Sheriff's Office Seizure and Forfeiture	99-15 2005-16	10-14-1999 6-6-2005

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
	Fund," into which shall be deposited all money received through forfeitures and seizures from illegal drug activity and all money received from the auction of the seized and forfeited property, and from which shall only be paid costs and expenses for the purchase, repair, and maintenance of Sheriff's Office equipment and for training of Sheriff's Office personnel.		
	2. The County Sheriff's Office Seizure and Forfeiture Fund shall exist until terminated by ordinance of the County Board of Commissioners.		
Sheriff's Sex Offender Fee Fund (#386)	1. The Auditor of the County is directed to create "The Johnson County Sheriff's Sex Offender/Violent Offender Fee Fund," which shall be known as Fund #385. Further, the funds will be expended as needed by the Sheriff upon appropriation by the County Council.	2007-10; 2007-28	7-2-2007; 9-24-2007
	2. The sex offender/violent offender registration fee for County residents only shall be $50 per annum and the sex offender/violent offender address change fee shall be $5 for each address change and job change.		
	3. The Fund shall be interest bearing and shall be a non-reverting fund.		
Short Term Disability Salary Continuation Fund (#328)	The County Auditor and County Treasurer are directed to deposit moneys withheld from employees' wages and salaries for the Salary Continuation Plan into Fund #328.	2006-03	1-30-2006
Special Revolving Account for Inspection Fees for Streets and Other Improvements	1. There is created a Special Revolving Account for inspection fees for streets and other improvements in Johnson County.	88-2; 94-1; 97-2;	12-5-1988; 3-14-1994; 7-21-1997
	2. The Board of County Commissioners shall administer the Special Revolving Account for the purpose of paying inspection fees for streets and other improvements in subdivisions.		
	3. For the purpose of determining the estimated inspection fees in a subdivision, the developer of the subdivision shall furnish construction drawings to the Johnson County Department of Planning and Zoning or other designee of the Board of County Commissioners (such as a consulting engineering firm) to be		

Fund Number/Name	***Special Provisions***	***Ord. No.***	***Date Passed***
	used in preparing the estimated fees.		
	4. The developer of each subdivision in Johnson County shall be responsible for paying 100% of all inspection fees required for the approval of the streets and other improvements in the subdivision belonging to the developer.		
	5. Once the estimated inspection fees have been determined, the developer of a subdivision must remit payment of 90% of the estimated inspection fees to the Board of County Commissioners before the Board of County Commissioners can release the project for construction.		
	6. The developer must pay the remaining 10% of the estimated special fees or other amount as may be reflected in actual inspection fee expenses, as required by the Board of County Commissioners, by no later than the time that the streets and/or other improvements in the subdivision are offered for dedication to the Board of County Commissioners.		
	7. Any part of the estimated inspection fees paid by a developer to the Board of County Commissioners for the subdivision belonging to the developer, which are not utilized nor distributed for inspection fees for that project, shall be reimbursed to the developer *upon request*.		
	8. All interest on money in the Special Revolving Account shall, as accrued, be deposited to the account and not to the General Fund of the County.		
	9. The funds in the Special Revolving Account shall continue to accumulate and remain in the account and not be returned to the General Fund of the County at the end of any calendar year.		
	10. Funds in excess of the expenditures described herein may be used for expenses associated with development within Johnson County with approval of the County Council.		

Fund Number/Name	*Special Provisions*	*Ord. No.*	*Date Passed*
Storm Water Management Department Fund (#409)	1. The Auditor of the County is directed to created "The Johnson County Storm Water Management Department Fund," which shall be known as Fund #409. Further, the funds and fees will be expended as needed by the County and the County Storm Water Management Department to pay only for the costs of the County Storm Water Management Department and to maintain storm water run-off. Further, the funds and fees deposited into this fund will be expended as needed by the County Storm Water Management Department for administration, education, construction, maintenance, and any other purpose for the department to provide storm water management upon appropriation by County Council.	2008-03	1-28-2008
	2. The Fund shall be interest bearing and non-reverting.		
Voting System Reimbursement Fund	1. The County Board of Commissioners finds and declares that a separate fund and account is created for the receipt of funds from the Secretary of State and State Election Division for reimbursement of the costs associated with the purchase of a new voting system and for the improvement of the County polling places.	2003-14	9-15-2003
	2. The account that is hereby created by this Fund shall be perpetual and non-reverting.		
	3. Any moneys remaining in this Fund after all obligations regarding the purchase and implementation of the new voting system have been met shall be used to improve the administration of elections for federal office in the County.		

§ 28-1-1-2 LIST OF FEES.

The following list contains specific fees created by and for the County.

(A) *Assessor's database charge.* All sums collected from the sale of the County Assessor's "Pro Val" database shall be deposited into the County

Plat Map Maintenance Fund and for that purpose upon appropriation by the County Council.

(B) *Economic development and resources.*

(1) It is hereby declared to be the policy of the County government to work in concert with other local governments and units, as well as all citizens of the County, to promote and enhance the quality of life of the residents of the County, by furthering the development of the economic resources of the County through the attraction, retention, and creation of suitable business investment with an emphasis on manufacturing concerns that have minimal environmental impact. In connection with this effort, it is a policy of the County government to take steps to improve the opportunities for job creation, to foster job retention, to lessen the burden of government, and to broaden the tax base through the development of the commercial business and industrial potential of the County.

(2) It is the intent of the County to support economic development and the goals set forth above by providing a means to pay for the increased services of the Johnson County Development Corporation (JCDC). In connection therewith, the County deems it appropriate and in the public welfare to provide for the payment of services from the JCDC.

(3)

(a) In addition to and not as a substitution for financial assistance and support afforded the JCDC from the County's General Fund, there is hereby established and created as the means to pay for the services provided by the JCDC a special "Economic Development Service Fund" (EDS Fund) which shall serve as a depository for economic development charges collected pursuant to this subsection (B). The EDS Fund shall be administered by the Auditor of the County, in accordance herewith. The special economic development charge, designated as a contribution in aid of economic development within the County, shall be and is hereby established as follows for any commercial, industrial, office, or retail lot platted in the office of the County Recorder.

Commercial	$500 plat fee
Industrial	$1,000 plat fee

(b) In addition, the special economic development charge, designated as a contribution in aid of economic development within the County, shall be and is hereby established for residential development the sum of $75 per

residential lot platted and recorded in the office the County Recorder. Only residential developments consisting of five or more residential lots (excluding multi-family developments) are subject to the economic development charge.

(c) In addition, the special economic development charge, designated as a contribution in aid of economic development within the County, shall be and is hereby established for residential multi-family development the sum of $30 per residential living unit recorded in the office of the County Recorder.

(4)

(a) The County Auditor shall require payment of the fee at the time of recording. The Auditor shall provide a receipt, evidencing payment of the economic development charge as established under this subsection (B). All revenues collected under this subsection (B) as economic development charges shall be deposited in the EDS Fund to be maintained by the Auditor. All moneys deposited in the EDS Fund may be invested in accordance with the laws of the state as applicable to County government. Any interest or other return earned upon the investment of the Fund shall become part of the Fund.

(b) On the first business day on or after each February 15 and August l following the effective date of this subsection (B), the Auditor shall transmit all of the funds held in the EDS Fund to the JCDC to provide additional economic development services for the benefit of the County and the general welfare of its citizens.

(5) The amount of the fee may be altered or modified only by amendment of this subsection (B) by the County Board of Commissioners.

(6) In the event an Economic Development Income Tax (EDIT) is adopted by the County, the Board shall re-evaluate this subsection (B) and shall, within 60 days of the effective date of any ordinance establishing an EDIT tax, consider whether the proceeds realized from the economic development fee would be more appropriately dedicated for other purposes.

(7) Notwithstanding anything to the contrary contained herein, all payments to be made to the JCDC are expressly conditioned upon the JCDC maintaining its tax-exempt status under I.R.C. § 501, then all funds held in the Economic Development Service Fund shall be maintained, administered, and expended for economic development purposes in the manner and upon the terms deemed appropriate by the County Board of Commissioners. In such

event, then this subsection (B) shall be deemed repealed and no longer in effect from and after the date.

(8) This subsection (B) shall become effective upon passage and publication as by law provided. It shall continue in full force and effect (unless sooner terminated by operation of subsection (B)(6) above) until rescinded by the County Board of Commissioners.

(C) Bad check collection program.

(1) The County Prosecutor may establish a bad check collection program whereby any person who is the payee or holder of a bad check and who intends to prosecute the issuer of the bad check under I.C. 35-43-5-5 if the check is not made good may:

(a) Authorize the Prosecutor to contact the issuer of the bad check to determine if the person wishes and intends to make the check good in accordance with I.C. 35-43-5-5(e) in lieu of prosecution;

(b) Authorize the Prosecutor to collect, on behalf of the payee or holder of the bad check, a protest and service fee in such amount as the Prosecutor may stipulate and fix on a uniform basis (which may be a fixed dollar amount or a percentage of the value of the bad check), but which may not exceed the amount permitted under I.C. 34-24-3-1; and

(c) Authorize the Prosecutor to retain all service fees collected by the Prosecutor pursuant to the foregoing subsection in consideration of the services provided to the payee or holder by the Prosecutor.

(2) The Prosecutor may waive the collection of the fee if the Prosecutor finds that probable cause for prosecution no longer exists.

(3) Upon implementation of the bad check collection program, as authorized by subsection (C)(1) above, the Prosecutor may require the check writer to remit restitution in the principal amount of any bad check along with all other fees permitted by law. Checks, for reimbursement of the principal amount of the bad check plus the protest fee, from the account may be written to the payee or holder of the bad check to whom the money is lawfully due without appropriation. All service fees collected pursuant to subsection (C)(1) above shall be regularly delivered to the County Treasurer for deposit in the Prosecutor's Bad Check Services Fund established hereinafter in subsection (C)(4) below.

(4) A Prosecutor's Bad Check Services Fund is hereby established. The purpose of the Fund is for deposits of service fees received under subsections (C)(1) and (2) above. The County Council may only appropriate moneys on deposit in the Prosecutor's Bad Check Services Fund for the purposes of the Prosecutor's Office, at the discretion of the Prosecutor, although the appropriations may be made for any purpose County moneys may lawfully be appropriated to the

Prosecutor's Office and need not necessarily be limited to attributable costs of the functions and services from which the fees derive. Any money remaining in the fund at the end of the year does not revert to any other fund but continues in the Prosecutor's Bad Check Services Fund.

(5) This subsection (C) shall be in full force and effect from and after the date of adoption.

(D) *Fees for providing copies of electronic maps.*

Map	***Fee***
8-1/2 by 11 inches, 8-1/2 by 14 inches, or 11 by 17 inches	
Custom map	$2
Custom map with aerial photography	$4
Map from Beacon website	$0.25
Non-map prints	$0.25
Address labels (30 per page)	$0.25
Sizes larger than 11 by 17 inches	
Custom color map	$15
Custom color map with aerial photography	$18
CD ROM Disk of GIS Data for County	
Entire County	$900

(E) *Fees for copies.*

(1)

Service	***Fee***
8-1/2 by 11 inches	$0.50
8-1/2 by 14 inches	$0.50
11 by 17 inches	$1.00
18 by 24 inches	$2.00
Mylar copies	$5.00
18 by 24 inches certification	$1.00
Facsimile sent	$1.00 first page and $0.50 each additional page
Facsimile received	$0.50
Tax statements for mortgage companies	$2.00
Printed County maps	$3.00
Non-GIS computer generated records	$0.50 per page
Accident report videos	$50.00

Service	***Fee***
Accident report photographs	$5.00 each
Accident reports	$7.00

(2) All revenue received pursuant to this subsection shall be deposited with the Treasurer and credited to the County General Fund, except for accident fund fees which shall be receipted to the Accident Report Fund, as required by I.C. 9-29-11-1(b)2.

(F) Fees for providing enhanced access to public records.

GIS Data Internet Access	
No charge for access to base map layer	
Per month per user for access to all other layers	$50

(G) *Real Property Endorsement Fee.* The Auditor of Johnson County shall collect a fee in the amount of five dollars ($5.00) for each legal description of each parcel for which the Auditor makes a real property endorsement, as authorized by Indiana Code, 36-2-9-18(d). The Auditor of Johnson County shall deposit all amounts received under this subsection into the Johnson County Plat Map Maintenance Fund (#1181), which shall be dedicated solely to that purpose.
(Ord. 95-27, passed - -; Ord. 98-2, passed 6-8-1998; Ord. 98-3, passed 11-9-1998; Ord. 99-2, passed 10-12-1999; Ord. 2002-01, passed 7-8-2002; Ord. 2000-02, passed 5-8-2000; Ord. 2000-03, passed 5-8-2000; Ord. 2001-01, passed 10-9-2001; Ord. 2005-15, passed 6-6-2005; Ord. 2005-17, passed 7-5-2005; Ord. 2006-06, passed 8-14-2006; Ord. 2007-02, passed 5- -2007; Ord. 2007-19, passed 8-6-2007; Ord. 2007-04, passed 8-13-2007; Ord. 2015-07, passed 12-14-2015)

TITLE 29: RESERVED

[RESERVED]

TITLE 30: COUNTY AIRPORT

[RESERVED]

TITLE 31: RESERVED

[RESERVED]

TITLE 32: COUNTY PROPERTY

Article

1.	**ROADSIDE DITCHES**
2.	**SELECTED WORK IN STREETS**
3.	**FAIR HOUSING**
4.	**ACCESS TO COUNTY ROADS**
5.	**PROPERTY ENDORSEMENT**
6.	**BUILDINGS AND STRUCTURES**

ARTICLE 1: ROADSIDE DITCHES

Section

Chapter 1: General Provisions

28-1-1-1 General provisions

CHAPTER 1: GENERAL PROVISIONS

§ 32-1-1-1 GENERAL PROVISIONS.

(A) The plowing of or filling in of roadside ditches along County roads for a space of a minimum of one rod from the centerline of the pavement of the County roads on each side thereof, is hereby prohibited.
(B) Any person violating subsection (A) above shall be required to reimburse the County the cost incurred by the County in returning the roadside ditch to the condition it was in prior to same being plowed or filled in by the person.
(C) This section shall be in full force and effect from and after its passage, approval, and publication according to law.
(Ord. 81-5, passed 5-11-1981)

ARTICLE 2: SELECTED WORK IN STREETS

Section

Chapter 1: General Provisions

32-2-1-1 General provisions
32-2-1-2 Standards
32-2-1-3 Administration and enforcement
32-2-1-4 Penalty

CHAPTER 1: GENERAL PROVISIONS

§ 32-2-1-1 GENERAL PROVISIONS.

(A) *Short title.* This chapter shall be known and may be cited as the "County Road Right-of-Way Control Ordinance of Johnson County, Indiana."

(B) *Authority.* This chapter was enacted pursuant to State Home Rule and consistent with the provisions of I.C. 8-1-23-3 and 8-20-1-28, as amended.

(C) *Purpose.* The purpose of this chapter is to control the installation of utilities in the County road right-of-way to protect the public health, safety, and welfare through:

(1) Establishment of standards governing selected work in the County road right-of-way; and

(2) Creation of a permit system and enforcement program to ensure compliance with standards.

(D) *Compliance.* It shall be unlawful for any person to cut, dig, or excavate, tunnel, or bore in any part of any County road or right-of-way within the County or to attach or remove any wire, pipe, or conduit from any County bridge, overpass, or underpass unless the activity is in full compliance with all provisions of this chapter and after lawful issuance of permits required by this chapter.

(E) *Severability.* If any provision of this chapter or application of any provision to particular circumstances is held invalid, the remainder of the chapter or the application of the provision to other circumstances shall not be affected.

(F) *Application.* It is not intended by this chapter to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties, nor is it intended by this chapter to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or ordinances not specifically repealed by this chapter, or any rules, regulations, or permits previously adopted or issued pursuant to law; provided, however, that, where this chapter imposes greater restriction than is imposed by existing provisions, provisions of this chapter shall control; but where the private covenants, permits, agreements, rules, or regulations impose a greater restriction than is imposed by this chapter, the greater restriction shall control.

(G) *Jurisdiction.* This chapter shall apply to all unincorporated land within the County.

(Ord. 88-6, passed 4-4-1988; Ord. 2008-10, passed 4-7-2008)

§ 32-2-1-2 STANDARDS.

(A) Utilities installed in County road right-of-way shall conform to standards adopted by the County Board of Commissioners governing:
  (1) Methods of installing utilities in the County road right-of-way;
  (2) Methods and materials used in backfilling cuts in the County road right-of-way;
  (3) Methods and materials used in resurfacing pavement in the vicinity of cuts in the County road right-of-way; and
  (4) General methods and procedures for repairing public or private tiles damaged in the process of installing utilities in the County road right-of-way.

(B) The County Highway Department shall recommend standards for the installation of utilities in the County road right-of-way and may recommend amendments to the standards from time to time as necessary and appropriate.

(Ord. 88-6, passed 4-4-1988; Ord. 2008-10, passed 4-7-2008)

§ 32-2-1-3 ADMINISTRATION AND ENFORCEMENT.

(A) *Administrative responsibility*. The County Board of Commissioners shall establish the procedures and responsibilities for the administration and enforcement of this chapter in accordance with the following provisions.

(B) Permit required; application; fees and charges.
  (1) It shall be unlawful for any person to cut, dig, or excavate, tunnel, or bore in any part of any County road or right-of-way within the County or to attach or remove any wire, pipe, or conduit from any County bridge, overpass, or underpass except for the purpose of making installations pursuant to contract with the County, without first filing with the County Highway Department a written application for permit to make such a cut or excavation, or to attach or remove any such wire, pipe, or conduit from any County bridge, overpass, or underpass at least seven days in advance of the time of beginning the work to be done under the permit. All permits shall be submitted to and be approved by the County Highway Department prior to being filed with the County Auditor.
  (2) No permit shall be issued unless the proposed installation is in complete conformity with the provisions of this chapter.
  (3) If a right-of-way permit is issued, the applicant shall apply for a certificate of compliance which shall not be issued until the work is complete and compliance with this chapter is evident.
  (4) Application for a permit shall be filed on forms provided by the County and shall be accompanied by a description of the location, kind, and dimension by feet and inches of the proposed work together with the type of road surface to be cut or excavated, the

nature of the opening to be made, and the purpose of the proposed work.

(5) All applicants must pay a permit fee and inspection fee in the amount of $100 for projects affecting one mile or less of County road right-of-way and shall pay $0.03 for each foot of affected right-of-way in excess of one mile for each permit at the time the permit is filed. The permit shall be valid for 365 days after approval is given by the County Highway Department.

(6) In order that affected property owners may identify the location(s) of tiles(s) or other improvements susceptible to drainage in the right-of-way, the applicant shall, on forms provided by the County, notify and secure the signature of property owners along the affected right-of-way.

(7) The applicant shall provide proof of status as a bona-fide utility under applicable Indiana statutes.

(C) Work agreed to be performed; bond or letter of credit; indemnifying agreement.

(1) (a) As part of the written application, the applicant shall file in the office of the County Auditor a faithful performance bond naming the County as obligee with a good and sufficient surety to be approved by the County Board of Commissioners or, in lieu thereof an irrevocable letter of credit issued by a bank or other financial institution approved by the County Board of Commissioners, in the following amounts:

1. For each cut, dig, excavation, or tunnel which crosses the County road or right-of-way, the sum of $3,000;
2. For each bore which crosses the County road or right-of-way, the sum of $1,000;
3. For the attachment of each wire, pipe, or conduit to any County bridge, overpass, or underpass, or for the removal of each wire, pipe, or conduit therefrom, the sum of $2,000; or
4. For each cut, dig, excavation, tunnel, or bore running parallel to the County road or right-of-way, the sum of $10,000 per mile or part thereof;

(b) A single bond or undertaking, or a single irrevocable letter of credit may be filed for multiple cuts, digs, excavations, tunnels, or bores, or for multiple wires, pipes, or conduits in such amount described above multiplied by the number of the cuts, digs, excavations, tunnels, bores, or wires, pipes, or conduits;

(c) In lieu of the performance bond or irrevocable letter of credit, public utilities whose rates are regulated by the State Utility Regulatory Commission may submit an indemnifying agreement, in which the applicant shall agree to do at least the following:

1. Maintain the road surface which has been disturbed in a smooth and uniform condition for a period of one year

after traffic is again permitted to pass over the filled trench, or maintain the area cut outside the pavement surface but within the right-of-way to a condition similar to the immediate surrounding area for a period of one year. The maintenance shall meet the approval of the County Highway Department, with the advice and consent of the County Board of Commissioners.

2. Erect and maintain all necessary barricades, detour signs, warning signals, and lights by night (in conformance with the *Indiana Manual of Uniform Traffic Control Devices* - latest edition) required to direct traffic safely over or around the place where the work is being done, so long as the work in any way interferes with traffic.

3. Take all responsibility and shall indemnify the County for any injury or damage resulting to persons or property because of the work.

(d) Each work area shall conspicuously display at the site of the street opening the name, address, and telephone number of the person to whom the permit has been issued and a copy of the permit, so long as the hole is open or barricades are in place.

(e) Give notice to the County Highway Department prior to each day that excavations are opened in the right-of-way.

(2) The performance bonds, irrevocable letters of credit, or indemnifying agreements shall provide that the principal shall well and truly observe, fulfill, and perform in connection with each provision, term, and condition recited above, and that in case of any breach, the County shall be entitled to recover from the principal and/or sureties on the bond or the issuer of the irrevocable letter of credit, the amount of any damages, and all costs and attorney fees incurred by the County proximately resulting from the failure of the principal to well and faithfully observe and perform under any and all of the provisions, terms, and conditions recited above required to be performed, and on the further condition that no recovery by the County of any sum by reason of the bond or irrevocable letter of credit required by this section shall be any limitation upon the liability of the principal to the County; except that, any sum received by the County by reason of the bond or irrevocable letter of credit shall be deducted from any recovery which the County might have against the principal.

(D) *Keeping bonds letters or credit and indemnifying or agreements current.* It shall be the duty of the County Auditor to require all persons making application for a permit under the terms of this chapter to post and keep current the bonds, letters of credit, or indemnifying agreements required or authorized hereby.

(E) Nonapplicability relating to bonds, letters of credit, indemnifying agreements, and fees.

(1) The provisions of this ordinance relating to bonds, letters of credit, indemnifying agreements, and fees shall not apply to work being done by any city, town, separate municipal corporation, or any other County, or by any agency of the state or by any special taxing or service district established by law; provided that, the entity shall give at least 24 hours' notice to the County Highway Department of any work and shall do all things required hereunder. The provisions of this chapter relating to permits, bonds, letters of credit, indemnifying agreements, and fees shall not apply to the setting and maintaining of utility poles and their appurtenances along County roads and right-of-way by any public utility whose rates are regulated by the State Utility Regulatory Commission except new installations greater in length than one mile.

(2) In the case of an emergency, cutting and excavating work and the attachment or removal of any wire, pipe, or conduit from any County bridge, overpass, or underpass may proceed without delay; provided that, within the commencement of the work a bond, letter of credit, or indemnifying agreement as authorized herein shall be posted the next day, and notice of the work shall be given and a permit obtained from the County Highway Department as above provided.

(Ord. 88-6, passed 4-4-1988; Ord. 2008-10, passed 4-7-2008)

§ 32-2-1-4 PENALTY.

Any person, firm, partnership, or corporation who violates any provision of this chapter shall be guilty of an ordinance violation and, upon conviction, be fined up to $2,500 and, for violations continued or renewed after one conviction, each day's violation shall constitute a separate offense.
(Ord. 88-6, passed 4-4-1988)

ARTICLE 3: FAIR HOUSING

Section

Chapter 1: General Provisions

32-3-1-1 Policy statement
32-3-1-2 Definitions
32-3-1-3 Unlawful practice
32-3-1-4 Discrimination in sale or rental
32-3-1-5 Discrimination in residential real estate-related transactions
32-3-1-6 Brokerage services; discrimination
32-3-1-7 Interference, coercion, or intimidation

32-3-1-8 Prevention of intimidation in fair housing cases
32-3-1-9 Exemptions
32-3-1-10 Administrative enforcement

CHAPTER 1: GENERAL PROVISIONS

§ 32-3-1-1 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*.
(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-2 DEFINITIONS.

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

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

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

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

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful hereunder or I.C. 22-9.5-5.

DWELLING. Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families.
(I.C. 22-9.5-2-8)

FAMILIAL STATUS. 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 the individual or the written permission of the parent or other person. The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FAMILY. Includes a single individual (I.C. 22-9.5-2-9), with the status of the family being further defined herein.

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. (I.C. 22-9.5-2-11)

TO RENT. Includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy the premises owned by the occupant. (I.C. 22-9.5-2-13)

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-3 UNLAWFUL PRACTICE.

(A) Subject to the provisions of subsection (2) below, § 32-3-1-9, and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in I.C. 22-9.5-5-1 and in § 32-3-1-4 shall apply to:

(1) All dwellings, except as exempted by subsection (2) below and I.C. 22-9.5-3;

(2) Other than the provisions of subsection (3) below, nothing in § 32-3-1-4 shall apply to:

(a) 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 the single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of the house prior to the sale, the exemption 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 single-family houses at any one time. The sale or rental of any single-family house shall

be excepted from application of this section only if the house is sold or rented:

1. Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent, or salesperson, or any person in the business of selling or renting dwellings, or of any employee or agent of any broker, agent or salesperson, or person; and
2. Without the publication, posting, or mailing, after notice of advertisement or written notice in violation of § 32-3-1-4, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other professional assistance as necessary to perfect or transfer this title.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his or her residence.

(3) For the purposes of subsection (2) below, a person shall be deemed to be in the business of selling or renting dwellings if:

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

(b) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(c) He or she is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-4 DISCRIMINATION IN SALE OR RENTAL.

As made applicable by § 32-3-1-3 and except as exempted by §§ 32-3-1-3 and 32-3-1-9, 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, familial status, or national origin;

(B) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in

connection therewith, because of race, color, religion, sex, familial status, or national origin;

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

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

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

(F) (1) To discriminate in the sale or rental or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of:

(a) That buyer or renter;

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

(c) Any person associated with that person.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a disability of:

(a) That person;

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

(c) Any person associated with that person.

(3) For purposes of this subsection, ***DISCRIMINATION*** includes:

(a) A refusal to permit, at the expense of the disability person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises; except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

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

(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that:

1. The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons;
2. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and
3. All premises within the dwellings contain the following features of adaptive design:
    a. An accessible route into and through the dwelling;
    b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
    c. Reinforcements in bathroom walls to allow later installation of grab bars; and
    d. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the Americans With Disabilities Act of 1990 and of the American National Standards Institute for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of subsection (F)(3)(c)3. above.

(5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-5 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, disability, familial status, or national origin.

(B) As used in this section, the term ***RESIDENTIAL REAL ESTATE-RELATED TRANSACTION*** means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

(a) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(b) Secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, disability, or familial status.

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-6 BROKERAGE SERVICES; DISCRIMINATION.

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 that access, membership, or participation on account of race, color, religion, sex, disability, familial status, or national origin.
(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-7 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 §§ 32-3-1-3, 32-3-1-4, 32-3-1-5, or 32-3-1-6 above.
(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-8 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under color of 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, disability, familial status, or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(B) Any person because he or she is or has been, or in order to intimidate the person or any other person or any class of persons from:

1. Participating, without discrimination on account of race, color, religion, sex, disability, familial status, or national origin, in any of the activities, services, organizations, or facilities described in subsection (A) of this section; or
2. Affording another person or class of persons opportunity or protection so to participate.

(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, disability, familial status, or national origin, in any of the activities, services, organizations, or facilities described in subsection (A) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more that $10,000, or imprisoned for not more than 10 years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-9 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 subsections(B) and (C) below.

(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 those persons, unless membership in the 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 the lodgings to its members or from giving preference to its members.

(C) (1) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, ***HOUSING FOR OLDER PERSONS*** means housing:

1. Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program);
2. Intended for, and solely occupied by, persons 62 years of age or older; or
3. Intended and operated for occupancy by at least one person 55 years of age or older per unit.

(Ord. 93-10, passed 9-13-1993)

§ 32-3-1-10 ADMINISTRATIVE ENFORCEMENT.

(A) Notwithstanding the provisions of I.C. 22-9.5-4-8, the County, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complaints of violation of the articles of this chapter by complainants to the State Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to I.C. 22-9.5-6, and the County Board of Commissioners shall refer all the complaints to the Commission to the Commission for purposes of investigation, resolution, and appropriate relief as provided for under I.C. 22-9.5-6.

(B) 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 Commission to further such purposes.

(C) The County Board of Commissioners or its designee, shall provide information on remedies available to any aggrieved person or complainant requesting that information.

(Ord. 93-10, passed 9-13-1993)

ARTICLE 4: ACCESS TO COUNTY ROADS

Section

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CHAPTER 1: GENERAL PROVISIONS

§ 32-4-1-1 PURPOSE OF RULE.

The County Highway Department is authorized to enforce and regulate such requirements and restrictions for driveway approaches as may be necessary to provide for the drainage of the roadway, preservation of the roadway, and the safety and convenience of traffic on the roadway. A written permit application shall be considered by the Department and, in accordance with properly established regulations and requirements, a permit shall be granted subject to appropriate conditions and provisions contained therein. All work on the permit shall be performed to the satisfaction of the Department in accordance with this article.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-2 DEFINITIONS.

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

> ***ACCESS.*** A location which allows vehicular and/or pedestrian traffic to cross the longitudinal roadway right-of-way line and is positioned at the connection of a driveway with the approach at the right-of-way line.

APPLICANT. A person, partnership, company, corporation, association, or agency making application for a permit to perform work on an approach.

APPLICATION. A formally prepared request for a permit which is presented by an applicant on a permit form to the Department seeking permission to perform work on roadway right-of-way.

APPROACH. A way or place improved for vehicular or pedestrian traffic on the roadway right-of-way which joins the pavement edge of the roadway with a driveway or pedestrian walkway.

AUXILIARY LANE. A portion of the roadway adjoining the traveling way for parking, speed change, turning, storage for turning, weaving, truck climbing, or for other purposes.

COMMERCIAL APPROACH. An approach which joins the roadway with a driveway to private property used for commercial purposes or to public property.

CROSSOVER. A paved or graded crossing in the roadway median which allows vehicles to cross or to turn across the roadway.

DEPARTMENT. The Johnson County Highway Department acting directly or through its duly authorized officers and agents.

DRIVEWAY. A way or place outside the longitudinal roadway right-of-way which is used for vehicles or pedestrians as a means for providing passage to the right-of-way.

EXPIRATION DATE. The last calendar day that the valid permit is in effect and that the approach must be in compliance with all conditions of the permit.

FIELD APPROACH. An approach which joins the roadway with a driveway to private property that is vacant, in an unimproved condition, or a farm field.

ROADWAY. Any road under the jurisdiction of the Department that is designated as a County road.

ISSUE DATE. A calendar day that the permit is granted to the applicant.

LIMITED ACCESS FACILITY. A roadway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of direct access, light, air, or view by reason of fact that their property abuts the limited access facility or for any other reason.

MEDIAN. The portion of a divided roadway separating the traveling way for traffic proceeding the opposite direction.

NOTICE. A certified letter from the Department addressed to the owner(s) of the real estate stating that the approach(es) for a driveway(s) emanating from the real estate is unauthorized and providing the approximate location of the approach(es), a statement of any substandard elements of the approach(es), the action to be taken by the owner, and the deadline for completing the prescribed action.

PERMIT. A legal document in which the Department gives written permission to an applicant to perform work on the roadway right-of-way.

PERMITTEE. The applicant following the issuance of a permit by the Department.

PRIVATE APPROACH. An approach which joins the roadway with a driveway to private property having a residence, barn, private garage, or other improvements and is ordinarily used only by the owner or occupant of the premises, guests, and necessary service vehicles.

PURCHASED LIMITED ACCESS. All land under the jurisdiction of and whose use is controlled by the Department.

RIGHT-OF-WAY. All land under the jurisdiction of and whose use is controlled by the Department.

SHOULDER. The portion of the roadway right-of-way contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of roadway base and surface courses. It is measured from the edge of pavement for traveled way or, if present, auxiliary lane to the intersection of the shoulder and fill or ditch slopes.

SUBDIVISION APPROACH. An approach which joins the roadway with a proposed public roadway. For the purposes of this chapter, a proposed public roadway which connects with the subdivision approach shall be considered a "driveway," until such time as the proposed roadway becomes a part of the County Highway System. A ***SUBDIVISION APPROACH*** shall be classified as either a major or minor commercial approach.

TITLE EVIDENCE. Documentation in the form of a certified search covering a period of 20 years, current title insurance, or certified letter from an abstractor or title insurance agent certifying fee simple ownership of the property.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, and other

conveyances either singly or together while using any roadway for purposes of travel.

TRAVEL CONTROL. Devices such as signs, barricades, pavement markings, and signalization used to direct traffic in the safe orderly use of the roadway.

TRAVELED WAY. The portion of roadway used for the movement of traffic, excluding shoulders and auxiliary lanes.

UNAUTHORIZED APPROACH. An approach which has been constructed, reconstructed, altered, or modified; which remains incomplete, or has become substandard for any reason, such as change in land use; that is not approved or authorized to exist in its present condition, under present traffic pattern, by the Department.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-3 CLASSIFICATION OF ENTRANCES AND APPROACHES.

All approaches shall be divided into five classes as follows:

(A) Class I - Private Approach - Raised curb used;
(B) Class II - Private Approach - Flush shoulder only, no raised curb;
(C) Class III - Commercial Approach - Raised curb used;
(D) Class IV - Commercial Approach - Flush shoulder only, no raised curb; or
(E) Class V - Field Approach - Either raised curb or flush shoulder.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-4 TYPES OF PERMITS.

The driveway approach applications shall be designated and defined as being one of the following types of permits.

(A) *Limited access driveway.* Any change to an existing access, approach, and/or crossover or the construction of a new access, approach, and/or crossover along a purchased or declared limited access roadway.

(B) *Commercial major driveway.* Any change to an existing access, approach, and/or crossover or the construction of a new access, approach, and/or crossover which connects the roadway to private property used for commercial purposes or to a public property and which attracts enough traffic to require auxiliary lanes as determined by the Department.

(C) *Commercial minor driveway.* Any change to an existing access, approach, and/or crossover or the construction of a new access, approach, and/or crossover which connects the roadway to private property used for commercial purposes or to a public property and which does not attract enough traffic to require auxiliary lanes as determined by the Department.

(D) *Private driveway.* Any change to an existing access, approach, and/or crossover or the construction of a new access, approach, and/or crossover that connects the roadway to private property having a residence, barn, private garage, an improved or unimproved condition, and ordinarily used only by the owner or occupant of the premises, guests, and necessary service vehicles.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-5 APPLICATION; FORM REQUIRED.

Application to the Department for a permit to construct any approach connecting a driveway with any Department roadway or roadway right-of-way, to cut any curb along a roadway, or construct a crossover on a roadway shall be made on the form as prescribed by the Department. The form and accompanying documentation shall be submitted containing as many copies as may be prescribed by the Department. Reasonable fees for processing driveway permits may be established by appropriate action by the County Board of Commissioners.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-6 NEW APPLICATION; WHEN REQUIRED.

(A) (1) Relocation, alteration, or remodeling of an access, approach, and/or crossover, or any change in the character of the use of the access, approach, and/or crossover shall be considered the construction a new access, approach, or crossover and an application for a permit shall be required.

(2) The granting or denial of the application shall be governed by the same regulations and judged by the same standards as an application for a permit for a wholly new access, approach, and/or crossover.

(B) The application shall include immediately proposed and future work affecting all locations of access to the applicant's property and adjacent parcels in which an interest is held by the applicant.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-7 APPLICATION; DISCLOSURE.

(A) All applications for permits hereunder shall be made in the name of the owner of the fee simple title. All persons having any interest in the land, including but not limited to mortgagees, lessees, optionors, lien holders, and holders of other encumbrances, shall join with the fee simple holder in the application. All such persons shall join in the application, shall sign, and consent to the conditions of the application, and shall be bound

equally thereafter by the conditions of the permit which may be issued to the permittee.

(B) Title evidence shall be furnished to support the signatures for driveway permit applications in the following areas:

(1) All commercial driveway permit applications, except those applications involving an existing access with no proposed change in access, use, or character; and

(2) Private driveway permit applications, including field access approaches in areas along roadways covered by limited access resolutions.

(C) All other allowable evidence will be at the discretion of the Department.

(D) If the applicant submits an application in which the title evidence does not include the signatures of all interest holders and if the application is evaluated in favor of granting the permit, the applicant must submit subsequent title evidence showing that all omitted interest holders have ceased to be interest holders or have by an addendum to the application joined the original applicant on the original application and the subsequent title evidence or addendum must be submitted before the permit is issued.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-8 DRAWINGS AND INFORMATION REQUIRED.

All applications for permits under these regulations shall be accompanied by clear drawings. One set of drawings shall accompany all copies of the application form. Information to be shown on drawings shall include the following as applicable:

(A) Driveway(s) and approach(es) including dimensions for width, length, angle of intersection, radii, and any other measurement necessary to show the geometries of the driveway(s) and approach(es) drawn to an engineer's 20 or 30 scale;

(B) A rate of slope or grade of pavement for approach(es) and driveway(s);

(C) Types of approach and driveway pavement material (stone, concrete, or bituminous pavement including depths of lifts);

(D) Existing drainage patterns and structures, including size and kind;

(E) New drainage patterns, including the effect on downstream Department facilities and private property, and structures including size, kind, invert pipe elevations, and inlet elevations;

(F) Width dimension of roadway right-of-way;

(G) Width and type of roadway pavement;

(H) Roadway right-of-way and applicant's property lines;

(I) Development site plan showing parking interior drives, buildings, and other improvements, including distance from right-of-way line to gasoline pumps;

(J) Distance to intersecting roads, streets, railways, or crossovers within 500 feet in each direction on both sides of the roadway from the applicant's property lines drawn to an engineer's 50 scale;

(K) The distance to and the design of all drives on both sides of roadways and in each direction that are within 500 feet of the applicant's property lines drawn to an engineer's 50 scale;

(L) The posted speed limit on roadway and all traffic control equipment serving the roadway, including, but not limited to, signalization devices, lighting, pavement markings, guardrail, and sign structures;

(M) Proposed treatment of right-of-way area adjacent to and between approaches;

(N) Appropriate symbols such as north arrow, direction of lane travel, and direction of drainage flow, and a legend defining abbreviations and graphic representations of existing and new conditions, objects, materials, and the like;

(O) A legal description of the property to be served by the permit together with a legal description of the adjoining land owned or controlled by the applicant; and

(P) Traffic control needed during work activity displaying necessary signs, barricades, detour signs, and warning devices shall be provided whenever work is to interfere with normal traffic. Traffic control must be in accordance with the "Construction and Maintenance Section" of the *Indiana Manual of Uniform Traffic Control Devices*.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-9 CONSTRUCTION AND MATERIALS TO CONFORM TO STANDARDS.

All construction and materials used within the roadway right-of-way must conform to the current State Department of Transportation "Standard Specifications," supplemental specifications, and special provisions which shall be kept on file at the offices of the Department.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-10 APPLICATION; STANDARDS; SPECIFICATIONS; DESIGN.

All applications shall be filed in accordance with the standards and design requirements of this article as described herein. The permittee shall agree to perform all work on the right-of-way in accordance with the requirements of this article. The guidelines and specifications for the standards and design requirements for driveway applications shall be the latest versions of the INDOT *Driveway Permit Handbook*, *AASHTO A Policy on Geometric Design of Highways & Streets*, the *Manual on Uniform Traffic Control Devices*, *AASHTO Roadside Design Guide*, and the ITE *Guideline for Driveway Location & Design*, which shall be kept on file at the offices of the Department.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-11 COMMERCIAL APPLICATIONS; ENGINEER'S ATTESTATION.

All applications for commercial purposes shall be signed by a registered professional engineer, a registered architect, and/or registered land surveyor, attesting that the applications as proposed conform with all Department regulations, specifications, and standards, except as shall be noted in such attestation.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-12 LAND USE AND ZONING APPROVAL.

Approval of a permit application shall be subject to the permittee obtaining all necessary approvals involving land use from the Planning or Zoning Boards, and/or local governmental authorities, and shall comply with all applicable laws. The issuance of any permit shall in no way imply Department approval of, or be intended to influence, any action pending before any local board, commission, or agency.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-13 BOND REQUIRED.

(A) The Department shall require a performance bond to be filed with each application for a commercial driveway showing the applicant as principal in a minimum amount of $5,000 or in an amount as specifically set by appropriate Department action.
(B) The amount shall be increased in any application to equal 120% of the estimated cost of that part of the project on the Department's right-of-way.
(C) The bonds are required to ensure compliance with all terms of the permit, and shall in case of noncompliance provide in addition to any damages suffered thereby all witness and court costs in collecting the same, together with any attorney fees reasonably due, and shall be released only when the work described on the permit has been completed to the satisfaction of the Department.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-14 CROSSOVERS.

(A) Permits for private or commercial crossovers will not be approved unless the applicant can prove to the satisfaction of the Department that the location of the crossover will not be detrimental to the safety of the traveling public.
(B) The minimum distance between crossovers shall be 400 feet.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-15 LOCATION; TAPER; CONTINUOUS LANE.

Where the taper of a proposed driveway will create hazardous and erratic traffic movement because of its proximity to adjacent similar taper, the entire area between the tapers must be paved thus forming a continuous full lane between the approaches of which the tapers are a part.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-1-16 LOCATION; VISIBILITY.

(A) All approaches shall be located so as to provide adequate sight distance in both directions along the roadway for safe access to the roadway without interfering with traffic.
(B) Under substandard visibility conditions as delineated in the standards as given in § 32-6-1-9, access may be granted for an alternate location that offers the least hazard and interference with traffic.

(Ord. 97-17, passed 11-17-1997)

CHAPTER 2: SPECIFIC PROVISIONS

§ 32-4-2-1 DRAINAGE REQUIREMENTS.

All improvements authorized by the permit shall not interfere with drainage of the street or roadway, nor cause additional area to drain onto the right-of-way unless specifically acknowledged and allowed by the permit, nor shall the improvements be constructed so as to cause drainage onto the roadway.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-2 PERMIT FOR CONSTRUCTION.

(A) Upon receipt of a permit issued by the Department, the permittee is authorized to proceed with the work covered by the permit, subject to the conditions imposed by the Department.
(B) Any objection to the conditions and provisions of an approved permit must be submitted in writing to the Department within 15 days from the issue date of the permit.
(C) The permit does not apply to any roadway right-of-way that is closed for construction purposes, except as allowed by provision in the permit, nor to any state route or city streets.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-3 PERMIT; INSPECTION.

(A) An inspection may be conducted at any time by the Department and a final inspection of the permit shall be conducted upon completion of construction. The work covered by the permit does not comply until found to be in accordance with the plans and specifications filed in the application as amended by the Department, together with any special conditions noted therein, and approved by the Department. The permittee shall adjust or stop operations upon direction of any police officer or authorized Department employee. The permit may be revoked at any time by the Department for noncompliance with any and/or all provisions and conditions of the permit.

(B) The permittee shall pay the Department for any inspection costs, including labor, vehicular mileage, and equipment expenses when it is necessary to assign a Department employee to inspect the work. The permittee shall immediately reimburse the Department upon receipt of an itemized statement.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-4 NONCOMPLIANCE OF PERMITS WITHOUT BONDS.

On permits not covered by a bond, work performed that is incomplete, improperly performed, or otherwise does not follow the conditions or provisions of the permit shall be designated as "does not comply." The Department shall follow procedures for corrective action beginning with the notice action stated herein. Permit applications for existing approaches that are denied by the Department shall be corrected by entering the same procedure herein.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-5 PERMIT; RECORDING.

The permittee shall sign a copy of a "limitation of access" instrument, if so required by the Department as a condition of the permit. The Department shall immediately cause the limitation of access instrument to be recorded in the office of the County Recorder.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-6 NOTIFICATION PRIOR TO BEGINNING WORK.

The permittee shall notify the Department's Engineering Office five working days prior to the start of any work activity on the roadway right-of-way of the date the work will commence. The permittee shall notify the Department's Engineering Office prior to completion of all work on the roadway right-of-way of the anticipated date the work will be completed.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-7 PERMIT TRAFFIC CONTROL.

The permittee shall erect and maintain all necessary traffic control signs, barricades, detour signs, and other traffic control devices required to safely direct traffic over or around the part of the roadway where permitted operations are to be done in accordance with the construction and maintenance section of the State *Manual on Uniform Traffic Control Devices*. Disruption to traffic shall be kept to a minimum and shall require approval of the Department prior to beginning other work activities on the right-of-way.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-8 PROHIBITED HOURS OF WORK.

(A) The permitted work shall not be performed on the roadway right-of-way between sunset and sunrise, unless specifically allowed by special provisions to the permit.

(B) The permitted work shall not be performed on the roadway right-of-way during the period beginning at 12:00 noon on the last weekday preceding and continuing until sunrise on the following day: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-9 DISPLAY OF PERMIT.

The permittee shall have the permit complete with drawings and special provisions on the job site at all times and will show the permit, on demand, to any police officer or Department employee.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-10 PERIOD PERMIT VALID; TIME FOR COMPLETION OF CONSTRUCTION.

All work on roadway right-of-way authorized by a permit must be completed within one year after the permit is issued; otherwise, the permit will be canceled unless an extension is requested, in writing, by the permittee, and is approved by the Department. The time extension shall not exceed more than one year beyond the original expiration date unless approved otherwise by the Department. If a permit is canceled, a new application must be submitted and approved before the proposed work can begin. Once construction authorized by the permit is initiated it must be completed within 30 days, unless otherwise expressly approved as a special condition.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-11 LIABILITY DURING CONSTRUCTION.

The permittee shall assume all responsibility (during the time from the beginning of the work covered by any permit until final approval for the work) and shall furthermore be obligated to save harmless the County for any and all injury, loss, or damage occasioned to or by persons or property resulting directly or indirectly from the work.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-12 CONSTRUCTION NOT TO INTERFERE WITH STRUCTURE IN RIGHT-OF-WAY.

The work authorized by the permit shall not interfere with any existing structure on any Department right-of-way without specific permission in writing from the Department or other owner thereof. Any structure or traffic control device affected by the proposed construction shall be relocated at the permittee's expense as directed. In the event that any buildings, railings, traffic control devices, or other structures are damaged, the cost of the removal and/or of repair due to damage shall be at the permittee's expense as directed.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-13 CHANGE IN EXISTING ACCESS; SUBJECT TO NEW RULES.

Any person who by law has an existing legal right of access to a County road shall as a condition of the issuance of any permit and in consideration of the same agree that the rights of access then existing or granted thereafter with respect to the real estate are subject hereto.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-14 SEVERABILITY OF RULE.

If any provision hereof or the application thereof to any person or circumstances is invalid, the invalidity shall not affect the other provisions or usage hereof, which can be given effect without the invalid provision or usage and to the end the provisions hereof are declared to be severable.
(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-15 MAINTENANCE AND LIABILITY.

(A) The permitting of any access shall not relieve the permittee of any liability concerning the permitted access nor shall the County Board of

Commissioners or the County Highway Department incur or assume any liability concerning the same. The maintenance and upkeep of the access and all its appurtenances (if any) shall be the sole responsibility of the owner of the land to which access is granted.

(B) The County Board of Commissioners and the County Highway Department shall assume no responsibility or liability concerning the maintenance of the access.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-16 UNAUTHORIZED APPROACHES TO DRIVEWAYS.

(A) *Purpose of rule.*

(1) The County Highway Department shall control access and regulate work performed on approaches to driveways on roadway right-of-way. This control and regulation shall provide for the preservation of the roadway and the safety and convenience of traffic on roadway.

(2) The measure of public benefit shall be the guide in determining the priorities and procedures in correcting any unauthorized approaches to driveways.

(B) *Driveway documentation.*

(1) The Department shall control access along roadways through inspection and by properly documenting planned and existing approaches for driveways and pedestrian walkways. Any construction, reconstruction, alteration, or modification to an approach by person(s) other than the Department shall be administered through Chapter 1 of this article. Existing approaches which may be in either a complete or incomplete condition and that have not been reviewed and authorized by the Department, shall be considered unauthorized, undocumented, and subject to corrective action. Existing approaches which were originally authorized by the Department but which have become substandard for any reason, including a change in land use that adversely affects traffic patterns, shall also be considered unauthorized, undocumented, and subject to corrective action.

(2) The permit process shall be the normal means of taking corrective action. The property owner(s) and/or the person (s) responsible for an unauthorized approach shall make application for a written permit. All remedies available through the permit process shall be used to obtain full compliance of work on the approach.

(3) Under circumstances where the Department is unable to obtain the cooperation of the property owner(s) and/or the person(s) responsible for an unauthorized approach through the permit process, corrective action will be taken in accordance with procedures contained herein.

(C) *Priority; corrective action.* The Department shall assign unauthorized approach work to its staff in accordance with manpower availability and shall first undertake corrective action for the more serious situations as determined by the Department.

(D) *Procedures for corrective action.* Corrective action will normally be the construction, reconstruction, alteration, or modification of the approach to standards acceptable to the Department, or the complete removal of the approach and restoration of the roadway right-of-way. The decision concerning the choice of a remedy remains with the Department. The following procedure will be used by the Department to obtain a suitable corrective result.

(1) The Department will contact the responsible person(s) for the unauthorized approach, including the owner of real estate, and advise them they are to begin corrective action by preparing and submitting a permit application. The Department shall state a specific date for receipt of the application, but in no case shall the time to submit the application be less than 15 calendar days from the date of contact. If an application is received within the specified time period, the Department shall proceed to the requirements herein.

(2) If the person(s) responsible for the unauthorized approach has not responded within the specified time and if the application for the permit was not received by the Department, a notice shall be given to the owner(s) of the real estate from which the unauthorized approach emanates by certified mail and shall be sent to the owner's last known address. A copy of the notice shall be sent to the occupant of the real estate and a copy of the notice shall be posted upon the real estate in a conspicuous place. The notice shall specify the time within which the owner(s) of the real estate shall have completed corrective action for the unauthorized approach, but in no case shall the period of time specified be less than 30 calendar days.

(3) If the owner of the real estate has not completed corrective action on the unauthorized approach within the time specified by the notice, the Department may do whatever, in its discretion, is necessary to correct the situation or may cause the same to be done by other persons, parties, or corporation.

(4) The cost of the corrective action to the unauthorized approach as provided by subsection (D)(3) above will be borne by the owner of the real estate. After the Department has completed the corrective action, it shall bill the owner of the real estate for the cost.

(E) *Unauthorized driveway: civil prosecution.* It shall be at the discretion of the County Board of Commissioners to pursue legal action against the person who fails to react to the requirements hereof.

(F) *Waiver; corrective action.* Where unauthorized approaches extending over any roadway right-of-way are in place on the effective date of this

regulation, it shall be the right of the Department to exercise discretion in implementing the procedure stated herein.

(Ord. 97-17, passed 11-17-1997)

§ 32-4-2-17 ADDITIONAL IMPROVEMENTS FOR CERTAIN DRIVEWAY PERMITS.

Individuals or entities applying for limited access, minor commercial, and major commercial driveway permits may be required to construct or make additional improvements to public roads and intersections that directly serve the property for which the access permit is being requested, as determined by the County Highway Department. (Ord. 2008-11, passed 4-7-2008)

ARTICLE 5: PROPERTY ENDORSEMENT

Section

Chapter 1: Supplemental Fee

32-5-1-1 General provisions

CHAPTER 1: SUPPLEMENTAL FEE

§ 32-5-1-1 GENERAL PROVISIONS.

(A) This section is intended to provide for the establishment of a supplemental fee in the amount of Five Dollars ($5.00) for each parcel in a legal description contained in a deed for which the County Auditor makes a real property endorsement pursuant to Indiana Code 36-2-11-14 and 36-2-9-18.

(B) The Auditor shall collect such fee in addition to any other fee provided by law, and such fee shall be placed in a dedicated fund for use in plat map mainentenance.

(C) All previous ordinances regarding endorsement fees are hereby repealed.

(Ord. 2011-02, passed 6-27-11; Ord. 2001-13, passed 9-24-2001; Ord. 2003-12, passed 10-27-2003)

ARTICLE 6: BUILDINGS AND STRUCTURES

Section

Chapter 1: General Requirements
32-6-1-1 Title
32-6-1-2 Purpose
32-6-1-3 Definitions
32-6-1-4 Scope
32-6-1-5 Authority

Chapter 2: Building Permits
32-6-2-1 Building permit required
32-6-2-2 Application for building permit
32-6-2-3 Issuance of building permit
32-6-2-4 Certificate of occupancy
32-6-2-5 Planning and Zoning Fee Schedule

Chapter 3: Investigations and Inspections of Construction Activities
32-6-3-1 Authority; inspections and investigations
32-6-3-2 Inspection by Fire Departments

Chapter 4: Enforcement and Penalties
32-6-4-1 Withhold issuance of permits
32-6-4-2 Permit revocation
32-6-4-3 Stop work order
32-6-4-4 Civil action
32-6-4-5 Monetary penalty
32-6-4-6 Right to appeal

Chapter 5: Minimum Construction Standards
32-6-1-1 Adoption of rules by reference

CHAPTER 1: GENERAL REQUIREMENTS

§ 32-6-1-1 TITLE.

This article and all material included herein by reference shall be known as the "Building Code of Johnson County, Indiana."
(Ord. 2008-02, passed 2-25-2008)

§ 32-6-1-2 PURPOSE.

The purpose of this article is to protect the life, public safety, health, and general welfare of the citizens of the County, and shall be construed in such a manner to effectuate this purpose.
(Ord. 2008-02, passed 2-25-2008)

§ 32-6-1-3 DEFINITIONS.

Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meaning.

CLASS I STRUCTURE. Pursuant to I.C. 22-12-1-4:

(6) Any part of the following:

(a) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

1. The public;
2. Three or more tenants; and
3. One or more persons who act as the employees of another.

(b) A site improvement affecting access by persons with physical disabilities to a building or structure described in subsection (1)(a) above;

(c) Any class of building or structure that the Commission determines by rules to affect a building or structure described in subsection (1)(a) above, except buildings or structures described in subsections (3) through (6) below.

(7) Subsection (1) above includes a structure that contains three or more condominium units (as defined in I.C. 32-25-2-9) or other units that:

a. Are intended to be or are used or leased by the owner of the unit; and

b. Are not completely separated from each other by an unimproved space.

(8) Subsection (1) above does not included a building or structure that:

(b) Is intended to be or is used only for an agricultural purpose on the land where it is located; and

(c) Is not used for retail trade or is a stand used for retail sales of farm produce for eight or less consecutive months in a calendar year.

(9) Subsection (1) above does not include a Class 2 structure;

(10) Subsection (1) above does not include a vehicular bridge;

(11) Subsection (1) above does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:

a. The structure; or

b. Mechanical or electrical equipment located within and affixed to the structure.

(12) Pursuant to I.C. 22-12-1-24, structures including swimming pools.

CLASS 2 STRUCTURE. Pursuant to I.C. 22-12-1-5:

i. Any part of the following:

(a) A building or structure that is intended to contain or contains only one dwelling unit or two dwelling units unless any part of the building or structure is regularly used as a Class 1 structure; and

(b) An outbuilding for a structure described in subsection (1) above, such as a garage, barn, or family swimming pool, unless any part of the building is regularly used as a Class 1 structure.

ii. Subsection (1) above does not include a vehicular bridge; and

iii. Pursuant to I.C. 22-12-1-24, a structure including swimming pools.

CONSTRUCTION. Pursuant to I.C. 22-12-1-7:

(1) Fabrication of any part of an industrialized building system or mobile structure use at another site;

(2) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it is to be used;

(3) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it is to be used;

(4) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure; and

(5) Work undertaken to relocate or demolish any part of a Class 1 or Class 2 structure.

DIRECTOR. The Director of the County Department of Planning and Zoning or his or her designated agent(s).

INDUSTRIALIZED BUILDING SYSTEM. Pursuant to I.C. 22-12-1-14, any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

MANUFACTURED HOME. The meaning set forth in 42 U.S.C. § 5402 as it existed on January 1, 2003. This definition is as follows: ***MANUFACTURED HOME*** means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in

length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that, the term shall include any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. §§ 5402 *et seq.* and except that the term shall not include any self-propelled recreational vehicle.

MOBILE STRUCTURES. Pursuant to I.C. 22-12-1-17:

(1) Any part of a fabricated unit that is designed to be:
  (a) Towed on its own chassis; and
  (b) Connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.

(2) The term includes the following:
  (a) Two or more components that can be retracted for towing purposes and subsequently expanded for additional capacity; and
  (b) Two or more units that are separately towable, but designed to be joined into one integral unit.

PERSON. An individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

STRUCTURE. Both Class 1 and Class 2 structures, unless specifically stated otherwise.

VEHICULAR BRIDGE. Any bridge that is neither:

(1) A pedestrian walkway; nor
(2) A passageway for light vehicles suspended between two or more parts of a building or between two or more buildings.

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-1-4 SCOPE.

(A) All construction shall be accomplished in compliance with the provisions of this article.

(B) Pursuant to I.C. 22-13-2-6, this article shall not apply to industrialized building systems or mobile structures certified under I.C. 22-15-4: however, the provisions of this article and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any

construction related to an industrialized building system or mobile structure not certified under I.C. 22-15-4.

(C) Pursuant to I.C. 22-13-2-9, this article is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-1-5 AUTHORITY.

The Director is hereby authorized and directed to administer and enforce the following:

(A) All of the provisions of this article;

(B) Variances granted in accordance with I.C. 22-13-2-11; and

(C) Orders issued under I.C. 22-12-7.

(Ord. 2008-02, passed 2-25-2008)

CHAPTER 2: BUILDING PERMITS

§ 32-6-2-1 BUILDING PERMIT REQUIRED.

(A) Construction is prohibited unless in conformity with a valid building permit obtained from the Director prior to commencement of construction.

(B) Exceptions:

(1) Roofing or re-roofing;

(2) Window replacement, like size for like size;

(3) Guttering;

(4) Siding replacement;

(5) Any structure under 200 square feet and/or not on a permanent foundation;

(6) Non-permanent pools; and

(7) Flat concrete work (i.e., patios, courts, walkways).

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-2-2 APPLICATION FOR BUILDING PERMIT.

(A) Any person required to have a building permit shall submit a completed application to the Director.

(B) This application shall be submitted on a form prepared by the Director and shall contain the following:

(1) Information that the Director determines to be necessary to locate and contact the applicant;

(2) A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner

the nature and location of all work to be accomplished. Plans shall include all structural, electrical, plumbing, and heating/cooling drawings or a contractor sign-off sheet shall be provided by the permit holder as set forth in the procedures of the Department;

(3) A plot plan drawn to scale. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs, and sidewalks and proposed changes or additions to the streets, curbs, sidewalks, and septic tanks;

(4) If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a construction design release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshal Pursuant to I.C. 22-I5-3. Any additional information that the Director finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinance or laws; and

(5) The fee established by Ord. 2007-11.

(C) (1) Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person.

(2) The Director may require that the employee or agent provides written authority to apply for a permit.

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-2-3 ISSUANCE OF BUILDING PERMIT.

The Director shall issue a building permit to a person after the person has submitted a completed application, including any applicable fee; provided that, the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.
(Ord. 2008-02, passed 2-25-2008)

§ 32-6-2-4 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure shall be issued unless the building or structure was constructed in compliance with the provisions of this article. It shall be unlawful to occupy any building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Director of the Department of Planning and Zoning.
(Ord. 2008-02, passed 2-25-2008)

§ 32-6-2-5 PLANNING AND ZONING FEE SCHEDULE

RESIDENTIAL PERMITS:

NEW CONSTRUCTION (per dwelling unit)…….… **$200 + $0.10/sf**
(Includes single-family and two-family dwellings, manufactured homes and similar structures.)

ALTERATION, REMODEL, REPAIR or ADDITION……..…….. **$150 + $0.10/sf**
(Includes structural, electrical, plumbing and/or heating and cooling improvements, but excludes new windows, gutters and similar low-impact alterations.)

ACCESSORY STRUCTURE or ACCESSORY ADDITION……...……. **$0.10/sf**
(Includes cold storage buildings, pole barns, detached garages, and any accessory structure greater that 200 sf or built on a permanent foundation. $50 minimum.)

DECK…..…….. **$75**

SWIMMING POOL: INGROUND…….. **$150**
ABOVE GROUND…… **$75**
HOT TUB, SPA…… **$75**

ELECTRICAL UPGRADE (meter base or service change)……...…….. **$75**

MOBILE HOME PERMITS…… **$50**

IMPROVEMENT LOCATION - RESIDENTIAL USE…….. **$150**
(Non-structural improvements)

NON-RESIDENTIAL PERMITS:

NEW CONSTRUCTION……... **$400 + $0.10/sf**
(Includes multi-family residential, commercial, industrial, institutional and agricultural structures and other structures similar in nature and use.)

ALTERATION, REMODEL, REPAIR or ADDITION……. **$200 + $.10/sf**
(Includes any structural, electrical, plumbing and/or heating and cooling changes, excluding low impact alterations such as new windows, gutters and replacement shingles.)

ACCESSORY STRUCTURE or ACCESSORY ADDITION……...……. **$150 + $0.10/sf**
(Includes any accessory structure greater than 200 sf, or built on a permanent foundation. $200 minimum.)

TENANT FINISH……..…… **$300 + $0.10/sf**

ELECTRICAL UPGRADE…… **$150**

COMMERCIAL KITCHEN HOODS or SPRINKLER SYSTEM…… **$150**

IMPROVEMENT LOCATION – NON-RESIDENTIAL USE……. **$300**
(Non-structural improvements)

SIGN PERMITS:

FREESTANDING SIGN (Ground, pole or monument sign)……..…….. **$100**

WALL, AWNING or CANOPY SIGN……. **$50**

PORTABLE or TEMPORARY SIGN……. **$40**

OFF-PREMISES or HIGH-RISE SIGN…….. **$200**

LAND USE PETITIONS:

VARIANCE OF USE……..... **$300**

VARIANCE OF DEVELOPMENT STANDARDS..... **$200**

SPECIAL EXCEPTION..... **$300**

APPEAL OF ADMINISTRATIVE DECISION..... **$200**

HEARING OFFICER VARIANCE……..... **$150**

REZONING.....…..... **$500 + $25/acre**

TYPE 'A' EXEMPT/MINOR ROADSIDE SUBDIVISION..... **$125**

SKETCH PLAN FOR MINOR SUBDIVISION..... **$150**

SKETCH PLAN FOR MAJOR SUBDIVISION.....…..... **$300 + $5/lot**

PRELIMINARY PLAT FOR MINOR SUBDIVISION..... **$400**

PRELIMINARY PLAT FOR MAJOR SUBDIVISION.....…..... **$600 + $15/lot**

FINAL PLAT FOR MAJOR SUBDIVISION (per section) .....……..... **$600 + $10/lot**

RESUBDIVISION MINOR SUBDIVISION **$200**

RESUBDIVISION MAJOR SUBDIVISION **$600**

VACATION OF PLAT.....…..... **$150**

PLANNED UNIT DEVELOPMENT (PUD) / SPECIAL TERRAIN DISTRICT (STD)
- PHASE I (SKETCH PLAN).....…..... **$200**
- PHASE II (PRELIMINARY MASTER PLAN AND REZONING.)..... **$800**
- PHASE III (FINAL MASTER PLAN).....…..... **$500**
- PHASE IV (Preliminary and Final approval per Section as outlined above.)

WAIVER OF SUBDIVISION CONTROL ORDINANCE……. **$150**

LAND USE VERIFICATION or OTHER PLANNER REVIEW……... **$50**

MISCELLANEOUS:

DEMOLITION PERMIT (per structure with building area of 200 sf or greater)……..... **$150**

TEMPORARY USE PERMIT……. **$50**

SUBDIVISION INSPECTION FEE……..... **$75 per hour**

BUILDING RE-INSPECTION FEE……. **$50 (first)**
$200 (second)
$300 (third)

(Building inspection fees for commercial and residential construction are included in the building permit fee. However, any individual inspection that requires more than one trip will be assessed the re-inspection fee.)

MISSED INSPECTION FEE……..... (assessed per building trade, i.e. structural, electrical, plumbing, or mechanical; requires certificate of compliance)	**$150 per inspection**
STOP WORK ORDER REINSTATEMENT FEE……	**2X original fee or $500, whichever is greater**
FINE FOR CONSTRUCTION UNDER STOP WORK ORDER…….	**$300 per day**
BUILDING PERMIT EXTENSION……. (permits expired for 90 days or longer may be re-instituted one time only)	**50% of original fee**
GOLF COURSE PERMIT……....	**$100 per green**
NON-BUILDING STRUCTURAL PERMIT……. …….…	**$150 + $1/ft over**
CONTRACTOR LISTING……...…	**$150, 1 year** **$200, 2 years** **$400, 5 years**
RETURNED CHECK FEE……...	**$35**
REFUNDABLE DEPOSIT FOR ON-SITE PUBLIC HEARING SIGN……..	**$25, refundable upon return of sign**

PUBLICATIONS:

ZONING ORDINANCE or SUBDIVISION CONTROL ORDINANCE……	**$10**
COMPREHENSIVE PLAN……..	**$35**
ZONING MAP (per township)…….…...….	**$15**
MONTHLY ASSESSORS REPORT……...	**$5**
COUNTY ROAD MAPS…….…….	**$3**

NOTES:

- Permit fees will be tripled if improvement activity takes place prior to obtaining required permits
- All permit and petition fees will be fully waived for governmental agencies
- All permit and petition fees will be reduced by 50% for registered 501(c)(3) non-profit organizations
- Otherwise, all waivers or refunds of permit and petition fees are determined by the Johnson County Board of Commissioners

(Ord. 2013-13, passed 12-9-2013)

CHAPTER 3: INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES

§ 32-6-3-1 AUTHORITY; INSPECTIONS AND INVESTIGATIONS.

(A) All construction activity shall be subject to periodic inspections by the Director, irrespective of whether a building permit has been or is required to be obtained.

(B) The Director may, at any reasonable time, go in, upon, around, or about the premises where any structure subject to the provisions of this article or to the rules of the Fire Prevention and Building Safety Commission is located for the purposes of inspection and investigation of the structure. The inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this article.

(C) Inspections for the County shall consist of following, but shall not limited to:

(1) Footing/post hole inspection: after excavation, prior to placement of concrete;

(2) Foundation: prior to any framing;

(3) Underslab plumbing: prior to covering or pouring floor;

(4) Structural rough in: prior to insulation and drywall;

(5) Electrical rough in: prior to insulation and drywall;

(6) Plumbing rough in: prior to insulation and drywall;

(7) Heating/cooling rough in: prior to insulation and drywall;

(8) Bonding inspection: inspection of pool bond wire(s);

(9) Meter tag inspection: prior to electrical meter placement;

(10) Final occupancy inspection: prior to any usage/occupancy of any dwelling/structure; and

(11) Special inspections: Any inspection of a type or stage of construction as requested or required by the Director (i.e., above ceiling, firestopping, open hole, utility disconnection, and the like).

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-3-2 INSPECTION BY FIRE DEPARTMENTS.

(A) The Director and the local Fire Departments shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws.

(B) The Fire Department has independent authority to conduct inspections and take enforcement actions under I.C. 36-8-17.

(Ord. 2008-02, passed 2-25-2008)

CHAPTER 4: ENFORCEMENT AND PENALTIES

§ 32-6-4-1 WITHHOLD ISSUANCE OF PERMITS.

(A) Whenever a person which is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to Ord. 2007-11, or inspection fees owed pursuant to Ord. 2007-11), or has outstanding issues related to other permits in place, he or she may withhold the issuance of subsequently requested permits until the time that the debt is satisfied.

(B) Wherever a person applies for a building permit for a structure that is not used or constructed in conformance with the applicable zoning ordinance or other ordinance relating to land use, the Director is authorized to withhold the issuance of requested permits until such time that property is brought into conformance with applicable ordinances.

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-4-2 PERMIT REVOCATION.

The Director may revoke a building permit when any of the following are applicable:

(A) The application, plans, or supporting documents contain a false statement or misrepresentation as to a material fact;

(B) The application, plans, or supporting documents reflect a lack of compliance with building standards and procedures;

(C) There is a failure to comply with this article; and/or

(D) The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other related land use.

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-4-3 STOP WORK ORDER.

(A) The Director may issue an order requiring suspension of the pertinent construction (stop work order) in accordance with this section.

(B) The stop work order shall:

(1) Be in writing;

(2) Be posted on the property in a conspicuous place; and

(3) If practicable, be given to:

(a) The person doing the construction; and

(b) To the owner of the property or the owner's agent.

(C) The Director may issue a stop work order if:

(1) Construction is proceeding in an unsafe manner, including but not limited to being in violation of any standard set forth in this article or any state laws pertaining to safety during construction;

(2) Construction is occurring in violation of this article or in such a manner that if construction in allowed to progress, there is probability that it will be substantially difficult to correct the violation; and

(3) Construction for which a building permit is required is proceeding without a building permit being in force.

(D) The issuance of a stop work order shall in no way limit the operation of penalties provided elsewhere in this article.

(Ord. 2008-02, passed 2-25-2008)

§ 32-6-4-4 CIVIL ACTION.

Pursuant to I.C. 36-1-6-4, the County may initiate a civil action in a court of competent jurisdiction to restrain any person from violating a provision of this article.
(Ord. 2008-02, passed 2-25-2008)

§ 32-6-4-5 MONETARY PENALTY.

Any person violating any provision of this article may be subject to a fine in any sum not exceeding those set forth in Ord. 2007-11 and County Zoning § 6-101-2 J. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this article.
(Ord. 2008-02, passed 2-25-2008)

§ 32-6-4-6 RIGHT TO APPEAL.

(A) Any person aggrieved by an order issued under this article shall have the right to petition for review of any order of the Director.

(B) Such a person may file a petition using either or both of the following procedures:

(1) *Appeal to the Fire Prevention and Building Safety Commission.*

(a) Any person aggrieved by an order issued under this article shall have the right to petition for review of any order of the Director by filing an appeal to the Fire Prevention and Building Safety Commission in accordance with I.C. 22-13-2-7.

(b) The Commission may modify or reverse any order issued by the County that covers a subject governed by I.C. 22-12, I.C. 22-13, I.C. 22-14, and I.C. 22-15, a fire safety or a building rule.

(c) The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 structure if the person aggrieved by the order petitions for review under I.C. 4-21.5-3-7 within 30 days after issuance of the order.

(d) The Fire Prevention and Building Safety Commission may review all other orders issued under this article.

(e) The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court of judicial review of the order.

(2) *Appeal to an established local administrative body or court.* Pursuant to I.C. 36-7-8-9, a person aggrieved by a decision of the Director may appeal as in other civil actions. The appellant must, by registered mail, give the County Board of Commissioners a 15-day written notice of his or her intention to appeal. This notice must concisely state the appellant's grievance. If, pursuant to I.C. 36-1-6-9, the County has established by ordinance a means to hear appeals or orders issued under ordinances, then a person aggrieved by an order may petition for review with the administrative body in accordance with the ordinance. If no such administrative body exists, then the person may petition a court of judicial review of the order.

(Ord. 2008-02, passed 2-25-2008)

CHAPTER 5: MINIMUM CONSTRUCTION STANDARDS

§ 32-6-5-1 ADOPTION OF RULES BY REFERENCE.

(A) Pursuant to I.C. 22-13-2-3 (b), the rules of the State Fire Prevention and Building Safety Commission as set out in I.A.C. Title 675 are hereby incorporated by reference in this Code and shall include any later amendments to those rules, but shall not be limited to:

(1) Article 13 – Building Codes:

(a) Fire and Building Standards;

(b) Indiana Building Code; and

(c) Indiana Accessibility Code.

(2) Article 14 – Indiana Residential Code;

(3) Article 16 – Indiana Plumbing Code;

(4) Article 17 – Indiana Electrical Code;

(5) Article 18 – Indiana Mechanical Code;

(6) Article 19 – Indiana Energy Conservation Code;

(7) Article 20 – Indiana Swimming Pool Code;

(8) Article 22 – Indiana Fire Code;

(9) Article 24 – Indiana Migrant Day Care Nursery Code; and

(10) Article 25 – Indiana Fuel Gas Code.

(B) Two copies of the above building rules incorporated by reference are on file in the office of the County Clerk for public inspection as required by I.C. 36-1-5-4.

(C) The Director and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this article. Pursuant to I.C. 22-13-2-7(b), a variance granted by the Director is not effective until it has been approved by the Fire Prevention and Building Safety Commission.

(Ord. 2008-02, passed 2-25-2008)

TITLE 33: COUNTY COURTS

Article

1. INGRESS TO AND EGRESS FROM COUNTY COURTHOUSE

ARTICLE 1: INGRESS TO AND EGRESS FROM COURTHOUSE

Section

Chapter 1: General Provisions

33-1-1-1 Limiting ingress to and egress from the courthouse

CHAPTER 1: GENERAL PROVISIONS

§ 33-1-1-1 LIMITING INGRESS TO AND EGRESS FROM THE COURTHOUSE.

(A) All ingress into the County courthouse by employees other than maintenance staff shall be via their electronic code through the lower south door or utilization of the lower north door or upper west door.

(B) All ingress by the general public shall be through the upper west door or the lower north door.

(C) All egress from the County courthouse by the general public shall be through the lower north door or the upper west door.

(D) The employees of the County may egress from the County courthouse through the lower south door, lower north door, and the upper west door.

(E) It will be a violation of this section for individuals to leave open doors by "propping" doors open or for any individual to open a door for a non-employee in order for any non-employee to by-pass security.

(F) Violation of this section shall subject the violator to an ordinance ticket subject to a fine not to exceed $200, plus court costs.

(Ord. 2007-06, passed 6-4-2007)

TITLE 34: TOWNSHIPS

[RESERVED]

TITLE 35: CRIMINAL LAW AND PROCEDURE

Article

1. **FAIRGROUNDS; ALCOHOL**

2. **WEAPONS AND FIREARMS**

3. **SYNTHETIC CANNABINOIDS**

4. **TRAFFIC REGULATION; FAIRGROUNDS**

ARTICLE 1: FAIRGROUNDS; ALCOHOL

Section

Chapter 1: General Provisions

35-1-1-1 Findings and purpose
35-1-1-2 Definitions
35-1-1-3 Possession; consumption
35-1-1-4 Penalties

CHAPTER 1: GENERAL PROVISIONS

§ 35-1-1-1 FINDINGS AND PURPOSE.

(A) The possession or consumption of alcohol on the County Fairgrounds property endangers the public health, safety, and welfare of the citizenry;

(B) The regulation of the possession or consumption of alcohol upon Fairgrounds property is necessary to protect the health, welfare, comfort, and environment of the citizens; and

(C) Accordingly, the purpose of this chapter is to protect the public health and welfare by prohibiting the possession or consumption of alcohol and alcohol beverages on the property of the County fairgrounds.

(Ord. 2001-14, passed 10-15-2001)

§ 35-1-1-2 DEFINITIONS.

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

ALCOHOL. The compound C_2H_5OH, known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE. A liquid or solid which is, or contains, alcohol and which is fit for human consumption and which is reasonably likely, or intended, to be used as a beverage.
(Ord. 2001-14, passed 10-15-2001)

§ 35-1-1-3 POSSESSION; CONSUMPTION.

The possession or consumption of alcohol shall be prohibited upon the land, property, and within any structure occupied as the County fairgrounds owned by the County, except private residences leased from the County.
(Ord. 2001-14, passed 10-15-2001)

§ 35-1-1-4 PENALTIES.

Persons violating the provisions of this chapter shall be subject to the penalty imposed for a Class C infraction, as set forth in I.C. 34-28-5-4. Accordingly, this chapter shall be enforced by the provisions of I.C. 34-28-5.
(Ord. 2001-14, passed 10-15-2001)

ARTICLE 2: WEAPONS AND FIREARMS

Section

Chapter 1: General Provisions
35-2-1-1 Definitions
35-2-1-2 Restrictions
35-2-1-3 Exceptions
35-2-1-4 Penalty
35-2-1-5 Effective date
Chapter 2: Weapons Discharge Ordinance
35-2-2-1 Definitions
35-2-2-2 Discharge of Weapons Prohibited
35-2-2-3 Exceptions
35-2-2-4 Penalty
35-2-2-5 Joint and Several Liability
Chapter 3: The Right to Keep and Bear Arms

35-2-3-1 Prohibition on Federal Infringement of the Right to Keep and Bear Arms

CHAPTER 1: GENERAL PROVISIONS

§ 35-2-1-1 DEFINITIONS.

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

DEADLY WEAPON.

(1) A loaded or unloaded firearm; or

(2) Weapon, device, taser as defined by I.C. 35-47-8-3, or electronic stun gun as defined by I.C. 35-47-8-1, equipment, chemical substance (excluding mace), knife, explosives, or other material that in the manner it is used, could ordinarily be used, or is intended to be used is readily capable of causing serious bodily injury.

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

SERIOUS BODILY INJURY. Bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss, or impairment of the functions of a bodily member or organ as defined by I.C. 35-41-1-25.

(Ord. 95-19, passed 6-26-1995)

§ 35-2-1-2 RESTRICTIONS.

Except as provided in § 35-2-1-3 below, a person shall not possess on or about his or her person a deadly weapon or firearm within any building under the jurisdiction of the County Board of Commissioners:

Johnson County Courthouse
5 East Jefferson Street
Franklin, Indiana

Johnson County North Annex
34 West Jefferson Street
Franklin, Indiana

Johnson County Juvenile Detention Center
1121 Hospital Road
Franklin, Indiana
(Ord. 95-19, passed 6-26-1995, as amended effective 7-1-2011 to conform with I.C. 35-47-11.1.)

§ 35-2-1-3 EXCEPTIONS.

Section 35-2-1-2 above does not apply to law enforcement officers as defined by I.C. 35-41-1-17; State Department of Correction officers, duly elected or appointed judicial or probation officers, Community Corrections staff, or employees of the United States duly authorized to carry deadly weapons or firearms. The persons described in this section as being exempt from the provisions of this chapter shall not be exempt if they, or any of them, are a party to any proceeding taking place in court. Officers not on regular duty, but who may be in the courthouse on special assignment, or on business not associated with their official duties, shall also be exempt from the ordinance unless they, or any one of them, come within the provision of the second sentence of this section.
(Ord. 95-19, passed 6-26-1995)

§ 35-2-1-4 PENALTY.

Any person violating the provisions of § 35-2-1-2 above shall be subject to the penalty imposed for a Class C infraction as provided in I.C. 34-4-32-4(c) and be subject to having the deadly weapon or firearm confiscated by the proper law enforcement officials and shall be eligible to retrieve the deadly weapon or firearm after a waiting period of 48 hours. This article shall be enforced pursuant to the provisions of I.C. 34-4-32.
(Ord. 95-19, passed 6-26-1995)

§ 35-2-1-5 EFFECTIVE DATE.

This article shall be in full force and effect from and after June 26, 1995.
(Ord. 95-19, passed 6-26-1995)

CHAPTER 2: WEAPONS DISCHARGE ORDINANCE

§ 35-2-2-1 DEFINITIONS

For the purposes of this chapter, the following definitions apply:

(A) WEAPON. Any handgun, rifle, shotgun, or other firearm capable of or designed to or that may be readily converted to expel a projectile by explosion, or a bow or crossbow capable of or designed to or that may readily be converted to shoot an arrow or projectile by any means.
(B) DISCHARGE. To shoot or fire a weapon.
(C) STRUCTURE: Any building or place with sides and a floor that is being used for human residence, business, lodging, or storage.

§ 35-2-2-2 DISCHARGE OF WEAPONS PROHIBITED

Except as provided herein, anyone who discharges a weapon in unincorporated Johnson County is responsible for the projectile discharged. Discharging a weapon, the projectile of which travels:

(A) across or upon any public street, sidewalk or alley;

(B) across or upon a public park, public school or public school property;

(C) across or upon the property of another without the property owner's permission; or

(D) within 100 yards of an occupied structure without the structure owner's permission;

is prohibited.

§ 35-2-2-3 EXCEPTIONS

This chapter does not apply to

(A) the discharge of weapons in defense of one's life or property or to kill a dangerous or destructive animal;

(B) the discharge of weapons during hunting activities;

(C) the discharge of weapons by any duly authorized peace officer or law enforcement official acting in the proper performance of his or her duties;

(D) the discharge of weapons on a shooting range established according to applicable zoning regulations, including those established by any police department or law enforcement agency;

(E) the discharge of weapons during a managed hunt to control the deer population under the supervision of the federal, state, or local law enforcement or game management officials; or

(F) the discharge of blank cartridges in theatrical performances or sporting events or at military funerals or affairs

subject to other federal, state, and local laws and regulations.

§35-2-2-4 PENALTY

Any violation of this chapter shall result in a penalty of $50 for a first time violation. Subsequent offenses shall result in a penalty of no less than $100 and no more than $7,500 for each additional violation.

§35-2-2-5 JOINT AND SEVERAL LIABILITY

Where groups of two or more people are shooting together when a violation occurs, they shall be jointly and severally liable for any penalty resulting from the violation.

(Ord. 2011-04, passed 10-31-11.)

CHAPTER 3: THE RIGHT TO KEEP AND BEAR ARMS

§35-2-3-1 PROHIBITION ON FEDERAL INFRINGEMENT OF THE RIGHT TO KEEP AND BEAR ARMS

(I) Any federal act, law, order, rule, or regulation – past, present, or future – in violation of the Second Amendment to the Constitution of the United States is not authorized by the Constitution of the United States and violates the true meaning and intent as given by the Founders and Ratifiers, and are invalid in Johnson County, Indiana, shall not be recognized by Johnson County, Indiana, and shall be considered bull and void and of no effect in Johnson County, Indiana.

(J) The Board of Commissioners anticipates that members of the Johnson County law enforcement will uphold the Constitution of the United States and the Constitution of the State of Indiana, as they are sworn to do, and will not separate law abiding citizens from their Second Amendment rights without due process.

(Ord. 2013-01, passed 4-22-2013.)

ARTICLE 3: SYNTHETIC CANNABINOIDS

Section

Chapter 3: General Provisions

35-3-1-1 Definitions
35-3-1-2 Restrictions
35-3-1-3 Penalties

CHAPTER 3: GENERAL PROVISIONS

§ 35-3-1-1 DEFINITIONS.

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

SYNTHETIC CANNABINOIDS. Any product such as K2, Spice, or similar products that contain one or more of the following chemical compounds:
(1) (6ar,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;
(2) 1-Pentyl-3-(1-napththoyl)indole, also know as JWH-018;
(3) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073; or
(4) Any other equivalent compound or derivative.
(Ord. 2010-05, passed 10-04-2010)

§ 35-3-1-2 RESTRICTIONS.

(A) Products containing synthetic cannabinoids shall not be sold, marketed or offered for sale within Johnson County, Indiana; and
(B) Products containing synthetic cannabinoids may not be burned, incinerated, or ignited in any public place or on any property owned, leased, or controlled by Johnson County, Indiana.
(Ord. 2010-05, passed 10-04-2010)

§ 35-3-1-3 PENALTIES.

(A) Persons or entities violating the provisions of this ordinance shall be guilty of an infraction and shall be punishable by:
a. A fine of fifty dollars ($50.00) for the first violation;
b. A fine of one hundred dollars ($100.00) for the second violation;
c. A fine of three hundred dollars ($300.00) for the third violation; and

d. A fine of one thousand dollars ($1,000.00) for the fourth and subsequent violations.

(B) If, after multiple violations by the same person or entity, the Johnson County Prosecutor and the Johnson County Sheriff believe that the imposition of fines will be ineffective in enforcing this ordinance, any other remedies provided by law may be sought.

(Ord. 2010-05, passed 10-04-2010)

TITLE 36: RESERVED

TABLE OF SPECIAL ORDINANCES

Table

I. **BONDS**

II. **PURCHASE OF REAL PROPERTY**

TABLE I: BONDS

Ord. No.	*Date*	*Description*
1996-02	4-8-1996	Authorizing the issuance and sale of general obligation bonds of the county to procure funds to be applied to costs of the remodeling and renovation of portions of the Bank One Building into governmental office space and furnishing and equipping.
1996-03	4-8-1996	Appropriating the proceeds derived from the sale of bonds for the purpose of financing costs of the remodeling and renovation of portions of the Bank One Building into governmental office space and furnishing and equipping.
2000-04	9-25-2000	Authorizing the acquisition of and the construction of improvements and the issuance of general obligation bonds to provide funds to pay the costs.
2006-03	3-13-2006	Authorizing the issuance of general obligation bonds for the purpose of providing funds to acquire certain equipment and to pay the costs of issuance of the bonds.
2006-04	4-10-2006	Authorizing the issuance of road and bridge bonds for the purpose of providing funds to acquire certain equipment for the County's Highway Department and to pay the costs of issuance of the bonds.

Ord. No.	*Date*	*Description*
2009-01	5-11-2009	Authorizing the issuance of bonds for the purpose of financing certain child services and the costs of the issuance of the bonds.
2010-02	11-8-2010	Authorizing the issuance of general obligation bonds to provide funds to acquire equipment and to pay costs of issuance of the bonds.
2010-04	11-22-2010	Authorizing the issuance of transportation revenue bonds to provide funds to finance county road project and to pay the costs of issuance of the bonds.
2012-05	11-12-2012	Authorizing the issuance of general obligation bonds for the purpose of providing funds to acquire certain equipment and make certain renovations and to pay the costs of the issuance of the bonds
2013-01	10-15-2013	Authorizing the issuance of general obligation bonds for the purpose of providing funds to acquire, construct, and install a public safety dispatch facility and to pay the costs of issuance of the bonds
2014-02	11-10-2014	Authorizing the issuance of general obligation bonds for the purpose of providing funds to acquire certain equipment and make certain renovations and to pay the costs of certain paving projects and the costs of issuance of the bonds

TABLE II: PURCHASE OF REAL PROPERTY

Ord. No.	*Date*	*Description*
99-01	3-8-1999	Approving the purchase of residential real estate located at 50, 82, and 84 West Wayne Street in Franklin, Indiana.
2010-03	11-8-2010	Authorizing acquisition and disposition of certain Johnson County real estate.

PARALLEL REFERENCES

References to Indiana Code

Board of County Commissioners References to Ordinances

County Council References to Ordinances

REFERENCES TO INDIANA CODE

I.C. Section	*Code Section*
1-1-1-5	1-1-1-4
1-1-1-6	1-1-1-16
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2006-03	1-30-2006	28-1-1-1
2006-8	6-26-2006	28-1-1-1
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