

MIAMI COUNTY, INDIANA

CODE OF ORDINANCES

Contains 2014 S-3, current through
Ordinance 11-25-13, passed 11-25-13

AMERICAN LEGAL PUBLISHING CORPORATION

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PUBLISHER'S ACKNOWLEDGMENT

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

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

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**CODE OF
ORDINANCES**

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CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

§ 10.02 INTERPRETATION.

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

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

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

§ 10.04 CONSTRUCTION OF CODE.

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existing law or amendment thereto reenacted by this code shall continue in operation and effect, as if it had not been repealed by this code. All rules and regulations adopted under laws reenacted in this code shall remain in full force and effect unless repealed or amended subsequent to the enactment of this code.

(B) Any appropriation repealed and reenacted by this code is continued only for the period designated in the original enactment of that appropriation.

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

§ 10.01 TITLE OF CODE.

(A) All ordinances of a permanent and general nature of the county, as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections, shall be known and designated as the “Miami County Code,” for which designation “Code of Ordinances,” “Codified Ordinances” or “Code” may be substituted.

(B) Code title, chapter and section headings do not constitute any part of the law as contained in the code.

Miami County - General Provisions

(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 division.

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

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

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

(G) All references to any section of this code refer to all subsequent amendments to that section unless otherwise provided.
(I.C. 1-1-1-5)

§ 10.05 RULES OF INTERPRETATION; DEFINITIONS.

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

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

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

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

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

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

COUNTY. Miami County, Indiana.

HIGHWAY. Bridges, roads and streets unless otherwise expressly provided.

MONTH. One calendar month.

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

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

TOWNSHIP. The township or townships in which the county is located.

WRITTEN and IN WRITING.

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

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

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

§ 10.06 SEVERABILITY.

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

(B) (1) Except in the case of a section or amendment to this code containing a nonseverability provision, each division or part of every section is severable.

(2) If any portion or application of a section is held invalid, the invalidity does not affect the remainder of the section unless:

(a) 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

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

(C) This section applies to every section of this code regardless of whether a section was enacted before or after the passage of this code.
(I.C. 1-1-1-8)

§ 10.07 REFERENCE TO OTHER SECTIONS.

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

§ 10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS.

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

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

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

§ 10.09 ERRORS AND OMISSIONS.

(A) 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.

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.10 REASONABLE TIME.

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

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

§ 10.11 REPEAL OR MODIFICATION OF CODE SECTION.

When a section of this code is repealed which repealed a former section or law adopted prior to the enactment of this code, the former section or law is not revived unless it so expressly provides. The repeal of any section shall not extinguish or release any penalty, forfeiture or liability incurred under the section unless the repealing section so expressly provides. The section shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of the penalty, forfeiture or liability.
(I.C. 1-1-5-1)

§ 10.12 LIMITATION PERIODS.

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

Statutory reference:

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

§ 10.13 ORDINANCES UNAFFECTED.

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

§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

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

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

§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES.

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

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

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

§ 39.01 PUBLIC RECORDS AVAILABLE.

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

Statutory reference:

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

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

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

(B) The liabilities, proceedings and rights are continued. Punishments, penalties or forfeitures shall be enforced and imposed as if this code had not been

enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

§ 10.99 GENERAL PENALTY.

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

Statutory reference:

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

Section

11.01 County boundaries

CHAPTER 11: COUNTY BOUNDARIES

§ 11.01 COUNTY BOUNDARIES.

The boundary of the county is as follows:
beginning at the southeast corner of Section 34,
Township 25 North, Range 3 East; thence north to the
line dividing Township 29 and 30; thence east to the
southeast corner of Township 30 North, Range 4
East; thence east along the range line to the southeast
corner of Section 34, Township 30 North, Range 5
East; thence south to the southwest corner of Section
35, Township 26 North, Range 5 East; thence east to
the southeast corner of Section 32, Township 26
North, Range 6 East; thence south to the line dividing
Townships 24 and 25; thence west to the starting
point.

(82 Code, § 1-2-1)

TITLE III: ADMINISTRATION

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30. ELECTION DISTRICTS

31. COUNTY COUNCIL

32. COUNTY EMPLOYEES

33. EMERGENCY MANAGEMENT

34. COUNTY POLICIES

35. FEES AND TAXES

36. BOARDS, COMMISSIONS AND AUTHORITIES

37. PURCHASING PROCEDURES

38. DRUG AND ALCOHOL POLICY

39. SNOW EMERGENCIES

CHAPTER 30: ELECTION DISTRICTS

Section

30.01 Purpose

30.02 Commissioner districts

30.03 Councilmanic districts

(3) District Three: all of that area of the county located north of the Eel River.

(⁸² Code, § 1-3-2)

§ 30.01 PURPOSE.

The purpose of this chapter is to establish County Commissioner and Councilmanic election districts.

(⁸² Code, § 1-3-1)

§ 30.02 COMMISSIONER DISTRICTS.

(A) (1) The County Executive shall divide the county into three districts that are composed of continuous territory and are reasonably compact. The Executive may not divide precincts, and may divide townships only when a division is clearly necessary to accomplish redistricting.

(2) If necessary to do so, the County Auditor shall call a special meeting of the Executive to establish or revise districts.

(B) The county is divided into three County Commissioner election districts designated numerically as follows:

(1) District One: all of that area of the county located south of the Wabash River;

(2) District Two: all of that area of the county located between the Wabash and Eel Rivers; and

§ 30.03 COUNCILMANIC DISTRICTS.

(A) (1) The County Executive shall, by ordinance, divide the county into five contiguous, single-member districts. The Executive may not divide precincts when redistricting. If necessary to do so, the County Auditor shall call a special meeting of the Executive to establish or revise districts. One member of the fiscal body shall be elected by the voters of each of the four districts.

(2) Three at-large members of the fiscal body shall be elected by the voters of the whole county.

(B) Single-member districts must be compact, subject only to natural boundary lines such as railroads, major highways, rivers, creeks, parks and major industrial complexes; contain as nearly as possible equal population; and include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(C) A division shall be made every ten years and may also be made in any odd-numbered year.

(D) The five election districts are described as follows:

(1) District One: election precincts one, two and eight;

(2) District Two: election precincts seven and nine;

(3) District Three: election precincts five and six;

(4) District Four: election precincts three and four; and

(5) District Five: election precinct one.
(^ 82 Code, § 1-3-3) (Am. Ord. 1-5-B, passed 1-5-87)

CHAPTER 31: COUNTY COUNCIL

Section

- 31.01 Fiscal body
- 31.02 Meetings

§ 31.01 FISCAL BODY.

(A) The seven-member county council elected under I.C. 36-2-2-3 is the fiscal body. The fiscal body shall act in the name of "The Miami County Council."

(B) The County Council will meet during the first week of January each year to elect the President and President Pro-Tempore from its members.

(C) The County Auditor is the Clerk of the County Council and shall preserve the County Council's records in his or her office; keep an accurate record of the County Council's proceedings; record the "ayes" and "nays" on each vote appropriating money or fixing the rate of a tax levy; and record the "ayes" and "nays" on other votes when requested to do so by two or more members.

(D) The County Sheriff or a deputy shall attend meetings of the County Council, if requested by the County Council, and shall execute its orders.

(E) The County Council may employ legal and administrative personnel necessary to assist and advise it in the performance of its functions and duties.

(^82 Code, § 1-6-1)

§ 31.02 MEETINGS.

(A) The County Council shall hold a regular annual meeting, as prescribed by I.C. 6-1.1-17, to adopt the county's annual budget and tax rate.

(B) Regular meetings of the County Council shall be held the third Tuesday of each month at 7:30 p.m. in the DAR Room of the County Courthouse, provided that when any meeting falls on a legal holiday, it shall be held at the same hour and place on the next day that is not a legal holiday.

(C) Special meetings may be called by the County Auditor, President of County Council or by a majority of the members of the County Council. At least 48 hours before the meeting, the Auditor, President or members calling the meeting shall give written notice of the meeting to each member of the County Council and publish, at least one day before the meeting, the notice in accord with I.C. 5-3-1. This does not apply to a meeting called to deal with an emergency under I.C. 5-14-1.5-5.

(D) If the Court orders the County Auditor to make an expenditure of county money for a purpose for which appropriation has not been made, the Auditor shall immediately call an emergency meeting of the County Council to discuss the matter. The meeting shall be held within three working days of receipt of the order by the Auditor, and notice of the meeting day, time and place is sufficient if given by phone to the members of the County Council and given according to I.C. 5-14-1.5.

(82 Code, § 1-6-2)

CHAPTER 32: COUNTY EMPLOYEES

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32.01	Purpose	more than the affirmation of basic rights already
32.02	Policy	inherent to all citizens, embodied in the 14th
32.03	Vacation	Amendment to the Constitution of the United States
32.04	Sick leave	and specifically related to employment through the
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32.07	Bereavement leave	
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§ 32.01 PURPOSE.

(A) The Board of County Commissioners believes that public jurisdictions should be foremost among employers in compliance with existing state and federal laws and regulations concerning employment practices. The Board also recognizes that a necessary instrument, setting forth the prescribed operating personnel management policy, is necessary.

(B) Provided in this policy shall be the assurance that each county employee will receive fair, equitable, consistent and uniform treatment under its application.

(C) Furthermore, this policy must embrace and execute the principal that county employment opportunities are made known and available to all possible applicants for employment as well as to all citizens of the county. This county policy is little

1964 Civil Rights Act (Title VII), as amended by the Equal Employment Opportunity Act of 1972. (82 Code, § 1-8-1)

§ 32.02 POLICY.

(A) (1) Certain measures prescribed in this policy are remedial. These reflect legal requirements over which the county as an employer, exercises no discretion.

(2) Other prescribed measures included herein represent the administrative procedures that are to be carried out to implement this policy.

(B) Unless specific provision is made otherwise, the procedures contained within this policy

apply to all county employees. For the purposes of this policy, elected officials are not to be considered as county employees.

(C) The Board of Commissioners recognize that there is much difference between employment in the Courthouse and employment in the County Highway Department. Therefore, the application of this policy will vary to some degree between departments. However, the difference in hours or departmental objectives do not diminish or violate the basic employment rights of any employee of the county.

(D) This employment policy applies only to those employees that are employed by county elected officials or by Department Directors or Supervisors that are under direct supervision of the elected officials.

(E) The Board of County Commissioners fully expects this personnel policy and employment practice system prescribed herein to be actively and consistently administered by all county officials. (82 Code, § 1-8-2)

§ 32.04 SICK LEAVE.

(A) Sick leave is a privilege granted to an employee as a protection in case of injury or illness to that employee.

§ 32.03 VACATION.

(A) To be eligible for vacation leave, an employee must be employed full-time as described in Section 2.4 of the Personnel Policy Handbook, Employment Status. The employee will be entitled to vacation with pay based on length of service, from date of hire forward. Full-time employees shall take vacation leave as indicated in the schedule below:

<i>Length of Service</i>	<i>Vacation Leave</i>
After 6 months to 1 year	5 days
1 year through 10 years	10 days
11 years through 15 years	15 days
16 years through 20 years	20 days
21 years through 25 years	25 days
26 years through 30 years (cap)	One additional day per year of service not to exceed 30 days

(B) Vacation time cannot accumulate from year to year, except that, with consent of the department head, vacation time may be used in the immediately following year. All vacations shall be scheduled and approved by each employee’s respective department head.

(82 Code, § 1-8-3) (Ord. 11-17-03, passed 11-17-03; Am. Ord. 9-19-05, passed 9-19-05)

(B) Eligibility.

(1) An employee must be a full-time employee.

(2) No sick leave time is earned nor given during the first six months of employment.

(C) Sick pay schedule.

(1) After six months employment, sick leave will accumulate at the rate of six days per year.

(2) Unused sick leave may accumulate from year to year not to exceed a total of 30 days.

(D) For the above stated period of time, any employee will receive full pay for time lost during regular working days.

(E) Sick leave may be granted for the following reasons: injury or illness of the employee; to avoid

jeopardizing the health of other employees; injury or illness of an emergency nature within the immediate family that requires the employee to be away from work; and pregnancy.

(F) No compensation will be paid for unused sick leave days and sick leave days may not be added to vacation time.

(G) Employees are expected to notify their supervisor of their absence, due to sickness or injury, during the first hour of the day of absence. On any continued absence, the supervisor should be kept informed as to the condition of the employee and the probable date of return to work. The employee will be required to provide the supervisor with a physician's statement before returning to work for any absence from work of three or more consecutive days.

(82 Code, § 1-8-4) (Ord. 12-23-02A, passed 12-23-02)

§ 32.05 HOLIDAYS.

(A) The County Courthouse office and the county highway garage and offices will be closed to observe the major holidays of the year. Full-time regular employees will be paid their regular pay for those days that are designated by the Board of County Commissioners as “holidays.” The following list are those days usually considered to be holidays:

- (1) New Years Day;
- (2) Labor Day;
- (3) Presidents’ Day;
- (4) Columbus Day;
- (5) Good Friday;
- (6) Veteran’s Day;
- (7) Memorial Day;
- (8) Thanksgiving Day;
- (9) Independence Day; and
- (10) Christmas Day.

(B) In addition to the above holidays, it is the usual practice to close the county offices on all election days.

(C) To receive holiday pay for the designated time off on the designated holidays, the employee must work his or her regular schedule on the day before and the day after the holiday.

(^82 Code, § 1-8-5)

§ 32.06 OVERTIME PAY AND COMPENSATION.

(A) County offices and departments shall observe the hours of work designated by the head

administrative or elected officer of that department. Work hours for every department must be established and understood by the affected employees.

(B) At the present, the normal working-hour week is 40 hours for Highway Department and either 35 or 37½ hours for the Courthouse offices. Overtime is defined as any time worked beyond the prescribed and established usual week. Therefore, any Highway Department employee working beyond 40 hours per week or any Courthouse employee working beyond 37½ hours per week, will be paid one and one-half times their regular pay for those overtime hours worked or they will be granted 1½ hours for every overtime hour worked in compensatory time off during regular working hours.

(^82 Code, § 1-8-6)

(C) Pay received by the employee for service on a jury or on a military leave, will be deducted from regular county pay. The sum of the pay shall be no greater than the regular county pay afforded the employee. Mileage or expense allowances for the above service will not be considered as part of the pay

received.

(^82 Code, § 1-8-7)

§ 32.07 BEREAVEMENT LEAVE.

(A) Bereavement leave may be granted an employee for a death in the employee's immediate family.

(B) Bereavement leave with pay will be allowed for up to three work days for the death of an employee's spouse, parent, child, grandparent, grandchild, sister, brother and corresponding in-law.

(C) Bereavement leave of one day may be granted for attending the funeral of other relatives or fellow workers.

(D) Time-off without pay may be granted to attend funerals of family friends, at the discretion of the department head or supervisor.

(^82 Code, § 1-8-7)

§ 32.08 JURY DUTY.

(A) Office holders may approve any absence from work, without loss of pay, for an employee called to serve on a jury in any local, state or federal court.

(B) A copy of the subpoena and/or a certificate of service must be presented to the office holder or supervisor.

(^ 82 Code, § 1-8-7)

payroll shall be required to wear and/or display identification cards, for purposes of identification as provided by Miami County. The identification cards provided shall be worn and/or displayed at all times in

§ 32.09 COURT DUTY.

Court or “legal leave” does not apply to the employee who might be the defendant or plaintiff in any court litigation.

(^ 82 Code, § 1-8-7)

§ 32.10 MILITARY OBLIGATION.

(A) Any employee who has military obligations through service in the National Guard or the active reserves of the Armed Forces of the United States shall be entitled to leave with pay for up to 15 days per year.

(B) To receive the leave, the employee must present his or her notification papers to the supervisor or office holder as soon as they are received by the employee.

(^ 82 Code, § 1-8-7)

§ 32.11 IDENTIFICATION.

All Miami County employees working in the Miami County Courthouse, the Courthouse Annex Building and all other office personnel on county

which employees are working. Each employee is responsible for the identification card provided to them and it shall be at the discretion of the Miami County Commissioners for the replacement cost for any and all lost identification cards. Noncompliance shall be subject to discipline as per county policy. (Ord. 9-5-06, passed 9-5-06)

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CHAPTER 33: EMERGENCY MANAGEMENT

Section

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National Incident Management System (NIMS)

33.60 National Incident Management System

Snow Emergencies, see Chapter 39

Traveling during disaster emergencies, see § 34.04

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GENERAL PROVISIONS

§ 33.01 APPLICABILITY.

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The provisions of this chapter, unless otherwise indicated, apply to and refer to matters contained herein.

(Ord. 10-10-88, passed 10-10-88)

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§ 33.02 DEFINITIONS.

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

Emergency Response Team

- 33.70 Established
- 33.71 Functions
- 33.72 By-laws; operating procedures
- 33.73 Coordination of responses
- 33.74 Limitation on authority
- 33.75 Reimbursement of costs and expenses

Cross-reference:

CHIEF COUNTY EXECUTIVE OFFICER.

(1) As referred to in I.C. 10-4-1-23, for the purpose of declaring a local disaster emergency, and as referred to hereinafter, the President of the County Board of Commissioners.

(2) If the President of the Board of Commissioners is absent from the county, or otherwise not available to act, the Vice-President of the Board of Commissioners shall be considered as the presiding officer and authorized to act under provisions of this chapter.

COUNCIL. The Miami County Council or the County Civil Defense Advisory Council, as established and appointed pursuant to this chapter.

DIRECTOR. The County Director of Emergency Management as established and appointed pursuant to this chapter.

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

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

EMERGENCY MANAGEMENT

VOLUNTEER. Any person who serves without compensation in the Department of Civil Defense, including persons and private agencies offering services to the county during emergency situations.

PERSONNEL. County officers and employees

and emergency management volunteers, unless otherwise indicated.

(Ord. 10-10-88, passed 10-10-88)

§ 33.03 SCOPE AND INTENT.

The general intent of this chapter is to provide for all necessary powers and procedures reasonable necessary to prevent, cope with or make more tolerable emergency conditions.
(Ord. 10-10-88, passed 10-10-88)

CIVIL DEFENSE PROGRAM

§ 33.15 PROGRAM.

(A) In accordance with I.C. 10-4-1-10(b), there is established the Advisory Council. The Advisory Council shall consist of a maximum of nine members appointed, as per I.C. 10-4-1-10, and shall have the Chairperson, Vice-Chairperson, Recording Secretary and the Vice-Recording Secretary.

(B) The Civil Defense Advisory Council shall exercise general supervision and control over the civil defense and disaster program of the county and shall

recommend to the Board of Commissioners the County Civil Defense Director, who shall have direct responsibility for the organization, administration and operation of the civil defense program in the county; shall be responsible to the Board of County Commissioners; and shall not hold any other local or state government office.

(1) The Advisory Council shall meet at least once quarterly.

(2) Notwithstanding any other provision of this section, no compensated position may be established within the Department of Civil Defense, nor any person appointed to the position without the authorization of the Miami 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 the power of approval over particular candidates for any positions, but refers only to their general statutory

Emergency Management

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power to determine the number of officers, deputies, and employees of county departments and to adopt their schedules of compensation. 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. 10-10-88, passed 10-10-88)

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**§ 33.16 DIRECTOR OF CIVIL DEFENSE—
APPOINTMENT, QUALIFICATIONS AND
TENURE.**

The Director of Civil Defense shall be appointed by the Board of County Commissioners upon the recommendation for appointment by the County Civil Defense Advisory Council. The Qualifications for Director will be determined by the Advisory Council and the Board of Commissioners, provided that the Director may not hold other local, state, or federal office as per I.C. 10-4-1-10(d). After appointment, the tenure of the Director shall continue from year to year, unless the Board of Commissioners and the Advisory Council determine the Director to be inadequate to fulfill his responsibilities, which shall include dereliction of duties, (including failure to provide the State Civil Defense Director 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. 10-10-88, passed 10-10-88)

(2) The Director shall be responsible for the development of a County Emergency Operating Plan, and upon adoption, shall be responsible for such

**§ 33.17 DIRECTOR OF CIVIL DEFENSE—
GENERAL POWERS AND DUTIES.**

(A) The Director, subject to the direction and control of the Board of Commissioners and the Advisory Council, shall be executive head of the Department of Civil Defense 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;

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 approval or ratification of the Board of Commissioners and to the extent consistent with the State Emergency Operations 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, with the approval of the Board of Commissioners, accept any offer of the state or federal government to provide for the use of the county any services, equipment, supplies, materials, or funds for emergency management purpose;

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

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

(B) The Director, in addition to the powers and duties expressly provided above, shall be construed to have all powers and duties of a local civil defense director as provided under I.C. 10-9-1, in particular, but not by limitation, the Director, through the Department of Civil Defense, may perform or cause to be performed, with respect to the county, any function parallel or analogous to those performed on a statewide basis by the Indiana Department of Civil Defense, under I.C. 10-4-1-5(I) or 5(j).
(Ord. 10-10-88, passed 10-10-88)

and the Miami County Sheriff's Department.
(Ord. 10-10-88, passed 10-10-88)

§ 33.18 BOARD OF COUNTY COMMISSIONERS.

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

(1) Maintain general supervision over the planning and administration of the Department of Civil Defense;

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

(3) 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.

(B) In addition the County Commissioners may take all necessary action to conduct tests of the emergency management plans. Emergency management tests may be conducted at any time with or without prior notification. All emergency tests conducted within the boundaries of the county shall be coordinated with the Department of Civil Defense

§ 33.19 CIVIL DEFENSE ORGANIZATION.

(A) There is hereby established within the county a joint organization for civil defense to be operated in conformity with the Indiana Civil Defense Act of 1951. This organization will be known as the Miami County Civil Defense.

(B) A coordinator will be appointed for said organization to serve during the pleasure of these bodies.

(C) The Miami County Auditor and City of Peru Clerk-Treasurer will be responsible for the receipt and disbursement of all civil defense funds provided for civil defense purposes.

(Ord. 7-17-75, passed 7-17-75)

be adopted by resolution of the Board of Commissioners.

§ 33.20 VOLUNTEERS.

(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) The volunteer must be at least 18 years of age;

(2) He or she must not have been convicted of a felony; and

(3) He or she must complete and have on file an application form.

(B) Upon completion of the above requirements, the applicant may be sworn in as a member of the Department of Civil Defense.

(Ord. 10-10-88, passed 10-10-88)

§ 33.21 FORMATION, CONTENT AND ADOPTION.

(A) A county emergency operations plan shall

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. The following content may be adopted:

- (g) Shelter;
- (h) Evacuation;

- (1) The basic plan shall include:
 - (a) Purpose;
 - (b) Situation and assumption;
 - (c) Concept of operations;
 - (d) Assignment of responsibilities;
 - (e) Direction and control;
 - (f) Continuity of government;
 - (g) Administration and logistics; and
 - (h) Execution.

- (2) The following annexes will be required:
 - (a) Direction and control of warning and communications;
 - (b) Radiological protection;
 - (c) Law enforcement;
 - (d) Fire and rescue;
 - (e) Health and medical;
 - (f) Welfare;

(I) Public works; and

of the county has been declared by the Chief

(j) Resource and supply.

(B) In addition, all participating emergency services who develop internal plans shall coordinate those plans with the Department of Civil Defense in order to include the 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. 10-10-88, passed 10-10-88)

§ 33.22 OPERATIONS PLAN.

Except as provided hereby, the jurisdiction of the Department of Civil Defense, and the jurisdiction and applicability of the county's comprehensive emergency management and disaster plan, as adopted pursuant to § 33.21, and the exercise of any powers of the Chief Executive Officer of the county and the Board of County Commissioners shall be comprehensive and inclusive county-wide and effective in both the incorporated and unincorporated areas of the county.

(Ord. 10-10-88, passed 10-10-88)

ADMINISTRATION AND ENFORCEMENT

§ 33.35 APPLICABILITY.

This chapter applies whenever:

(A) A state of emergency affecting all or a part of the county has been declared by the Governor, pursuant to I.C. 10-4-1-7;

(B) A state of emergency affecting all or a part

Executive Officer of the county, pursuant to I.C. 10-4-1-23(a) and § 33.37;

(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; and

(D) When the Board of Commissioners has implemented a test of the county's emergency plans and procedures in accordance herewith to the extent necessary or dispensable to the test.
(Ord. 10-10-88, passed 10-10-88)

applies.

(2) 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.

§ 33.36 PRE-DISASTER RESPONSIBILITIES OF DEPARTMENT.

The Department of Civil Defense'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. 10-10-88, passed 10-10-88)

§ 33.37 POWERS AND DUTIES OF EXECUTIVE OFFICER.

(A) In the event of actual or threatened enemy attack or disaster affecting the county, the Chief Executive officer of the county may declare a local disaster emergency, pursuant to I.C. 10-4-1-23(a), for any period not to exceed seven days.

(B) (1) The declaration shall be in writing and indicate the nature of the disaster, the conditions which have brought it about and the area(s) threatened and to which the state of emergency

(C) It 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 to the public can not be complied with due to the prevailing adverse circumstances.

(Ord. 10-10-88, passed 10-10-88)

(D) A declaration is not necessary if the Governor, pursuant to I.C. 10-4-1-7, has already proclaimed a state-wide or area-wide emergency.

(Ord. 10-10-88, passed 10-10-88)

§ 33.38 CONVENTION; EMERGENCY MEETINGS.

(A) As soon as possible after a disaster emergency affecting the county is declared, either by the Governor or by the Chief Executive Officer of the county, the Chief Executive Officer of the county shall convene a meeting of the Board of County Commissioners to perform their legislative and administrative functions as the situation may demand. If the Chief Executive Officer fails or is unable to perform the above duty, the meeting shall be convened by some other manner of the Board of Commissioners, by the Auditor or by successively empowered county officers, in accordance with I.C. 36-2-2-8(a).

(B) (1) Any meeting of the Commissioners shall automatically be deemed an emergency meeting subject only to the procedural provisions of law as govern emergency meetings of County Commissioners, including relaxation of any applicable notice requirements, pursuant to I.C. 5-14-1.5-5(d), and may be held in a convenient and available place.

(2) The meeting shall continue until and 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.

**§ 33.39 PLENIPOTENTIARY POWERS;
QUORUM.**

In the event that a quorum of the Board of Commissioners cannot be assembled for the purposes of the meeting required under § 33.38, the Chief Executive Officer of the county shall be considered a plenipotentiary representative of the Board and shall have all powers and may take all actions of the full Board until the assemblage of a quorum is possible. (Ord. 10-10-88, passed 10-10-88)

(4) The Commissioners may assemble and utilize emergency management forces, including personnel of the Department of Civil Defense, participating emergency services and any other forces at the disposal of the Commissioners hereunder for emergency management purposes;

**§ 33.40 SPECIAL POWERS OF THE BOARD
OF COMMISSIONERS.**

(A) At the meeting convened under § 33.38, the Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith.

(B) In addition, however, they may also exercise any of the following special and extraordinary powers:

(1) The Commissioners may extend the period of a state of emergency declared by the Chief Executive Officer, pursuant to § 33.37, to last more than seven days if necessary;

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

(3) The Commissioners may order the activation and implementation of the county's comprehensive emergency management and disaster control plan that has been adopted, pursuant to § 33.21, or several component parts thereof as may be needed or relevant to the emergency;

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

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

(7) The Commissioners may order the evacuation of all or part of the population from a stricken area of the county and prescribe routes, modes of transportation and destinations for evacuation;

(8) The 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 regulation and the like, which would govern the use and location of premises for housing purposes during normal times;

(9) The Commissioners may suspend, for the duration of the state of emergency (or for a lesser period as they determine), any provisions of or procedures prescribed by ordinances of the county if they would be impractical during the emergency, would interfere with the implementation and carrying out of emergency plans, or would be inimical to actions necessary to protect the public safety and welfare, provided, however, that except in accordance with division (10) below, the 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 Commissioners may also, in accordance

with I.C. 10-4-1-10, waive any procedures or requirements of statute, or of county ordinances reflecting statutory requirements and mandates, and pertaining to the appropriation and expenditure of public funds, the incurrence of obligations, the performance of public works, the entering into contracts, the employment of permanent or temporary workers or utilization of volunteer workers, the rental of equipment or the purchase and distribution of supplies, materials and facilities;

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

(12) (a) The Commissioners may make and promulgate emergency regulations as may be deemed necessary to protect life and property, preserve order, conserve critical resources or implement and carry out the provisions of the county's or state's disaster plans, including but not limited to the power to order the roads closed, establish curfews, close business or any action that they deem necessary to save lives and recover from a declared emergency;

(b) 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;

(c) Any emergency regulations adopted under this section shall not be effective until promulgated, which promulgation shall be by written filing in the offices of the County Clerk and County

Auditor, as required by I.C. 10-4-1-15(b), provided however, that should the filing be impossible because of the emergency situation, the regulations shall be effective and enforceable notwithstanding;

(d) The regulation shall have the full force of law and shall be enforceable by any police officer in accordance with I.C. 10-4-1-17;

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

(14) 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. 10-10-88, passed 10-10-88)

§ 33.41 RECOMMENDATIONS.

It shall be the duty of the Director to make recommendations and advise the Board of Commissioners or the Chief Executive Officer on any actions which it would be necessary or desirable to take under § 33.40 in the event of an emergency.

(Ord. 10-10-88, passed 10-10-88)

§ 33.42 IMPLEMENTATION OF PLANS.

(A) 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 Chief Executive Officer present to declare an emergency, pursuant to § 33.37, the Director may temporarily presume the existence of a state of emergency even

though not officially declared, and may, as his or her judgement dictates, invoke, implement and carry out provisions of the county's adopted comprehensive emergency management and disaster control plan as are necessary to cope with the emergency and protect the public safety and welfare, and shall be considered to have all powers necessary and dispensable to doing so to the extent not specifically limited by statute or specifically limited herein, until the time as a Chief Executive Officer becomes available.

the latter may be inconsistent therewith.
(Ord. 10-10-88, passed 10-10-88)

(B) (1) This section also applies to the County Sheriff to the extent that in the absence of the Civil Defense Director, the County Sheriff is authorized to act as Deputy Director of the Civil Defense Department and assume all the duties of the Director.

(2) Assistance from the Department of Civil Defense may be rendered without a declaration of an emergency in order to assist local emergency services in time of need.
(Ord. 10-10-88, passed 10-10-88)

§ 33.43 OFFICERS AND EMPLOYEES.

All officers and employees of the county shall cooperate with and give active support to the County Commissioners and the Civil Defense Director in all emergency management operations, and shall comply with all orders of the Commissioners and the Civil Defense Director, issued pursuant to this chapter.
(Ord. 10-10-88, passed 10-10-88)

§ 33.44 PRIORITY.

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

§ 33.45 NONCOMPLIANCE.

(A) Whenever this chapter applies as provided herein, it shall be unlawful and a penal ordinance violation for any person to:

(1) Willfully obstruct, hinder or delay the Commissioners, the Director of Civil Defense, participating emergency services, authorized emergency management volunteers or other authorities from implementing, carrying out and enforcing emergency plans and procedure;

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

(3) Falsely wear or carry identification as a member of the Department of Civil Defense, 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 Department of Civil Defense 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.

(Ord. 10-10-88, passed 10-10-88)

§ 33.46 LIMITATIONS OF LIABILITY.

The county, its assigned personnel and participation 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 Civil Defense Director.

(Ord. 10-10-88, passed 10-10-88)

§ 33.47 REIMBURSEMENT.

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. 10-10-88, passed 10-10-88)

***NATIONAL INCIDENT MANAGEMENT
SYSTEM (NIMS)***

**§ 33.60 NATIONAL INCIDENT
MANAGEMENT SYSTEM (NIMS) ADOPTED.**

The county hereby adopts the National Incident Management System (NIMS) as its system of preparing for and responding to disaster incidents.
(Res. 1-17-06, passed 1-17-06)

EMERGENCY RESPONSE TEAM

§ 33.70 ESTABLISHED.

The Miami County Emergency Response Team is hereby established.
(Res. 5-14-07, passed 5-14-07)

§ 33.71 FUNCTIONS.

The functions of the Miami County Emergency Response Team shall be under the direction of the Miami County Emergency Management Agency, which, as an agency of Miami County, is responsible to the Miami County Board of Commissioners.
(Res. 5-14-07, passed 5-14-07)

§ 33.72 BY-LAWS; OPERATING

PROCEDURES.

The Miami County Emergency Response Team shall adopt by-laws and standard operating procedures, which will be subject to final approval before implementation by the Miami County

Emergency Management Agency Advisory Council
and the Miami County Board of Commissioners.

(Res. 5-14-07, passed 5-14-07)

§ 33.73 COORDINATION OF RESPONSES.

The Miami County Emergency Response Team shall coordinate all emergency response procedures with the Director of the Miami County Emergency Management Agency, or, when appropriate by state or county statute, the Miami County Board of Commissioners, and shall act as a liaison for emergency response activities with the public, local businesses, and public and private agencies.

(Res. 5-14-07, passed 5-14-07)

§ 33.74 LIMITATION ON AUTHORITY.

Nothing in this subchapter shall be construed to relieve the Miami County Board of Commissioners from its statutory role as the executive body of Miami County, Indiana, specifically including its authority to provide and control emergency services to the citizens of Miami County.

(Res. 5-14-07, passed 5-14-07)

§ 33.75 REIMBURSEMENT OF COSTS AND EXPENSES.

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

PERSON. Individual, partnership, co-operative, limited liability company, firm, company, corporation, association, trust, estate, government entity, or any other legal entity or their representatives, agents, or assigns.

RESPONSE. Any and all instances when one or more members of the Miami County Emergency Response Team are called out to the scene of an incident involving the presence or suspected presence of dangerous, hazardous, or toxic substances.

RESPONSIBLE PARTY. The person liable for reimbursement for costs and expenses associated with the operation of the Miami County Emergency Response Team.

billing pursuant to this section and shall submit such billing to the party responsible for paying the costs and expenses identified in this section no later than 30 days following any reimbursement response of the Miami County Emergency Response Team.

SUBSTANCES CONSIDERED AS DANGEROUS, HAZARDOUS, OR TOXIC. Those which are:

(a) Listed in the latest edition of the U.S. Department of Transportation “Guidebook for Hazardous Materials Incidents;” or

(b) Listed in the latest edition of “Dangerous Properties of Industrial Materials” by H. Irving Sax and containing the terms “dangerous,” “hazardous,” or “toxic” in the THR (Summary Toxicity Statement), the Disaster Hazard Statement, the Explosion Hazard Statement, or the Acute Toxicity Statement; or

(c) Listed in the latest edition of the “Condensed Chemical Dictionary” by Gessner G. Hauley and the words “hazardous” or “toxic” are used in the “hazard” explanation used to categorize the substance.

(B) (1) Any person that uses, stores, handles, transports, or disposes of any dangerous, hazardous, or toxic substances or materials or any substances or materials reasonably believed to be dangerous, hazardous, or toxic in such a fashion or manner so as to necessitate a response by the Miami County Emergency Response Team shall be liable to the County of Miami for reimbursement of the costs and expenses made necessary by such response of the Miami County Emergency Response Team pursuant to the provisions of this section.

(2) The Director of the Miami County Emergency Management Agency shall prepare a

(3) The person responsible for reimbursing the County of Miami under the provisions of this section shall tender payment in satisfaction of the aforementioned billing no later than 30 days following receipt of the billing prepared and issued by the Director of Miami County Emergency Management Agency.

(4) Any person who fails to reimburse the County of Miami within the aforementioned 30 days shall be deemed to have violated this section and shall be subject to a penalty equivalent to 5% of the total billed amount for every day that the responsible party fails to tender reimbursement to the County of Miami.

(5) If a person objects to the aforementioned billing by the Director of the Miami County Emergency Management Agency, the responsible party must file with the Miami County Emergency Management Agency a written objection to the billed amount. Upon receipt of such written objection, the Miami County Emergency Management Agency Advisory Council shall place

the matter on the agenda of its next regularly scheduled meeting and shall allow the responsible party an opportunity to object to the billing. The Miami County Emergency Management Agency Advisory Council shall then deliberate and issue a written opinion concerning the appropriateness of the billed amount. If the responsible party objects to the decision of the Miami County Emergency Management Agency Advisory Council, a petition requesting a judicial review of the decision of the Miami County Emergency Management Agency Advisory Council shall be filed with the Miami County Court of competent jurisdiction no later than 30 days from the date of the decision of the Miami County Emergency Management Agency Advisory Council. The Miami court of filing shall conduct a hearing on the petition as expeditiously as is consistent with the court's calendar. The decision of the Miami County Court shall be final unless the responsible party or the Miami County Emergency Management Agency Advisory Council appeals that decision to the appellate procedure for appeal of any civil matter.

Miami County - Administration

(C) (1) Any time the Miami County Emergency Response Team is called to the scene of an accident, the responsible party shall reimburse the County of Miami (at replacement cost) for any Emergency Response Team equipment or supplies which are damaged, lost, spent, destroyed, rendered irreparable, or “used up” in responding to or managing the incident; provided that any reimbursement under this division (C)(1) shall be limited to equipment and supplies which are listed on the “Equipment and Supply Inventory List” of the Miami County Emergency Response Team which shall be kept on file at the office of the Director of the Miami County Emergency Management Agency and made available for public inspection during normal business hours of the Miami County Emergency Management Agency.

(2) In addition to the reimbursement obligations contained in division (C)(1) above, the responsible party shall be billed by the Director of the Miami County Emergency Management Agency at the rate of \$75 per hour for each member of the Miami County Community Emergency Response Team who is active at the site, and in addition, for

initial response with a hazardous material response unit or a rescue ambulance unit dispatched on a hazardous material incident:

\$350	Per response vehicle except a command/control vehicle
\$150	Per command/control vehicle
\$200	Per ambulance runs minimum
For each hour or fraction thereof as on-scene assistance:	
\$200	Per response unit except a command/control vehicle
\$100	Per command/control vehicle

(3) In addition to all the foregoing amounts, the responsible party shall pay the costs of collection, including attorney fees, if suit is necessary to collect such amounts.
(Ord. 9-18-07, passed 9-18-07)

CHAPTER 34: COUNTY POLICIES

Section

34.01	Health-related services at county jail	confined in the county jail who:
34.02	Enhanced 911 service	
34.03	Prisoner reimbursement	(1) Maintains a policy of insurance from a
34.04	Traveling during disaster emergencies	private company covering the following, provided the
34.05	Community corrections program	inmate provides complete and accurate information to
34.06	Parenting classes	
34.07	Membership in organizations	
34.08	Nepotism policy	
34.09	Investment policy	
34.10	ADA accessibility standards adopted	

§ 34.01 HEALTH-RELATED SERVICES AT COUNTY JAIL.

(A) A person confined to the county jail, except as provided in divisions (B) and (C) below, shall be required to make a co-payment in an amount of \$15 for each provision of any of the following services:

- (1) Dentist visit;
- (2) Physician visit;
- (3) Glasses;
- (4) Ophthalmology/optometrist visit;
- (5) Prescription handling fee; and
- (6) Any other health care-related service.

(B) Division (A) does not apply to a person

allow the health care provider to file a claim for services rendered:

- (a) Medical care;
- (b) Dental care;
- (c) Eye care; or
- (d) Other health care related service;

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

(3) Is committed to the State Department of Correction; or

(4) Is housed at the county jail, pursuant to contract entered into with the U.S. Marshals' Service.

(C) A person confined at the county jail is not

required to make the co-payment if:

(1) The inmate does not have funds in the inmate's commissary account or trust account at the time the service is provided and the inmate does not have funds in the inmate's commissary or trust account within 30 days after the medical service is provided;

(2) The service is provided in an emergency;

(3) The service is provided as a result of an injury received at the county jail; or

(4) The service is provided at the request of the Sheriff.

(D) Only the original filling of a specific prescription shall be charged a co-payment for the medical service. All refills ordered when the original prescription was written shall constitute one service.

(E) If the original call for medical services is initiated by the Sheriff, follow-up care for the same illness or injury will not require a co-payment if follow-up service is rendered within 30 days of the original medical service.

(F) Inmates at the county jail will never be refused medical treatment because of an inability to pay. Should an inmate have a zero balance in the inmate trust or commissary account, the transaction shall be carried on the books for a 30-day period. Should the inmate receive money within the 30-day period, the co-payment will be deducted from the inmate's account. If the inmate receives no funds, at the end of the 30-day period, an adjustment entry shall be made to negate the medical billing transaction. Within the 30-day period, if the inmate receives money, the outstanding co-payment shall be deducted prior to commissary order being processed. Co-payments for medical services shall be deducted prior to any moneys being released to the inmate for bonding or for any other purpose.

(G) Moneys collected shall be deposited into the County Medical Care for Inmates Fund.

(H) The position of county jail medical doctor shall be established. The county jail medical doctor employed and/or contracted to fulfill the duties of the aforementioned position shall be granted all powers necessary for effective care and treatment of all inmates housed in the county jail.

(Ord. 8-21-95, passed 8-21-95; Am. Ord. 7-14-03, passed 7-14-03; Am. Ord. 8-2-04, passed 8-2-04)

§ 34.02 ENHANCED 911 SERVICE.

(A) The Board of Commissioners does hereby adopt an enhanced 911 emergency telephone system to send automatic number identification and automatic location identification for reporting fire, medical and other emergency situations.

(B) The aforesaid 911 emergency system shall be adopted for the benefit of all incorporated or unincorporated areas with the county being a county wide system.

(C) (1) A monthly service fee per telephone access line will be collected by the service supplier to pay for the lease, purchase or maintenance of the 911 system, including necessary computer hardware, software and data base provisioning and the rates associated with the service suppliers enhanced emergency telephone network service.

(2) The fee is established at the rate of \$1.75 per telephone access line per month and will be assessed against all access lines of the telephone subscribers in the service area covered by the 911 system.

(D) Each service supplier that collects the enhanced emergency telephone system fee on behalf of the county is entitled to a 3% administrative fee as compensation for collecting fees. The remaining amount of the fee collected during the calendar

quarter shall be remitted to the County Auditor within ten days after the last day of the quarter. At the same time that the collected fees are remitted, the service supplier shall provide a fee collection report to the County Auditor.

(E) The County Auditor shall deposit the remitted fees in a separate fund known as the Miami County E-911 Fund. The money in the Fund may be invested in the same manner as other monies are invested with the interest earned from the investment to be deposited to the County E-911 Fund.

(F) By January 31 of each year, each service supplier that is required to collect the fee for the county shall provide a delinquent fee report to the County Auditor. The report shall list the name, address and amount due for each service user who is two or more months delinquent in paying the E-911 fee.

(G) Effective date for the imposition of a monthly user fee for any user of E-911 services shall be the month in which the service became or becomes operationally available, and shall be imposed and collected by the service supplier in the monthly billing for the month in which the E-911 service did become available.

(H) An eight member E-911 Committee/Board is hereby created for the purpose of providing the County Commissioners with data, advice and recommendations regarding the implementation of 911 service, its day to day operations, training of personnel, dispatch standards, review of rates and other matters which from time to time need the review of the Committee/Board in order to maintain an effective and efficient 911 emergency system.

(I) (1) The composition of the Enhanced 911 Advisory Committee shall be as follows:

- (a) One County Commissioner;
- (b) One County Council person;
- (c) One member from the City of Peru Board of Works;
- (d) One member of the Peru City Council;
- (e) One member from the Peru City Police;
- (f) One member from the County Sheriff's Department;
- (g) One member from the County Emergency Medical Service; and
- (h) One member from the County

Fire Association.

(2) Each of the agencies shall recommend to the County Commissioners a member from their individual agencies for the appointment on the

Advisory Board and the Board of Commissioners shall appoint the members as recommended by each agency.

(3) There shall be an equal representation on the Advisory Board by elected officers of the City of Peru and Miami County.

(Ord. 11-16-93, passed 11-16-93; Am. Ord. 9-19-95, passed 9-19-95; Am. Ord. 12-4-95, passed 12-4-95)

placement of the funds collected pursuant to the Act, to be designated as the County Prisoner Reimbursement Fund. The Fund may be used for any

§ 34.03 PRISONER REIMBURSEMENT.

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

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

(C) The Board of Commissioners hereby directs the County Sheriff to collect and account for the prisoner reimbursement payments pursuant to the Act. If the Sheriff fails to collect the amounts, the County Attorney is authorized to begin legal proceedings or take other legal actions to collect the amounts. The Board of Commissioners will consider the Sheriff's recommendation with respect to an agreement or arrangement with a collection agency or similar to assist in the collection.

(D) The Board of Commissioners hereby establishes a separate, non-reverting fund for the

purposes now or in the future permitted by law, which purposes currently include the operation, construction, repair, remodeling, enlarging and equipment of a county jail or a juvenile detention center.

(Ord. 9-21-98, passed 9-21-98; Am. Ord. 10-20-98, passed 10-20-98)

§ 34.04 TRAVELING DURING DISASTER EMERGENCIES.

(A) *Definitions.* The provisions of I.C. 10-14-3-29 as amended from time to time are hereby adopted the same as if recited herein.

(B) *Travel advisory levels.* In the event a local disaster emergency declaration results from a snowstorm, the following travel advisory levels are hereby established:

(1) A Level 1 (Red) Emergency Travel Advisory may be declared when roads have become impassable and the County Highway Department is not able to keep the roadways cleared due to severe snowfall and high winds producing drifts and blizzard-like conditions. Travel may be restricted to emergency personnel only and essential emergency travel by members of the public. Further restrictions that the Board deems necessary may be enacted at this time.

(2) A Level 2 (Orange) “Warning” Travel Advisory may be declared when conditions are threatening to the public’s safety. Only essential travel is recommended. Emergency action plans have been or should be implemented by businesses, schools, government agencies, and other organizations.

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

(4) A Level 4 (White) “Caution” Travel Advisory may be activated when conditions may

develop that limit or hinder travel or activities in isolated areas. No travel restrictions have been imposed, but citizens should be alert to changing road and weather conditions. (This is not a declared Travel Advisory, but an activation of this section to alert the public of possible hazardous conditions.

(C) Procedure for declaring a Travel Advisory Level.

(1) The President of the Board of Commissioners of Miami County may declare an emergency pursuant to the provisions of I.C. 10-14-3-29 and the Travel Advisory Level as set forth in division (B) above.

(2) The Director of the Miami County Emergency Management and Disaster Director shall alert media outlets when a Travel Advisory Level has been declared.

(3) A Level 4 Caution may activated and notified to the public by the Director of Emergency

Management and does not need a declaration from the Commissioners.

(4) A declared Travel Advisory shall continue in effect no longer than seven days and shall terminate when it is determined an emergency no longer exists.

(D) Effect of declaring a Travel Advisory.

(1) If a Level 1 Emergency Travel Advisory is declared, all motor vehicle travel on county highways is prohibited.

(2) If a Level 2 Warning Travel Advisory is declared, motorists may travel on county highways at their own risk.

(3) If a Level 3 Watch Travel Advisory is declared, motorists need to be aware that travel could be restricted on county highways and caution should be used.

(4) If a Level 4 Caution Travel Advisory is activated, motorists may travel on county highways.

infraction.
(Ord. 12-20-2010, passed 12-20-10) Penalty, see § 10.99

(5) If, during an Emergency, Watch, Warning, or Caution Travel Advisory, a motor vehicle becomes disabled, abandoned or incapable of moving under its own power on the county highways, the vehicle may be removed at the expense of its owner at the direction of any member of the Committee.

(6) If a Level 1 Emergency Travel Advisory or a Level 2 Warning Travel Advisory is declared:

(a) No motor vehicle shall be parked on a county highway or right-of-way.

(b) Pushing (plowing) snow onto a county highway or right-of-way is prohibited.

(E) *Motor vehicles exempt from Travel Advisory Levels.* The following motor vehicles shall be exempt from the effects of declaring a Travel Advisory Level:

(1) All emergency response vehicles, public utility vehicles, towing vehicles, and vehicles being operated for the sole and express purpose of caring for livestock.

(2) Any snowmobiles or other off-road vehicles which are declared to be “emergency vehicles” by the Coordinator or Sheriff of Miami County.

(3) Those permitted by I.C. 10-14-3-29.

(F) *Penalty.* Any person who violates any of the provisions of this section commits a Class C

§ 34.05 COMMUNITY CORRECTIONS PROGRAM.

(A) There is hereby established a community corrections program for and in the county to be known as the County Community Corrections Program.

(B) The Community Corrections Program may provide preventative services, services to offenders, services to persons charged with a crime or act of delinquency, services to persons diverted from the criminal or delinquency process and will be operated under a community corrections plan, as adopted by the Community Corrections Advisory Board.

(C) The Community Corrections Program may provide employment, education, mental health, drug or alcohol abuse or counseling services or transition services and may include housing or supervision.

(D) The Community Corrections Program may be established and operated for any of the following:

(1) The prevention of crime or delinquency;

(2) Persons charged with or diverted from charges for crimes or acts of delinquency who are not tried and who voluntarily participate in the program;

(3) Persons on probation;

(4) Persons sentenced to imprisonment in a county facility;

(5) Committed offenders, with the approval of the State Department of Corrections; and

(6) Persons who are released from the D.O.C. for transition into the community.

(E) The Community Corrections program may accept gifts, grants and subsidies from any lawful source and apply for and accept federal funds to provide necessary funding for the establishment and/or operation of a community corrections program.

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(F) The Community Corrections Program shall establish the Community Corrections Advisory Board and the Community Corrections Advisory Board is hereby established by the Board of County Commissioners. The Advisory Board shall consist of:

- (1) The County Sheriff or designee;
- (2) The prosecuting attorney or the prosecuting attorney's designee;
- (3) The Director of the County Office of Family and Children or the Director's designee;
- (4) The executive of the most populous municipality in the county or the executive's designee;
- (5) One judge having criminal jurisdiction, if available, appointed by the County Circuit Court Judge or the Judge's designee;
- (6) One judge having juvenile jurisdiction, appointed by the County Circuit Court Judge;
- (7) One public defender or the public defender's designee or one attorney with a substantial criminal defense practice appointed by the County Executive;
- (8) One victim, if available, appointed by the County Executive;
- (9) One ex-offender appointed by the County Executive;
- (10) The following members appointed by the County Executive:
 - (a) One member of the County Council or the member's designee;
 - (b) One probation officer;
 - (c) One educational administrator;
 - (d) One representative of a private corrections agency, if such exists;

(e) One mental health administrator, or if none exists, one psychiatrist, psychologist or physician; and

(f) Four lay persons, at least one of whom must be a member of a minority race if a racial minority resides in the county and a member of that minority is willing to serve.

(G) The Community Corrections Advisory Board shall have all powers vested in it by the state and the powers or restrictions as shall be conferred from time to time by the Board of Commissioners.

(H) The Community Corrections Advisory Board may be abolished by resolution of the Board of Commissioners.
(Res. 9-27-99c, passed 9-27-99)

§ 34.06 PARENTING CLASSES.

(A) All parties with minor children involved in a legal separation or dissolution proceeding in the

county shall be required to attend parenting classes.

(B) The parenting classes shall be run under the supervision of the Judge of the County Circuit Court in conjunction with Four County Counseling Center.

(C) The expense for the parenting class shall be paid to the Clerk of the County Circuit Court in the sum of \$30 for each parent in accordance with order of the Judge of the County Circuit Court.
(Ord. 1-1-95, passed 1-1-95)

§ 34.07 MEMBERSHIP IN ORGANIZATIONS.

(A) The purpose of this section is to authorize participation in certain organizations that provide information and services that are necessary for efficient operation of the county. (82 Code, § 1-11-1)

(B) (1) The Board of Commissioners is authorized to budget, and the County Council is

authorized to appropriate funds from the General Fund or from other funds to provide membership for the county and for the elected and appointed officials and members of the county's boards, council, departments or agencies in local, regional, state and national associations of a civic, educational or governmental nature which have as their purpose the betterment and improvement of county government operations.

Commissioners, the Auditor, the legal counsel and other appropriate officers of the county are hereby authorized to take all such actions and execute all such instruments as are necessary or desirable to effectuate this section and the implementation of the established and incorporated policies.

(Res. 6-18-2012, passed 6- -12)

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

(82 Code, § 1-11-2)

§ 34.08 NEPOTISM POLICY.

(A) The Board of Commissioners hereby adopts the policy attached as Exhibit A to Res. 6-18-2012 and made a part hereof as if fully set forth herein, as the official policy of the county regarding the employment of relatives by the county.

(B) The Board of Commissioners hereby adopts the policy attached as Exhibit B to Res. 6-18-2012 and made a part hereof as if fully set forth herein, as the official policy of the county regarding contracts between:

(1) Any department, office or elected official of the county; and

(2) Relatives or businesses wholly or partially owned by relatives of elected officials of the county.

(C) The members of the Board of

§ 34.09 INVESTMENT POLICY.

Pursuant to Res. 08-21-2012 and I.C. 5-13-9-5.7, the Miami County Council does hereby adopt this written investment policy.

(A) The investment of public funds shall be made in accordance with I.C. 5-13-9-5.7;

(B) The investment of public funds shall be made with the approval of the investing officer;

(C) The investment of public funds under this policy shall be limited to not more than 25% of the total portfolio of public funds invested by the political subdivisions, including balances in transaction accounts; and

(D) This investment policy shall expire on August 21, 2016.
(Res. 08-21-2012A, passed 8-21-12)

§ 34.10 ADA ACCESSIBILITY STANDARDS ADOPTED.

Miami County now fully adopts the ADA Standards for Accessibility Guidelines (2010) as amended (“ADAAG”) and the Public Rights of Way Accessibility Guidelines (2005) as amended (“PROWAG”) for constructing new or altering existing facilities.

(Res. 10-15-12, passed 10-15-12)

Cross-reference:

Building regulations; construction, see Ch. 150

CHAPTER 35: FEES AND TAXES

Section

Fees

- 35.01 Copying fees
- 35.02 Vaccination and testing fees
- 35.03 Enterprise zone assistance fee
- 35.04 Supplemental recording fee
- 35.05 Solid waste planning fee
- 35.06 Real property endorsement fee
- 35.07 Plat book fee
- 35.08 Accident report fee
- 35.09 Voter registration list fee; fund
- 35.10 Late payment fee
- 35.11 Sex or violent offender registration
fee; fund
- 35.12 Vital records fees
- 35.13 Mobile home permit fee

§ 35.01 COPYING FEES.

(A) Pursuant to I.C. 5-14-3-8, the Board of Commissioners hereby elects to establish a copying

Taxes

- 35.40 Dog tax
- 35.41 County economic development income
tax
- 35.42 Option income tax
- 35.43 Innkeeper's tax
- 35.44 Bridge Fund tax

Cross-reference:

*Swimming pools, annual fee schedule, see
§ 94.09*

Zoning fees adopted by reference, see § 153.01

FEES

and/or facsimile fee schedule. The copy fee schedule shall be as follows:

- (1) Letter size: \$.10 each;
- (2) Legal size: \$.15 each;
- (3) Ledger size: \$.25 each;
- (4) Blue line copies:
 - (a) 8½" X 11": \$.25 each;
 - (b) 20" X 24": \$.50 each;
 - (c) 24" X 36": \$.75 each;
- (5) 3-Mil Mylar copies:
 - (a) 24" X 36" sheet: \$3.75 each;

- (b) 11" X 17" plain drafting: \$.35 each;
- (c) 24" X 36" plain drafting: \$1.15 each;
- (d) 24" X 36" Xerox vellum: \$3 each;
- (e) 18" X 24" translucent: \$2.50 each;
- (6) 3-Mil Mylar drafting film, 24" X 36": \$2.50 each sheet;
- (7) Xerox bond:
 - (a) 18" X 24": \$2 each;
 - (b) 24" X 36": \$2.40 each; and

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(8) Fax: \$1 per page.

(B) This fee schedule shall be clearly posted in any and all public offices where the fee will be charged. This fee will not exceed the cost of certifying, copying and/or facsimile transmission of any and all public documents and this fee will be uniform throughout the county offices.
(Ord. 1-3-00, passed 1-3-00)

Pneumonia	\$30
Polio	\$25
Tetanus Diptheria	\$20
Typhoid	\$45
Yellow Fever	\$70

§ 35.02 VACCINATION AND TESTING FEES.

(A) Pursuant to I.C. 36-1-3, the Board of Commissioners hereby elects to establish the fee for Chicken Pox vaccinations, Flu vaccinations, Hepatitis A vaccinations, Hepatitis B vaccinations, Meningitis vaccinations, MMR vaccinations, Pneumonia vaccinations, Polio vaccinations, Tetanus Diptheria vaccinations, Typhoid vaccinations, and Yellow Fever vaccinations. The Miami County Health Department shall charge all persons receiving Chicken Pox vaccinations, Flu vaccinations, Hepatitis A vaccinations, Hepatitis B vaccinations, Meningitis vaccinations, MMR vaccinations, Pneumonia vaccinations, Polio vaccinations, Tetanus Diptheria vaccinations, Typhoid vaccinations, and Yellow Fever vaccinations, at the rate per vaccinations listed below:

Chicken Pox	\$70
Flu	\$13
Hepatitis A	\$25
Hepatitis B	\$30
Meningitis	\$90
MMR	\$50

(B) All fees collected shall be used to subsidize the cost of all testing and vaccinations. (Ord. 5-8-00, passed 5-8-00; Am. Ord. 8-25-03, passed 8-25-03; Am. Ord. 7-6-04, passed 7-6-04; Am. Ord. 7-17-06, passed 7-17-06)

§ 35.03 ENTERPRISE ZONE ASSISTANCE FEE.

(A) An assistance fee should be established and paid by all zone businesses located within the enterprise zone established at the former Grissom Air Force Base, the enterprise zone being located entirely within the county, and not within any municipality.

(B) An appropriate assistance fee to be paid by each zone business is a determined percentage of the credit received by each zone business for being located in the enterprise zone or the same percentage of the amount of tax saved by the zoned business by reason of its location in the enterprise zone, whichever is less.

(C) The assistance fee shall be in addition to the registration fee required by I.C. 4-4-6.1-2.

(D) The assistance fee and the registration fee shall be paid to the Urban Enterprise Association for the enterprise zone, the association being designated, previously, as the Grissom Redevelopment Authority. The payments shall be made annually, simultaneous with the filing of all forms and documents required to receive credit for location and operation in the enterprise zone.

(Res. 8-20-96, passed 8-20-96)

§ 35.04 SUPPLEMENTAL RECORDING FEE.

(A) Pursuant to I.C. 36-2-7-10, the County Recorder shall charge a supplemental fee of \$3 per document, which shall be paid at the time of recording the document. The supplemental recording fee of \$3 is in addition to all other recording fees required by law for services rendered by the County Recorder's Office.

(B) Pursuant to I.C. 36-2-7-10(c), the supplemental recording fee shall be placed in the Recorder's Supplemental Fund, along with the fees collected per I.C. 36-2-7-10(b)(5), I.C. 36-2-7-10(b)(6) and I.C. 36-2-7-10(b)(9), to be used by the County Recorder without appropriation, for the preservation of records and the improvement of recordkeeping systems and equipment.
(Ord. 11-12-96, passed 11-12-96)

amount equal to 1% of the fees collected and may retain this amount as compensation for collecting and remitting the fees.

(D) The remainder of the fees collected each month under division (C) above shall be remitted to

§ 35.05 SOLID WASTE PLANNING FEE.

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

BOARD OF COMMISSIONERS. The Board of County Commissioners.

COUNTY AUDITOR. The Miami County Auditor.

FINAL DISPOSAL FACILITY. The meaning prescribed in I.C. 13-11-2-81.

SOLID WASTE. The meaning prescribed in I.C. 13-11-2-205.

(B) A county solid waste planning fee is imposed at the rate of \$.50 per cubic yard on each cubic yard of solid waste disposed of or incinerated at a final disposal facility in the county.

(C) (1) The owner or operator of a final disposal facility located in the county is responsible for collecting the county solid waste planning fee imposed hereunder from persons delivering solid waste to the final disposal facility.

(2) The owner or operator may deduct an

the County Auditor within ten days after the last day of the month in which the fees are collected.

(E) The owner or operator of a final disposal facility shall make necessary records available to an employee designated by the Board of Commissioners for the purpose of verifying the amount of solid waste disposed of and the amount of fees being collected and remitted to the County Auditor.

(F) The owner or operator of a final disposal facility that does not have a scale suitable for solid waste may determine the weight of the solid waste by conversion from the volume of the solid waste. In making this conversion, an owner or operator shall use the following conversion factors:

(1) Three and three-tenths cubic yards of compacted solid waste equals one ton of solid waste; and

(2) Six cubic yards of uncompacted solid waste equals one ton of solid waste.

(G) (1) The fee imposed under division (B) above does not apply to solid waste that is received at a final disposal facility pursuant to a contract entered into before January 1, 1990, unless the contract contains a pass-through provision by which the transporter of the solid waste may recover the fees from the transporter's client.

(2) Any solid waste for which an exemption under this section is sought must be identified as to the particular contract which does not contain the pass-through provision. A copy of any contract for which the owner or operator of a final disposal facility desires to claim an exemption under this section must be filed with the Board of Commissioners.

(H) The fee does not apply to solid waste disposed of at a final disposal facility by a person that generated the solid waste and disposes of the solid waste at a final disposal facility that is owned by that person and is limited, for the purposes of the disposal of solid waste, to use by that person for the disposal of solid waste generated by that person.

(I) The County Auditor shall establish a fund to be known as the Solid Waste Planning Fund. The Fund shall be administered in the same manner as all other county funds.

11-14.

(B) Such fee is in addition to any other fee provided by law.

(J) (1) Money in the Fund may be used only for the following purposes:

(a) To pay expenses of administering the Fund; and

(b) To pay costs associated with the development of a district solid waste management plan.

(2) A description of the activities to be undertaken, together with an estimate of the costs of the activities are attached to the ordinance passed 7-30-90 and are incorporated by reference herein. (Ord. 7-30-90, passed 7-30-90)

§ 35.06 REAL PROPERTY ENDORSEMENT FEE.

(A) In accordance with I.C. 36-2-9-18(d), the Auditor of Miami County may collect a fee of \$5 for each legal description of each parcel contained in the deed for which the Auditor makes a real property endorsement.

(B) The fee shall be in addition to any other fee provided by law and shall be placed in a dedicated fund for the use of maintaining plat books. (Ord. 9-12-05, passed 9-12-05)

§ 35.07 PLAT BOOK FEE.

(A) The County Auditor shall collect a fee of \$5 for each endorsement made as required by I.C. 36-2-

(C) The Auditor shall place such fees into the Plat Book Fund dedicated for use in maintaining the county plat books.

(Ord. 1-21-03, passed 1-21-03)

§ 35.08 ACCIDENT REPORT FEE.

There shall be a fee of \$12 assessed for each and every accident the Miami County Sheriff's Department investigates in which an accident report is created. An accident report account shall be created for deposit of all fees collected pursuant to this section. All monies collected pursuant to this section may be expended at the discretion of the Miami County Sheriff for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

(Ord. 12-19-06, passed 12-19-06)

§ 35.09 VOTER REGISTRATION LIST FEE; FUND.

(A) The County Council hereby establishes a fee schedule for voter registration lists as follows:

<i>Printed list</i>	
All precincts	\$110
Per precinct cost:	
0–500 registered voters	\$10
501–800 registered voters	\$15
801–1,100 registered voters	\$20
1,101–plus registered voters	\$25
<i>On computer disk (CD)</i>	
List of all registered voters in the county	\$65
Per precinct cost	\$55

(B) Pursuant to I.C. 5-14-3-8.3 there is established the County Voter Registration Board

Enhanced Access Fund. All fees collected from the sale of voters' registration information shall be deposited in this fund. All money in the fund must be appropriated and expended in the manner authorized by this section. The fund is a dedicated fund with the following purposes:

(1) The replacement and improvement and expansion of capital equipment including computers, scanners, voting machines, printers and peripheral equipment; and

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

(Ord. 2-17-04, passed 2-17-04)

§ 35.10 LATE PAYMENT FEE.

(A) Pursuant to I.C. 33-19-6-20, any and all defendants in criminal, infraction or ordinance violation cases having been ordered by any court in the county to pay court costs, including fees, a fine or civil penalties within a specified time who fail to make said payment in full shall be assessed a late payment fee in the amount of \$25.

(B) The Clerk shall collect and distribute 100% of all revenue received from said late payment fees and shall distribute 100% of said funds to the County Auditor on a monthly basis.

(C) Funds collected pursuant to this section shall be deposited in the following manner: 40% Clerk's Record Perpetuation Fund and 60% in the County General Fund.

(Ord. 4-25-05, passed 4-25-05)

REGISTRATION FEE; FUND.

(A) *Establishment of Sex or Violent Offender Administration Fund.* The Miami County Sex of Violent Offender Administration Fund is hereby established. The purpose of the Fund is to provide

§ 35.11 SEX OR VIOLENT OFFENDER

payment of the expense of administration and ensuring compliance with the laws of the State of Indiana concerning the Indiana Sex and Violent Offender Registry. The Miami County Council may appropriate money from the Fund for these purposes.

(B) *Fees.*

(1) *Registration fee.* The annual fee for sex and violent offenders registering in Miami County shall be \$50. Payment of the fee shall be made upon the offender's initial registration in Miami County and subsequently on or before each annual registration date thereafter.

(2) *Change of address fee.* A fee of \$5 shall be charged and collected each time a sex or violent offender registers an address change with the Miami County Sheriff's Office.

(C) *Payment of fees.* All fees collected under this section shall be collected by the Miami County Sheriff's Office when a sex or violent offender

registers with the Miami County Sheriff's Office.

(D) *Procedures.* All fees collected under this section by the Miami County Sheriff's Office shall be transferred to the Miami County Auditor in a timely manner. On a monthly basis, the Miami County Auditor shall:

(1) Deposit 90% of any fees collected under this section in the Miami County Sex and Violent Offender Registration Fund; and

(2) Transfer 10% of any fees collected under this section to the State of Indiana for deposit in the State Sex and Violent Offended Administration Fund pursuant to I.C. 11-8-8-21.

(E) *Use of funds.* Funds deposited into the Fund can be used only for the specific purposes set forth below. The funds shall be expensed at the discretion of the Miami County Sheriff for any departmental purpose related to the registration of sex and violent offenders, change of their address, the maintenance

and upkeep of the website, training, education and equipment for Sheriff’s personnel as it relates to the registry and other departmental purposes related to the offender.

(Ord. 02-21-12, passed 2-21-12)

§ 35.12 VITAL RECORDS FEES.

(A) The following vital records service fees are established:

Birth certificate	\$10 per copy
Death certificate	\$15 per copy
Paternity affidavit	\$30 per document
Paternity affidavit upon marriage	\$20 per document
Affidavit requesting amendment	\$10 per document
Certified copy of paternity affidavit	\$5 per copy
Genealogy search	\$5 per search
Genealogy uncertified copy of document	\$10 per copy

(B) All funds scheduled shall be deposited into the County General Health Fund # 1159.

(C) In addition to the fees set forth in division (A) above, the coroner’s continuing education fee as set forth in I.C. 16-37-1-9(d) as from time to time amended shall be collected. All funds collected for the coroner’s continuing education fee shall be paid to the State of Indiana’s coroner’s education fund.
(Ord. 6-24-13, passed 6-24-13)

§ 35.13 MOBILE HOME PERMIT FEE.

The Miami County Treasurer is authorized to assess and collect a \$5 fee for issuing each mobile home permit for moving or transferring title.

(Ord. 12-19-05, passed 12-19-05)

TAXES

§ 35.40 DOG TAX.

The following taxes are to be paid by every owner of a dog in the county:

- (A) Spayed females and neutered males: \$2;
- (B) Unspayed females and unneutered males: \$4;
- (C) For the second and each additional dog: \$6;
- (D) Kennel license for 15 dogs or less: \$20;

(E) Kennel license for 16 dogs or more: \$30.
(Ord. 1-11-88, passed 1-11-88)

§ 35.41 COUNTY ECONOMIC DEVELOPMENT INCOME TAX.

(A) Effective beginning with the assessment date of 3-1-03, for taxes first due and payable in 2004

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(4) The increase in the CEDIT rate provided for in this section shall be used solely for the purpose provided for in I.C. 6-3.5-7-25(e).
(Ord. 12-17-02, passed 12-17-02)

§ 35.42 OPTION INCOME TAX.

(A) The Miami County Income Tax Council imposes the county option income tax on the resident taxpayers of Miami County.

(B) (1) The county option income tax is

and thereafter, there shall be a deduction of 100% of the assessed value of inventory, as defined in I.C. 6-1.1-12-41, located in the county for each year of assessment. Such deduction shall remain in effect until the repeal of this section.

(B) (1) Effective as soon as permissible under state law, pursuant to I.C. 6-3.5-7-25, the county economic development income tax (CEDIT) rate for the county is hereby increased by .19%, but in any event, not higher than .19%.

(2) A lower percentage is permitted by law if that percentage provides for 100% relief of the assessed value of inventory as defined in I.C. 6-1.1-12-41.

(3) The increase in the CEDIT rate shall be in effect beginning in the first calendar year in which such increase may legally be in effect and shall continue to be in effect for all subsequent calendar years until this section is repealed.

imposed at a rate of 0.2% on the resident county taxpayers of Miami County and at a rate of 0.05% on all other county taxpayers (non-county residents working in Miami County).

(2) (a) The Miami County Council pursuant to I.C. 6-3.5-6-27 now increases the Miami County option income tax rated imposed on the county taxpayers of Miami County. The county option income tax is increased by a rate of .25% on the county taxpayers of the county in an effort to generate revenue necessary to finance the construction and equipping of a new Miami County

jail, related buildings and parking facilities along with demolition of existing buildings, acquisition of land and repayment of bonds issues or leases entered into for that purpose, all of which shall be outside and in excess of the maximum county option income tax rate of 1%. This tax takes effect July 1, 2006 and shall be imposed only until the later of the date on which the financing acquisition and equipping of the new Miami County jail facilities described above are completed or the date on which the last of any bonds issued or leases entered into to finance the construction and equipping of new Miami County jail facilities described above are fully paid.

(b) The terms of any bonds issued including any refunding bonds or any lease entered into for the aforementioned purposes may not exceed 30 years.

(c) The Miami County Council further finds that all tax revenue derived from the tax rate

imposed shall be used only for the purposes described above, and may be pledged for the repayment of bonds issued or leases entered into for purposes described above.

(d) The Miami County Council further finds that the Miami County Treasurer shall establish a Jail Revenue Fund for deposit of all revenues received and that said revenue shall be used only for the purposes described herein.

(e) The Miami County Council further finds that notwithstanding any other laws, all funds accumulated from the county option income tax increase enacted herein after redemption of all bonds issued and final payment of all lease rentals due under lease agreements entered into pursuant to this division (B)(2) shall be transferred to the county General Fund.

(3) (a) There is now imposed an additional rate of the county option income tax at the rate of 1% in accordance with I.C. 6-3.5-6-32 to raise income tax revenue to provide property tax relief in the county.

(b) Property tax relief shall take the form of and be equally applied as:

1. Local property tax replacement credits at a uniform rate to all civil taxing units and school corporation in the county. Income tax revenue attributable to the tax rate imposed under this section that is used to provided uniform local property tax replacement credits shall be distributed to civil taxing units and school corporations in the county in the same manner that certified distributions are allocated as property tax replacement credits under I.C. 6-3.5-6-32. The Department of Local Government Finance shall provide the County Auditor with the amount of property tax replacement credits that each civil taxing unit and school corporation in the county is entitled to

receive from income tax revenue attributable to the tax rate imposed under this section. The County Auditor shall then certify to each civil taxing unit and school corporation the amount of property tax

replacement credits the civil taxing unit or school corporation is entitled to receive pursuant to this section during that calendar year.

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2. The portion of the additional 1% of the county option income tax allocated to provide local property tax replacement credits at a uniform rate for all qualified residential property in the county shall be 0.5%.

(Ord., passed 3-19-85; Am. Ord. 3-21-2006, passed 3-21-06; Am. Ord. 7-15-08B, passed - -; Am. Res. 1-2008, passed 7-18-08; Am. Ord. 3-13-12, passed 3-13-12)

(C) The County Treasurer shall establish a Convention, Recreation, and Visitor Promotion Fund into which will be deposited all amounts received from the tax imposed by this section.

§ 35.43 INNKEEPER'S TAX.

(A) There is imposed a tax on any transaction in the county in which any room or rooms, lodgings, or accommodations are rented or furnished in any hotel, motel, boat motel, inn, college or university memorial union, college or university residence hall or dormitory, or tourist cabin for consideration, at a rate equal to 5% of the gross retail income derived from lodging income only, which tax is in addition to the state retail tax imposed under I.C. 6-2.5, all as provided in I.C. 6-9-18. The gross retail income on which the tax is imposed shall not include the amount of tax imposed on the transaction under I.C. 6-2.5. The tax does not apply to gross income received in a transaction in which:

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

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

(B) The tax shall be reported on forms approved by the County Treasurer and shall be paid monthly to the County Treasurer, not more than 20 days after the month the tax is collected.

(D) Money in the Convention, Recreation, and Visitor Promotion Fund shall be used solely to promote and encourage conventions, trade shows, special events, recreation, and visitors in and to the county, including administrative and other incidental expenses.
(Ord. 1-15-08, passed 1-15-08)

and real property within Miami County. The tax levy shall apply until modified by law.

(C) The tax when collected shall be held in a special fund hereafter known as the Miami County Bridge Fund.
(Ord. 7-24, 2000, passed 7-24-00; Am. Ord. 7/24/10, passed 7-6-10)

§ 35.44 BRIDGE FUND TAX.

(A) A need exists for the establishment of a Miami County Bridge Fund under the provisions of I.C. 8-16-3 for the purposes stated therein, including construction, maintenance, and repair of bridges, approaches, and grade separations.

(B) There is hereby established a tax levy of \$0.10 on each \$100 assessed valuation of all personal

CHAPTER 36: BOARDS, COMMISSIONS AND AUTHORITIES

Section

- 36.01 Drainage Board
- 36.02 Sheriff's Deputy Reserve
- 36.03 Building and Zoning Department
- 36.04 Miami County Economic
Development Authority
- 36.05 Terrorism/Weapons of Mass
Destruction Planning Task Force
- 36.06 Building Commission
- 36.07 Tourism Commission

MUTUAL DRAIN. A drain that:

- (1) Is located on two or more tracts of
land that are under different ownership;

Cross-reference:

Community Corrections Program, see § 34.05

Enhanced 911 Service, see § 34.02

§ 36.01 DRAINAGE BOARD.

(A) There is established the County Drainage Board. (82 Code, § 1-5-1)

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

AFFECTED LAND. Land within a watershed that is affected by the construction, reconstruction or maintenance of a regulated drain.

BOARD. The Drainage Board of the county.

CROSSING. A drainage structure that passes over, under or through a location used for the passage of people, livestock or vehicles.

(2) Was established by the mutual consent of all the owners; and

(3) Was not established under or made subject to any drainage statute.

OWNER. The owner of any interest in land.

PRIVATE DRAIN. A drain that:

(1) Is located on land owned by one person or by two or more persons jointly; and

(2) Was not established under or made subject to any drainage statute.

REGULATED DRAIN. An open drain, tiled drain or a combination of the two.

RURAL DRAIN. A regulated drain that

provides adequate drainage for rural land.

RURAL LAND. Affected land that:

(1) Will not appreciably benefit from more drainage than is necessary to expediently remove water after frequent or periodic flooding; and

(2) Is generally used for crop production, pasture, forest or similar purposes.

TILED DRAIN. A tiled channel that:

(1) Carries surplus water; and

(2) Was established under or made subject to any drainage statute.

URBAN LAND. Affected land that:

(1) Will appreciably benefit from drainage that will provide the maximum practicable protection against flooding; and

(2) Is used or will in the reasonably foreseeable future be used generally for commercial, industrial, large, estate, higher density residential or similar purposes.

WATERSHED. An area of land from which all runoff water drains to a given point.
(^82 Code, § 1-5-2)

(C) The County Drainage Board consists of the County Executive.
(^82 Code, § 1-5-3)

(D) (1) When the membership of the Board is reduced to less than three because of disqualifications, the Board shall immediately certify that fact to the County Circuit Court. The Court shall then restore the membership of the Board to three by appointing the appropriate number of resident freeholders of the county to serve as special members for the particular drainage proceedings.

(2) A special member of the Board has the same duties and powers as a regular member of the Board and is entitled to a per diem, to be paid as an expense of the Board, in an amount not to exceed the sum of \$35 for each day or major part of a day spent in actual attendance at any meeting of the Board or in the performance of official business of the Board.
(^82 Code, § 1-5-4)

(E) (1) The Board shall organize at a meeting each January by electing one of its members as Chairperson and one of its members as Vice-Chairperson. At the same time, the Board shall elect

a Secretary, who need not be a member of the Board.

(2) The County Surveyor may not hold an office on the Board.

(3) The Board shall meet the second and fourth Mondays of each month from 9:00 a.m. till 12:00 p.m. in the Commissioner's Office, County Courthouse.

(82 Code, § 1-5-7)

(4) Special meetings of the Board may be called by the Chairperson, any two members or the County Surveyor, by mailing a written notice setting forth the time, date and place of the meeting to each member not less than five days before the date of the meeting. A member may waive the mailing of notice of a special meeting by filing a written waiver with the Secretary or by his or her presence at the meeting.

(5) Meetings of the Board may be adjourned from day to day or to a day certain without written notice being given.

(6) All meetings of the Board must be open to the public, and the minutes of the meetings are open to public inspection.

(7) A majority of the voting members of the Board constitutes a quorum and the concurrence of a majority of the voting members present at a meeting is necessary to authorize any action under this section.

(82 Code, § 1-5-5)

(F) The Board may bring civil actions in its own name to enforce any of the provisions of this chapter.

(82 Code, § 1-5-6)

(G) Whenever it appears, in any proceeding for the construction, reconstruction or maintenance or a regulated drain, that a member of the Board has an interest in the proceedings because of his or her ownership of real property affected by the drain, that member shall immediately disqualify himself or herself from serving on the Board in those proceedings. However, the fact that county highways will be affected by any proceedings does not disqualify a regular member of the Board.

(H) Each regulated drain in a county is under the jurisdiction of the Board and subject to this chapter, except as otherwise provided by this chapter. (82 Code, § 1-5-8)

(I) (1) Private and mutual drains are not subject to this chapter.

(2) However, land drained by a private or mutual drain is subject to assessment for the construction, reconstruction or maintenance of a regulated drain if the land is also drained by the regulated drain.

(82 Code, § 1-5-9)

Statutory reference:

Similar provisions, see I.C. 36-9-27-1 et seq.

(B) (1) Within the Department, there are hereby created two separate administrative positions for the management of the respective building and zoning codes under the jurisdiction of the Miami County Plan Commission. They are:

§ 36.02 SHERIFF’S DEPUTY RESERVE.

Upon receipt of information concerning an increase in duties and workload of the County Sheriff’s Department, it has been determined to be of great importance to ensure the public safety that a County Sheriff’s Deputy Reserve Officer System, consisting of ten reserve officers, be established.

(Ord. 1-25-99, passed 1-25-99)

§ 36.03 BUILDING AND ZONING DEPARTMENT.

(A) There is hereby created the Miami County Building and Zoning Department. The Miami County Plan Commission shall be the executive body in charge of administration, hiring, firing, fixing the compensation and dismissal of employees, calculation of the annual budget and submission to the Board of Commissioners and County Council pursuant to I.C. 36-7-4-311.

(a) Building Commissioner; and

(b) Zoning Administrator.

(2) Each position shall be cross-trained in the duties and responsibilities of the other. The Building Commissioner shall also act as an assistant Zoning Administrator and the Zoning Administrator as assistant Building Commissioner. Both shall be responsible to the Miami County Plan Commission.

(a) The duties of the Building Commissioner in addition to those defined by Indiana Law shall be proscribed by the Planning Commission. The term "Building Commissioner" includes individuals employed by the Planning Commission who are authorized to represent the Building Commissioner.

(b) The duties of the Zoning Administrator in addition to those set forth by Indiana Law shall be proscribed by the Planning Commission.

(c) The duties of the Plan Commission are defined by I.C. 36-7-4-401 which are incorporated by reference herein. The Miami County Plan Commission is an advisory plan commission as defined by I.C. 36-7-4-308(a). The applicable provisions of I.C. 36-7-4 are hereby adopted by reference without copying or stating their substance herein. The Planning Commission shall be the executive department responsible for the administration of I.C. 36-7-9 *et seq.*

(C) The Miami County Ord. 2-15-05 2005 is hereby incorporated by reference. The building code of Miami County Indiana shall be enforced and administered by the Miami County Plan Commission. It is expressed intent of the Board of Commissioners to delegate the administration and enforcement of the building code of Miami County to the Miami County Planning Commission.

(D) The jurisdiction of the Board of Zoning appeals is set forth in I.C. 36-7-4-918.1 for appeals and use variances stated in I.C. 36-7-4-918.2 and the

Miami County Comprehensive Master Plan. The Board of Zoning Appeals shall also hear appeals from the Building Commissioner and is hereby designated as the “hearing authority” defined by I.C. 36-7-9-2.

(E) The Miami County legislative body hereby adopts the provisions of I.C. 36-7-9 et seq. pursuant to I.C. 36-7-9-3. ***SUBSTANTIAL PROPERTY INTEREST*** is defined as any right in real property that may be affected in a substantial way by actions authorized by I.C. 36-7-9 (as amended from time to time), including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser.

(F) In addition to the duties set forth above the Building Commissioner may bring a civil action requesting a remedy of one or more of the kinds of relief and remedies authorized by I.C. 36-7-9-18 through 36-7-9-22, inclusive, in compliance with I.C. 36-7-9-17. The Commissioner shall also enforce violations of the Indiana building standards as set forth in I.C. 36-7-9-28.

(4-25-00, passed 4-25-00; Am. Ord. 1-2012, passed 2-6-12)

§ 36.04 MIAMI COUNTY ECONOMIC DEVELOPMENT AUTHORITY.

(A) There is hereby established a single entity to conduct economic development activities in the county, whose lawful name shall be the Miami County Economic Development Authority. The Commissioners expressly utilize and incorporate by reference all provisions, powers, and authorities granted under HB 1250 and I.C. 36-7-14.5-12.5 as amended. Except as otherwise provided, the Miami County Economic Development Authority (MCEDA) is granted all lawful power, authority, responsibility and right as otherwise provided by law and in accordance with the cited statute as amended.

(B) The Miami County Economic Development Authority is hereby authorized to assist in the transfer of all right, title and interest previously held by the Grissom Redevelopment Authority to the MCEDA; to receive all gifts and transfers from the Peru Miami

County Economic Development Corporation and to receive such transfer, assignment and authority as may presently exist between the Grissom Redevelopment Authority, the Department of the Air Force and/or the U.S. Department of Defense.

(C) The Board of the Miami County Economic Development Authority (MCEDA) is hereby established as 11 members. Of those persons initially appointed to serve as a member of that Board, four shall serve for a period of three years, four shall serve for a period of two years, and three shall serve for a period of one year. Each initial appointment shall be effective January 1, 2006. Each of the initial members is appointed as a member of the Board of the MCEDA from May 16, 2005 through and including December 31, 2005, with their continued term of office commencing January 1, 2006 for the remaining period of their initial term of office. It is the express determination of the Commission that staggered terms of office for all members of the Board allow for continuity in operation and provide a smoother transition as persons come and go from the Board. Hereafter, as a person is appointed to the Board, the appointment shall be for a three-year term of office. The Commissioners expressly reserve the right to

reappoint any person(s) to the Board, without exception or restriction.

(D) The Commissioners shall actively solicit suggestions and input from the duly elected officials of the City of Peru as to future Board members of the MCEDA.

(E) The Commissioners acknowledge that by state law, the MCEDA has the right of eminent domain. The Commissioners request the MCEDA to exercise the right of eminent domain after consultation with the Commissioners.

(F) The Commissioners expressly recognize the MCEDA as the successor in title and interest to the Grissom Redevelopment Authority. It is the expressed intention of the Commissioners that all right and duty, liability and privilege, whether occurring by federal regulation, written agreement, or record of decision, should now be assigned, transferred and conveyed

from the Grissom Redevelopment Authority to the Miami County Economic Development Authority. (Ord. 5-10-93, passed 5-10-93; Am. Ord. 6-21-93, passed 6-21-93; Am. Ord. 10-12-95, passed 10-12-95; Am. Ord. 10-14-97, passed 10-14-97; Am. Res. 0504, passed 5-17-04; Am. Ord. 5-16, 2005, passed 5-16-05; Am. Res. 5-17, 2005, passed 5-17-05; Am. Ord. 6-19-06, passed 6-19-06)

the Board of Commissioners and one member of the general public with knowledge and skill of expertise of building and construction trade. (Ord. 3-14-05, passed 3-14-05)

§ 36.05 TERRORISM/WEAPONS OF MASS DESTRUCTION PLANNING TASK FORCE.

(A) The Board of Commissioners establishes a Terrorism/Weapons of Mass Destruction Planning Task Force to develop a countywide emergency response plan that encompasses all emergency services and support agencies within the borders of the county.

(B) The Board of Commissioners appoints the county Emergency Management Agency the lead agency in this planning effort, which shall include development of homeland security plans.

(C) The Board of Commissioners further appoints the Executive Director of the Emergency Management Agency as the Administrator of the Planning Task Force and homeland security. The Administrator shall report quarterly in person and/or in writing to the Board with regard to the planning efforts.

(Res. 3-17-03, passed 3-17-03)

§ 36.06 BUILDING COMMISSION.

The Building Commission shall consist of three members, all of whom shall be appointed by the Board of Commissioners and shall include one member of the Planning Commission, one member of

§ 36.07 TOURISM COMMISSION.

(A) The Miami County Tourism Commission shall be created to promote the development and growth of the convention, recreation and visitor industry in Miami County.

(B) The Commission shall consist of five members, all of whom shall be residents of Miami County, appointed as follows:

(1) Two members shall be appointed by the Mayor of the City of Peru, Indiana.

(2) Three members shall be appointed by the Board of Commissioners of Miami County, Indiana.

(3) A simple majority of the members shall be engaged in a convention, visitor, or tourism business or involved in or promoting conventions, visitors, or tourism.

(4) At least two members shall be engaged in the business of renting or furnishing rooms,

lodging, or accommodations.

(5) Not more than one member may be affiliated with the same business entity.

(6) No more than simple majority of the members may be affiliated with the same political party.

(C) All terms of office of members shall be for two years beginning on January 1, 2009.

(D) No member may serve more than two consecutive terms.

(E) Any member may be removed for cause by his or her appointing authority.

(F) If a vacancy occurs, the authority which appointed the member whose position has become vacant shall make the appointment to fill the vacancy;

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however, if the appointing authority does not fill the vacancy within 30 days after the vacancy occurs, the Commission may make the appointment.

(G) Members may not receive a salary.

(H) Members are entitled to reimbursement for necessary expenses incurred in the performance of their duties.

(I) Each member, before entering upon the office, shall take an oath in the usual form to be endorsed upon the certificate of appointment and properly filed with the Clerk of the Circuit Court of Miami County, Indiana.

(J) The Commission shall meet after January 1 of each year for the purpose of organization and shall

elect one of its members as president, another as vice president, another as secretary, and another as treasurer. The members elected to those offices shall then perform the duties pertaining to those offices and shall serve until their successors are elected and qualified.

(K) A majority of the members constitutes a quorum for the transaction of business.

(L) The concurrence of the majority of the members is necessary to authorize any action.

(M) The powers of the Commission shall be those set forth in I.C. 6-9-18-6.
(Res. 6-16-2008, passed 6-16-08)

CHAPTER 37: PURCHASING PROCEDURES

Section

- 37.01 Purchasing agents
- 37.02 Protection of offers (3) The County Highway Superintendent;
- 37.03 Discussion with offerers
- 37.04 Delay of opening of offers
- 37.05 Evidence of financial responsibility
- 37.06 Use of RFP for purchases
- 37.07 Modification and termination
- 37.08 Purchase of services
- 37.09 Purchase of supplies
- 37.10 Small business purchases
- 37.11 State business preference
- 37.12 Publication of notices
- 37.13 Receiving of offers
- 37.14 Small purchases
- 37.15 Disposition of surplus personal property through the internet

§ 37.01 PURCHASING AGENTS.

(A) The Board of County Commissioners has determined that it is a purchasing agency for the county.

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

(1) Each elected county official and office holder;

(2) Each Circuit and Superior County Court Judge;

(4) The County Engineer; and

(Ord. 9-21-98B, passed 9-21-98)

(5) County employees who are designated as purchasing agents from time to time by the county in writing.

(C) It is provided, however, that the Board of County Commissioners may, by ordinance, at any time rescind and revoke the designation of any of the above-named purchasing agents for the county.

(D) It is further ordered that the purchases of material, supplies and services made by the above designated purchasing agents shall not exceed the sum of \$25,000 being within the current budget of the officer unless the purchase of materials, supplies and services are first approved and authorized by the County Board of Commissioners. It is further ordered that all of the purchases shall conform to the requirements of I.C. 5-22 and this chapter.

§ 37.02 PROTECTION OF OFFERS.

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

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

(B) The solicitation may include a requirement that an offerer provide evidence of financial responsibility. If evidence of financial responsibility

(D) 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.

(E) Proposals may not be disclosed.
(Ord. 9-21-98C, passed 9-21-98)

§ 37.03 DISCUSSIONS WITH OFFERERS.

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

(Ord. 9-21-98C, passed 9-21-98)

§ 37.04 DELAY OF OPENING OF OFFERS.

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

(Ord. 9-21-98C, passed 9-21-98)

§ 37.05 EVIDENCE OF FINANCIAL RESPONSIBILITY.

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

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) (1) The solicitation shall include a requirement that an offerer provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable.

(2) If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(D) The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.
(Ord. 9-21-98C, passed 9-21-98)

§ 37.06 USE OF RFP FOR PURCHASES.

The county determines that:

(A) It is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding; and

(B) Receiving proposals is the preferred method for purchasing the following types of supplies.
(Ord. 9-21-98C, passed 9-21-98)

§ 37.07 MODIFICATION AND TERMINATION.

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

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

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

(4) Price adjustments must be computed in any other manner as the contracting parties may mutually agreed upon; or

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

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

(C) 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) 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. 9-21-98C, passed 9-21-98)

§ 37.08 PURCHASE OF SERVICES.

The county determines that each county agency, department and officer and elected county official may purchase services in whatever manner the purchaser determines to be reasonable. The county purchasing agency may not require any county agency,

department or office, or any county elected official, to purchase services in any particular manner.
(Ord. 9-21-98C, passed 9-21-98)

§ 37.09 PURCHASE OF SUPPLIES.

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

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

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

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

(D) The purchase of supplies manufactured in the United States is not in the public interest.
(Ord. 9-21-98C, passed 9-21-98)

§ 37.10 SMALL BUSINESS PURCHASES.

The county hereby determines to establish criteria for determining qualifications as a small business and to identify specific supplies for small business set-aside purchases.

(A) A business qualifies as a small business if it qualifies as a small business under standards established by the State Department of Commerce.

(B) Businesses are not small businesses if:

(1) A wholesale business, if its average annual sales for its most recently completed fiscal year exceeds \$4 million;

(2) A construction business, if its average annual receipts for the preceding three fiscal years exceeds \$4 million;

(3) A retail business or business selling services, if its annual sales and receipts exceed \$500,000; and

(4) A manufacturing business, if it employs more than 100 persons.
(Ord. 9-21-98C, passed 9-21-98)

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

§ 37.11 STATE BUSINESS PREFERENCE.

Wherever it is practicable the purchasing agent shall make purchases from businesses authorized and doing business in the state.
(Ord. 9-21-98C, passed 9-21-98)

§ 37.12 PUBLICATION OF NOTICES.

(A) (1) All notices of invitation for bids shall be published in accordance with I.C. 5-3-1 in the Peru Daily Tribune.

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

(B) (1) All notices of request for proposals shall be published in accordance with I.C. 5-3-1 in the Peru Daily Tribune.

(2) The purchasing agent shall schedule the publication of notice to provide a reasonable

(C) (1) All notices of request for specifications shall be published in accordance with I.C. 5-1-1 in the Peru Daily Tribune.

(2) The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart.

(3) The second publication must occur at least seven days prior to the date the proposals will be opened.

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

(Ord. 9-21-98D, passed 9-21-98)

§ 37.13 RECEIVING OF OFFERS.

(A) (1) Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids.

(2) Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerers during the process of negotiation.

(3) Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

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

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

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

(C) (1) An offerer may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened.

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

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

(Ord. 9-21-98D, passed 9-21-98)

§ 37.14 SMALL PURCHASES.

The purchasing agent may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes.
(Ord. 9-21-98D, passed 9-21-98)

**§ 37.15 DISPOSITION OF SURPLUS
PERSONAL PROPERTY THROUGH THE**

INTERNET.

(A) The Miami County Board of Commissioners grants authority to the Information Technologies and Service Director to act as purchasing agent pursuant to I.C. 5-22-22-45. Revenue generated from the item or items sold shall be paid to the Miami County

Treasurer to be deposited into the county's General Fund.

(B) The Miami County Board of Commissioners hereby grants authority to the Information Technologies and Service Director to pay all costs of conducting the auction on the internet site as required by the person or entity maintaining the auction site including but not limited to:

- (1) Labor for preparing and packaging the item for shipment;
- (2) Cost of shipping if applicable;
- (3) Cost of shipping materials.

(C) (1) Pursuant to I.C. 5-22-22-6, the Miami County Board of Commissioners grants authority to the Information Technologies and Service Director to perform a public or private sale or transfer without formal advertising if the property to be sold is:

(a) One item, with an estimated value of less than \$1,000; or

(b) More than one item, with an estimated total value of less than \$5,000.

(2) Any item sold either publicly or privately shall be accompanied by the approved "Property Disposal Form" (Appendix A to Ord. 12-27-10B) indicating the description of the item, any licensed product(s) included, serial or registration number if applicable, sale price or donation value, purchaser's name, address and social security number for tax purposes if applicable.

(3) Notification of items available for purchase or donation shall be placed in a special section on the Miami County public website.

(4) Items available shall be sold or donated on a first come, first served basis and will be considered "as is" with no guarantees or warranties of any kind.

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(5) Employees of the Information Technologies and Service Department are ineligible from purchasing or receiving donations of said equipment through the internet.

(D) Pursuant to I.C. 5-22-22-7, the Miami County Board of Commissioners grants authority to the Information Technologies and Service Director to sell at a public or private sale or transfer personal property to an outside agent for the specific purpose of recycling the property. This transfer may occur without advertising.

(E) Pursuant to I.C. 5-22-22, the Miami County Board of Commissioners grants authority to the Information Technologies and Service Director to identify if personal property is considered worthless. Property may be considered worthless or of no market value if the value of the property is less than the estimated costs of the sale and transportation of the property.

(F) Pursuant to I.C. 5-22-22-10, the Miami County Board of Commissioners grants authority to the Information Technologies and Service Director to exchange property with another governmental body.

(Ord. 12-27-10B, passed 12-27-10)

(G) The provisions of I.C. 5-22-22 *et seq.* are hereby adopted by reference.

CHAPTER 38: DRUG AND ALCOHOL POLICY

Section

General Provisions

of drugs and alcohol by motor vehicle drivers and also

- 38.01 Introduction; authority and compliance
- 38.02 Definitions
- 38.03 Prohibited uses and activities

Testing Types and Procedures

- 38.15 Tests required
- 38.16 Pre-employment testing
- 38.17 Post-accident drug testing
- 38.18 Random testing
- 38.19 Reasonable suspicion testing
- 38.20 Follow-ups
- 38.21 Substance abuse evaluation
- 38.22 Authorization for previous test records
- 38.23 Methodology and integrity
- 38.24 Test results
- 38.25 Maintaining contact
- 38.26 Information
- 38.27 Training
- 38.28 Payment for tests
- 38.29 Confidentiality

GENERAL PROVISIONS

§ 38.01 INTRODUCTION; AUTHORITY AND COMPLIANCE.

(A) The U.S. Department of Transportation (DOT) has issued regulations that govern the use

requires the County Highway Department to conduct mandatory drug and alcohol testing of all commercial driver license holders.

(B) Consequently, the use of illegal drugs by drivers is prohibited. Further, drivers will not use alcohol or engage in "prohibited conduct," as defined herein. The overall goal of this policy is to ensure a drug and alcohol-free transportation environment and to reduce accidents, injuries and fatalities.

(C) (1) It is the county's intention to comply fully with DOT's regulations governing drug and alcohol use and testing and the requirements of DOT's regulations have been incorporated into this chapter. In the event DOT's regulations are amended, the county will give prior notice, if possible. However, this chapter and the applicable term(s),

condition(s) and/or requirement(s) of this chapter will be deemed to have been amended automatically, without the need for redrafting, in order to reflect and be consistent with DOT's regulations.

(2) In such case, the county reserves the right to apply the amended requirements immediately, and without giving prior notice to drivers and/or applicants, unless the notice is required by DOT or another applicable law. It is also the county's intention to comply with any applicable state requirements governing drug and/or alcohol testing which are not preempted by DOT regulations. The county also intends to comply with the applicable requirements of the Drug-Free Workplace Act of 1988, the Americans with Disabilities Act and the Family and Medical Leave Act.

(D) This chapter applies to all employees, including mechanics who do safety-sensitive functions, who are required to hold a commercial driver's license. This chapter covers truck drivers, heavy equipment operators and any other position that require a commercial driver's license.

(E) Under the county's chapter, drug and alcohol testing will be conducted on any driver who:

(1) May be required to operate a motor vehicle having a gross vehicle weight rating in excess of 26,000 pounds in interstate or intrastate commerce;

(2) Any drivers of a motor vehicle that is used to transport hazardous materials in a quantity which requires the vehicle to be placarded regardless of the vehicle size; and

(3) Buses designed to transport 16 or more passengers, including the driver.

(F) Safety sensitive employees are expected and required to be in suitable mental and physical condition while at work, to do their jobs satisfactorily and to behave appropriately. When the use of alcohol and other drugs interferes with the expectations, a driver's failure to meet these basic expectations could result in disciplinary action.

(G) (1) Off-duty use of drugs and alcohol is prohibited to the extent it affects an employee's attendance or performance and his or her ability to pass required DOT alcohol and controlled substance tests.

(2) Any violation of this chapter is ground for discipline, up to and including termination.

(H) The county reserves the right to terminate any employee in a safety sensitive position who

violates this chapter.

(I) Reporting to work under the influence of alcohol or non-prescription drugs or using the same

while on the job is listed as cause for discipline up to and including immediate dismissal herein.

COUNTY. The County Highway Department.

(J) The County Board of Commissioners or their designee is authorized to implement this chapter and program, including a periodic review of the program to address any problems, changes and/or revisions of it, and maintenance of all records required by the federal regulations.

(K) The County Board of Commissioners or their designee is responsible for communicating this chapter to all employees in safety sensitive positions and is accountable for its consistent enforcement.

(L) Direct use of drugs can affect behavior and performance. When the use of drugs adversely affects job performance or safety, it is in the best interest of the driver, co-workers, the public and the county that the drivers take sick, personal days, vacation days or if necessary, unpaid leave in accordance with the personnel policies concerning requesting medical leaves.

(M) All applicants for positions with the county as a CDL driver will be notified of this chapter.
(Ord. 12- -95, passed 12- -95)

§ 38.02 DEFINITIONS.

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

ALCOHOL TESTS. These tests will be considered as "positive" when the alcohol concentration level registers 0.02 or greater.

APPLICANTS. Existing workers and/or individuals who are applying for a driver position.

CDL. Commercial driver's license.

COUNTY BUSINESS.

- (1) Work performed on or in county property including a county vehicle;
- (2) Work performed on or in a non-county vehicle being used for conducting county business; and/or
- (3) The term also includes lunch and break times.

COUNTY PROPERTY. County Highway Department facilities in Peru and Denver, county roads and rights-of-way areas.

DOT. An agency or operating administration of the U.S. Department of Transportation administering regulations requiring alcohol and/or drug testing.

DRIVERS. Employees or applicants having CDL requirements in the job description, or who may be required to drive a CDL vehicle full-time, part-time or seasonally.

MRO. Medical Review Officer.

RANDOM SELECTION. Drivers will be selected by using a scientifically valid selection method or a pool. All drivers will have an equal chance of getting drawn in every selection, meaning a driver may be selected for each type of testing more than once annually.

REASONABLE SUSPICION. Relying on the behavior, speech, body odor or appearance of an employee while on duty to indicate the use of alcohol and/or controlled substances.

REFUSING TO BE TESTED. Any of the

following:

- (1) Failing to provide an adequate urine specimen for a drug test without a valid medical explanation;

(2) Failing to provide adequate breath for an alcohol test without a valid medical explanation;

(Ord. 12- -95, passed 12- -95)

(3) Failing to submit to a test as directed;
or

(4) Engaging in any conduct which clearly obstructs the testing process.

SAP. Substance abuse professional.

SAFETY-SENSITIVE FUNCTION. Any of the following:

(1) Driving;

(2) The time spent waiting to be dispatched;

(3) Inspecting, servicing or conditioning equipment;

(4) Being in or on a commercial motor vehicle;

(5) Loading or unloading, including supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or giving or receiving receipts for a shipment being loaded or unloaded;

(6) Securing the vehicle and taking all of the other precautionary measures required by DOT's regulations following an accident (Title 49 CFR §§ 392.40 and 392.41); and

(7) Repairing, obtaining assistance or attending a disabled vehicle.

SUPERVISOR. An employee who has received training covering the physical, behavioral, speech and performance indicators of probable drug and alcohol use.

§ 38.03 PROHIBITED USES AND ACTIVITIES.

driving;

(A) The goals of the county's chapter and the testing of drivers are to insure a drug and alcohol-free transportation and work environment. No driver shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater.

(8) Testing positive for drugs and/or alcohol;

(B) The following conduct is strictly prohibited:

(1) Drivers are prohibited from using, being under the influence of or possessing illegal drugs;

(2) Drivers are prohibited from using or being under the influence of legal drugs that are being used illegally;

(3) Drivers are prohibited from using or being under the influence of legal drugs whose use can adversely affect the ability of the driver to perform his or her job safely;

(4) Drivers are prohibited from selling, buying, soliciting to buy or sell, transporting or possessing illegal drugs while on county time or property;

(5) Drivers are prohibited from using alcohol within four hours of driving or performing any other safety-sensitive function;

(6) Drivers are prohibited from using or being under the influence of alcohol at any time while driving or performing any other safety-sensitive function;

(7) Drivers are prohibited from possessing any amount of alcohol, including possessing medications which contain alcohol, while on duty or

(9) Refusing to be tested for drugs and/or alcohol;

(10) Failing to submit to a drug and/or alcohol test, as directed by the county;

(11) Failing to stay in contact with the county and its medical review officer while awaiting the results of a drug test;

(12) Violating any applicable federal and/or state requirement governing the use of drugs or alcohol;

(13) Doing anything to obstruct the county's goals with respect to drugs and alcohol.

(C) (1) A driver who violates these prohibitions will be subject to disciplinary action mandated by DOT. Drivers who violate these prohibitions may be terminated by the county.

(2) In addition, any driver who is convicted by the judicial system of a felony for a drug or alcohol-related matter will be terminated. (Ord. 12- -95, passed 12- -95)

TESTING TYPES AND PROCEDURES

§ 38.15 TESTS REQUIRED.

(A) No driver shall refuse to submit to a post-accident, a random, a reasonable suspicion, return-to-duty or a follow-up breath alcohol or urine drug test.

(B) (1) The county is required by DOT to conduct tests under the following conditions or times:

(a) Before an applicant with a CDL is hired or an employee is transferred to a position in

which he or she may be require to drive a CDL vehicle (pre-employment testing);

- (b) For reasonable suspicion;
- (c) Following certain accidents (post-accident testing);
- (d) On a random basis; and
- (e) Follow-up after counseling.

(2) The county's procedures and requirements for each test are discussed below.
(Ord. 12- -95, passed 12- -95)

§ 38.16 PRE-EMPLOYMENT TESTING.

(A) This test is required before any driver-applicant will be hired. This test is also required before any existing worker in a non-DOT driver position will be assigned, transferred or otherwise allowed to operate a commercial motor vehicle for the county for the first time.

(B) For purposes of the county's chapter concerning pre-employment testing procedures, requirements and discipline, applicants and existing workers who are applying for a driver position are collectively referred to herein as "applicant."

(C) Before taking a pre-employment drug and alcohol test, the applicant will be given forms notifying the applicant to report for a drug and an alcohol test, which include instructions and an explanation for the collection procedures for each test. The applicant will also be asked to execute a general consent and release to be tested for drugs and a general consent and release to be tested for alcohol.

(D) All offers by the county to hire an applicant for, or to assign or transfer an applicant to, a driver position is conditioned upon the applicant:

(1) Executing the county's general consent and release to be tested for drugs and alcohol forms;

(2) Taking a drug and alcohol test as directed by the county and passing both tests;

(3) Executing the county's authorization to obtain past drug and alcohol test results form, which authorizes the county to obtain all of the applicant's past drug and alcohol test results, including any refusal to test, from each company for whom the driver either worked or took or refused to take a pre-employment test during the previous two years and the results of this test including any refusals;

(4) Passing the DOT-required physical exam required for driver positions; and

(5) Complying with any other conditions or requirements of which the county advises the applicant at the time of the offer.

(E) (1) Any applicant who refuses or fails to execute the county's general consent and release to be drug and alcohol tested forms, who refuses or fails to execute the county's authorization to obtain past drug and alcohol test results form, who refuses or fails to submit to a pre-employment drug and alcohol test as directed, or whose result is positive for either test, will not be considered eligible to work for the county.

(2) Existing workers who test positive will not be considered qualified for the position for which they are applying and will also be terminated.

(F) Under no circumstances will an individual be placed in a safety-sensitive position without proof of a successful completion of alcohol and drug tests. Any individual, who refuses to submit to a test, has a detectable amount of alcohol in his or her system or has a positive controlled substance test result, as defined by the federal regulations, will not be considered for employment with the county.

(G) A new applicant will only be notified of the test results if he or she presents a written request to the county for his or her results within 60 days of being notified by the county of its hiring decision. Existing workers will be notified only in the event of a positive test.

(Ord. 12- -95, passed 12- -95)

shall cease. If no urine collection can be obtained for purposes of post-accident drug testing within 32 hours, attempts to make a collection shall cease.

(D) A driver must always submit to a post-accident test as soon as possible, within two hours,

§ 38.17 POST-ACCIDENT DRUG TESTING.

(A) Actions to take in a post-accident testing situation include:

- (1) Treating injuries;
- (2) Working with law enforcement;
- (3) Explaining the need for testing;
- (4) Working with medical facility;
- (5) Collecting specimens promptly; and
- (6) Documenting events.

(B) A driver who is performing a safety-sensitive function must submit to a post-accident drug and a post-accident alcohol test as soon as possible (within two hours) after the occurrence of any accident.

(C) (1) A driver that is required to take a post-accident alcohol test shall not use alcohol for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever comes first.

(2) If no alcohol collection can be made within eight hours, attempts to collect a breath sample

after an accident which involves the death of a human being.

awaiting the post-accident test results.

(E) A driver must submit to a post-accident test as soon as possible after an accident, whenever the driver receives a citation for a moving violation involving the accident and either:

(1) A person is injured and the injuries require immediate medical treatment to the person or employee away from the accident scene; or

(2) One or more motor vehicles involved in the accident incur disabling damage and must be transported away from the accident scene by a tow truck or another vehicle.

(F) It is possible that a driver will be directed to submit to a drug and/or alcohol test at the accident scene by a federal, state or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the driver is not required to take another drug and/or alcohol test at the county's testing site.

(G) Whenever a driver is involved in an accident and is not tested for drugs and alcohol by a law enforcement official, the driver is required to immediately report for a test, following the procedures detailed on the driver's post-accident testing checklist, which every driver is given at the time he or she is hired. In the event a driver is so seriously injured that the driver cannot provide a urine specimen or breath test at the time of the accident, the driver must provide necessary authorization for the county to obtain hospital records or other documents that would indicate whether there were controlled substances or alcohol in the driver's system at the time of the accident.

(H) A driver who is required to take a post-accident drug and/or alcohol test, at the county's discretion, will be assigned to a not safety-sensitive function in any department or place on a leave, while

(I) Besides the penalties imposed by DOT, a driver who tests positive for drugs and/or alcohol, who refuses or fails to submit to a post-accident drug and alcohol test as required, who unnecessarily delays reporting to the test site following an accident, or who otherwise fails to comply with the county's post-accident testing procedures may be terminated. (Ord. 12- -95, passed 12- -95)

safety sensitive function.

(F) A driver whose random test for alcohol is positive will be subject to the same procedures as listed hereunder. (Ord. 12- -95, passed 12- -95)

§ 38.18 RANDOM TESTING.

(A) The county is required to test drivers for drugs and alcohol on a random basis. The tests will be unannounced ahead of time. Random selections will be reasonably spread throughout the year. A minimum of 50% of the average number of CDL employees will be tested for drugs in each calendar year. Twenty-five percent of the average number of CDL employees will be randomly selected for alcohol testing in each calendar year.

(B) Under the county's random selection process, every driver will have an equal chance of being selected each time the selection is conducted. Appropriate safeguards are also present to ensure that the identity of individual drivers cannot be determined before or at the time of their selection.

(C) Whenever a driver is randomly selected to be tested, he or she will be notified of this and instructed to report to the collection site immediately.

(D) In addition to penalties imposed by DOT, a driver who refuses to submit to a random test, who fails to report for the test as directed, or who tests positive for drugs, may be terminated.

(E) Alcohol testing will be conducted just prior to, during or immediately following performance of a

§ 38.19 REASONABLE SUSPICION TESTING.

reasonable suspicion to be tested, the driver will be

(A) Each driver is required to submit to a drug and/or alcohol test whenever the county has reasonable suspicion to believe that the driver has used drugs and/or alcohol and is in violation of DOT regulations and/or this chapter.

(B) Reasonable suspicion must be personally observed and documented by one of the supervisors trained for drug and alcohol testing. The mere possession of alcohol does not constitute a need for an alcohol test.

(C) Alcohol testing is authorized only if the observations are made during, just before or just after the period of the work day of the employee. A written record shall be made of the observations leading to a reasonable suspicion alcohol and/or controlled substance test. This record is to be signed by the supervisor who requires a reasonable suspicion test and shall include all observations that culminated in the test(s) being administered.

(D) (1) If a reasonable suspicion alcohol test is not administered within two hours following the observations, the witness shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly.

(2) In addition, if not administered within eight hours, all attempts to administer the test shall cease. A record shall be prepared and maintained stating why the alcohol test was not administered.

(E) Prior to the start of work, a driver must report to his or her immediate supervisor, use of any prescription and/or over the counter drugs which may affect job performance or the safety of others. It is the driver's responsibility to obtain from his or her physician a determination whether or not the drug could affect job performance.

(F) Whenever a driver is notified that there is

transported immediately by a supervisor to the test site to be tested for alcohol and/or drugs.

(G) The county will arrange to transport the employee home after the test is completed.

(H) If the employee rejects the county's offer of transportation home and instead insists of driving his or her personal vehicle, the county reserves the right to take whatever means are appropriate to prevent this including contacting appropriate law enforcement personnel and imposing disciplinary action, up to and including discharge.

(I) A driver who is required to take a reasonable suspicion test will be considered by the county unqualified to work and placed on immediate suspension, without pay, pending the results of his or her test. A driver whose test results are "negative" will be reimbursed for the time of his or her suspension.

(J) A driver whose reasonable suspicion test for drugs is positive, or who fails or refuses to submit to a reasonable suspicion test when directed to do so by the county, may be terminated.

(K) A driver whose reasonable suspicion test for alcohol is positive will be subject to the same procedures as listed in this chapter.

(Ord. 12- -95, passed 12- -95)

§ 38.20 FOLLOW-UPS.

(A) Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse, the driver will be subject to unannounced follow-up alcohol testing as directed by a substance abuse professional.

(B) (1) Follow-up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform

safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

performed in the first 12 months of follow-up testing.

(2) If any follow-up alcohol test registers a level of 0.02 or greater, the driver may be terminated.

(C) Employees who are terminated from an employee assistance program or counseling by the substance abuse professional for noncompliance as outlined by the substance abuse professional will be terminated from county employment.

(Ord. 12- -95, passed 12- -95)

§ 38.21 SUBSTANCE ABUSE EVALUATION.

(A) Any driver who engages in prohibited conduct shall be provided with the names, addresses and telephone numbers of qualified substance abuse professionals.

(B) If the driver desires to become re-qualified, the driver must be evaluated by a SAP and submit to any treatment prescribed by the SAP. Following evaluation and treatment, if any, in order to become requalified the driver must submit to and successfully complete a return-to-duty drug and/or alcohol test.

(C) (1) The driver is also subject to follow-up testing.

(2) Follow-up testing is separate from and in addition to the company's reasonable suspicion, post-accident and random testing procedures.

(D) Follow-up testing shall be on a random basis and be in accordance with the instructions of the SAP.

(E) (1) Follow-up testing may continue for a period of up to 60 months following the driver's return to duty.

(2) No fewer than six tests shall be

The costs of any SAP evaluation or prescribed treatment shall be borne by the driver.

(3) The company does not guarantee or promise a position to the driver should he or she regain qualified status.

(Ord. 12- -95, passed 12- -95)

(3) The use of a trained breath alcohol technician and DOT-approved testing devices for conducting alcohol tests;

(4) The use of a laboratory which has been certified by the National Institute for Drug Abuse;

§ 38.22 AUTHORIZATION FOR PREVIOUS TEST RECORDS.

Within 14 days of performing a safety-sensitive function, federal regulations require that the company obtain certain drug and alcohol testing records from a driver's previous employers for the previous two years. As a condition to employment, the driver shall give the company a written authorization for all previous employers within the past two years to release the drug and alcohol testing records, as are required under federal regulation.

(Ord. 12- -95, passed 12- -95)

§ 38.23 METHODOLOGY AND INTEGRITY.

(A) To ensure the integrity and accuracy of each test, all specimen collection, analysis and laboratory procedures shall be conducted in accordance with DOT's procedural protocols and safeguards set forth in Title 49 C.F.R. Part 40. This includes, among other things:

(1) Procedures to ensure the correct identity of each driver at the time of testing;

(2) A strict chain-of-custody procedure to ensure that the driver's specimen is not tampered with;

(5) The confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry;

(6) The confirmation of an initial positive alcohol screen by a second analysis; and

(7) The county's appointment of qualified MRO to review drug test results before they are reported to the county's designated representative.

(B) (1) All drug tests conducted under this chapter require that the driver must provide a specimen of his or her urine.

(2) At a minimum, urine specimens will be analyzed from the presence of the following drugs:

(a) Marijuana;

(b) Cocaine;

(c) Opiates;

(d) Amphetamines; and

(e) Phencyclidine.

(3) Specimens will also be analyzed for other substances, as DOT may from time to time direct, or as may otherwise be permitted by federal or state law. In the event that DOT expands the list of drugs for which testing is or may be required, the county reserves the right to begin testing immediately for those drugs without prior notice to drivers or applicants, unless notice is required by DOT or another applicable law.

(4) Drivers will be permitted to give a urine specimen in privacy and without being observed by collection site personnel.

(5) (a) All drug tests will be administered using the split sample methodology required by DOT.

Under this methodology, the driver must provide at

least 45 milliliters in a specimen container. The specimen will then be divided into two specimen bottles by the collector. Thirty milliliters will be poured into one bottle and 15 ml into a second bottle. Both bottles will be sent to the laboratory. The bottle containing 30 ml will be analyzed as the driver's primary specimen. The second bottle will be held by the laboratory, to be sent to another lab at the driver's request in the event that the primary specimen is verified as positive.

(b) In the event the primary specimen is verified as positive, the driver will be notified by the county's MRO of the positive test and given the option to have the second bottle sent to a different laboratory for analysis. To exercise this option, the driver must advise the county's MRO within 72 hours of being told that the primary specimen was positive.

(6) (a) Except for the use of methadone and medications containing alcohol, nothing in this chapter prohibits a driver's use of a medication legally prescribed by a licensed physician:

1. Who is familiar with the driver's medical history and specific safety-sensitive duties; and

2. Who had advised the driver that the prescribed medication will not adversely affect the driver's ability to operate a motor vehicle safely.

(b) Medications prescribed for someone other than the driver, however, will not be considered lawfully used when taken by the driver under any circumstances.

(7) Before being tested for drugs, drivers will be given an opportunity to list, on their copy of

the chain-of-custody form, any prescription and non-prescription medications being lawfully used by that driver at that time. A "positive" drug test may be declared "negative" by the county's MRO, if the driver can prove with clear and convincing evidence

that the drug which was used was prescribed by a licensed physician who is familiar with the driver's medical history and specific duties. The determination of this will be made by the county's MRO.

provide an adequate amount of breath for the initial or

(C) (1) All alcohol tests conducted under this chapter require that the driver must provide a breath specimen for any test conducted by, or on behalf of, the county. In the case of an alcohol test conducted by a federal, state or a local law enforcement officer following an accident, the driver must provide either a breath or blood specimen, as directed by the law enforcement officer.

(2) Alcohol tests will be administered using a breath specimen, taken by a breath alcohol technician using an approved breath testing device, except in cases of on-scene post-accident testing conducted by federal, state or local officials.

(3) Before being tested by the county, each driver will be required to present his or her personal identification and execute a DOT breath alcohol test form provided by the BAT. A driver who refuses to provide his or her identification, provides a false identification, refuses to execute the DOT breath alcohol test form, or who otherwise refuses or fails to cooperate will be treated as though he or she had tested positive and may be terminated, in addition to the penalties imposed by DOT.

(4) Prior to each alcohol breath test conducted by the county, the BAT will instruct the driver on how the test will be performed.

(5) To protect each driver, the BAT will open and attach to the testing device an individually-sealed mouthpiece in the driver's view. The driver will then be directed to blow forcefully into the breath testing device until an adequate amount of breath had been maintained.

(6) In the event that a driver is unable to

confirmatory test after several attempts to do so, the driver will be required to submit to an evaluation by a licensed medical physician to determine whether a valid medical condition exists.

(7) If the physician determines that a valid medical condition does exist, the test result will be reported to the county as "negative." If the physician determines that a valid medical condition does not exist, the test result will be reported to the county as a "confirmed positive."

(Ord. 12- -95, passed 12- -95)

testing upon timely written request.

(3) An individual testing positive may make a request of the MRO to have the secondary vial

§ 38.24 TEST RESULTS.

(A) (1) All laboratory results will be reported to a MRO designated by the company. Negative test results shall be reported by the MRO to the company. Before reporting a positive test result to the company, the MRO will attempt to contact the driver to discuss the test result. If the MRO is unable to contact the driver directly, the MRO will contact the company management official designated in advance by the company, who shall in turn contact the driver and direct the driver to contact the MRO. Upon being so directed, the driver shall contact the MRO immediately or, if after the MRO's business hours and the MRO is unavailable, at the start of the MRO's next business day. In the MRO's sole discretion, a determination will be made whether a result is positive or negative.

(2) Pursuant to DOT regulations, individual test results for driver/applicants and drivers will be released to the company and will be kept strictly confidential unless consent for the release of the test results has been obtained. Any individual who has submitted to drug testing in compliance with this chapter is entitled to receive the results of the

tested. The driver may request that the secondary vial be tested by a different SAMSHA-certified lab than tested the primary specimen. The individual making the request for a test of the second specimen must prepay all costs associated with the test. The request for testing of a second specimen is timely if it is made to the MRO within 72 hours of the individual being notified by the company of a positive test result.

adequate breath specimen and initial test registers an

(B) (1) Before a driver's test result will be confirmed positive for drugs, the driver will be given the opportunity to speak with the county's MRO and demonstrate that there was a legitimate medical explanation for the positive test result. If the MRO determines that a legitimate medical reason does exist, the test result will be reported to the county as "negative." If the MRO determines that a legitimate medical reason does not exist, the test result will be reported to the county as a "confirmed positive."

(2) In the event that the result of a driver's primary specimen is positive, the driver will be notified by the county's MRO and advised that he or she has 72 hours to request that the MRO send his or her secondary specimen to a second, county approved laboratory for analysis.

(3) Pending the outcome of this additional analysis, the driver will continue being considered physically unqualified to work by DOT.

(4) Except as provided herein, a driver whose test result is confirmed positive for drugs will be terminated. In addition, a driver whose test result is confirmed positive for drugs may also be subject to civil and criminal penalties.

(C) (1) In the event that the driver provides an adequate breath specimen and the initial test registers an alcohol concentration level that is less than 0.02, the test result will be reported as a "negative" and no additional test will be required at that time.

(2) In the event that the driver provides an

alcohol concentration level of 0.02 or greater, a second, confirmatory test will be performed. In the event that the driver provides an adequate breath specimen and the confirmatory test registers less than 0.02, the test results will be reported to the county as "negative."

(3) (a) DOT prohibits any driver whose confirmatory test registers 0.02 or more but less than 0.04 from performing or from continuing to perform any safety-sensitive function until the driver's next regularly scheduled work period, but for no less than 24 hours.

(b) The driver who, after providing an adequate breath specimen, has a confirmatory test which registers 0.02 or more but less than 0.04 will be suspended without pay until his or her next regularly scheduled work period but for no less than 24 hours.

(c) The driver will be required to take a return to duty alcohol test with a result less than 0.02 before driving duties can resume.

(4) A driver who, after providing an adequate breath specimen, has a confirmatory test which registers 0.04 or greater will have to be evaluated by a substance abuse professional, have complied with any recommended treatment, have taken a return to duty alcohol test with a result less than 0.02 and is subject to unannounced follow-up alcohol tests.

(Ord. 12- -95, passed 12- -95)

department safety coordinators and the county's MRO while awaiting the results of their tests. Drivers are also required to advise the county of their whereabouts and the telephone number where they can be reached during this time.

§ 38.25 MAINTAINING CONTACT.

(A) Drivers who are tested for drugs are required to remain in contact with the county

(B) A driver who refuses or fails to remain in contact with the county department safety coordinator and the county's MRO will be considered insubordinate and subject to disciplinary action, up to and including termination. In addition, a driver who fails to remain in contact may waive his or her right to speak with the county's MRO before a test is confirmed positive.
(Ord. 12- -95, passed 12- -95) problem, and

§ 38.26 INFORMATION.

(A) The county is required to provide educational materials for all drivers, explaining the DOT's requirements and the county's policies and procedures to meet those requirements. In addition to this chapter, the county will provide drivers with information concerning:

(1) The effects of drugs and alcohol on an individual's health, work and personal life;

(2) The signs and symptoms of a drug or alcohol problem; and

(3) The available methods of intervention when a problem does exist.

(B) Each driver is required to certify that he or she has been given a copy of this chapter and other drug and alcohol information by the county in accordance with division (A) above. In accordance herewith, applicants are required to execute the certification as a condition of being hired. An applicant who refuses to do so will not be hired. Existing drivers who refuse to execute this required certification will be subject to discipline, up to and including termination.

(C) Any existing driver who engages in any conduct prohibited under this chapter will be provided with information concerning the resources available to evaluate and resolve a drug or alcohol

the names, addresses and telephone number of substances abuse professionals, counseling and treatment programs.

(Ord. 12- -95, passed 12- -95)

and alcohol tests will be kept in a secure location with controlled access.

(B) (1) All individual test results will be considered confidential.

§ 38.27 TRAINING.

(A) The company shall ensure supervisors designated to determine whether reasonable suspicion exists to require a driver to undergo testing and to receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use.

(B) The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

(Ord. 12- -95, passed 12- -95)

§ 38.28 PAYMENT FOR TESTS.

(A) The county shall pay the cost for all tests which the county is required to conduct on drivers under DOT regulations.

(B) Drivers are responsible for paying the costs of the analysis of any secondary urine specimen which they request hereunder. The county should reimburse the driver the cost of the analysis of a secondary urine specimen only if the test is negative.

(Ord. 12- -95, passed 12- -95)

§ 38.29 CONFIDENTIALITY.

(A) Records will be maintained, in keeping with federal regulations. The results of all individual drug

(2) The release of an individual driver's results will only be given in accordance with an individual driver's written authorization or otherwise required by DOT's regulations, or by other applicable federal or state law.

(C) All information obtained in the course of testing of drivers shall be protected as confidential medical information. No data concerning this information will be made a part of the employee's personnel file nor will it be provided to any other party without the direct written consent of the driver, unless the results are ground for a discipline and/or grievance procedure is requested by the employee.

(D) (1) The county shall provide educational

materials that explain the requirements, consequences and the employer's policies and procedures. The materials supplied to the drivers may include information on additional employer policies with respect to the use or possession of alcohol or controlled substances. The county shall ensure each driver is required to sign a statement certifying that he or she has received a copy of these materials.

(2) This chapter is not intended nor should it be construed as a contract between the company and the employee. This chapter may be changed at any time at the sole discretion of the Board of Commissioners.

(Ord. 12- -95, passed 12- -95)

CHAPTER 39: SNOW EMERGENCIES

Section

39.01	Purpose and intent	eminent threat of widespread or severe damage, injury or loss of life or property resulting from a snow storm requires emergency action to avert danger, damage or distress.
39.02	Definitions	
39.03	Declaration	
39.04	Conditions; traffic regulations	
39.05	Other emergencies	

§ 39.01 PURPOSE AND INTENT.

Efficient snow removal procedures are essential to the health, safety and economic benefit of the county and county roads can best be cleared of snow during normal working hours. It is desirable that all county roads remain functioning during the snow season.

(Ord. 4-1-85, passed 4-1-85)

§ 39.02 DEFINITIONS.

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

PUSHING SNOW. The moving of an amount of snow that may impede or unnecessarily hamper traffic flow.

SNOW. Any precipitation depositing any accumulation on the roads, including snow, sleet, hail, ice and freezing rain.

SNOW EMERGENCY. A formal declaration by the Snow Removal Coordinator that occurrence or

SNOW REMOVAL COORDINATOR. The Chairperson of the Board of County Commissioners, or if he or she is not available, the following succession of people shall qualify:

- (1) Any member of the Board of County Commissioners;
- (2) County Sheriff;
- (3) Supervisor of the County Highway Department; or
- (4) County Auditor.

VEHICLES. All self-propelled motorized vehicles using county highways.
(Ord. 4-1-85, passed 4-1-85)

§ 39.03 DECLARATION.

(A) When, in the opinion of the Snow Removal Coordinator, the actual or expected precipitation of snow will create hazardous or dangerous highway conditions, he or she shall have the authority to declare a snow emergency.

(B) A snow emergency shall be declared by the

Snow Removal Coordinator by issuing a press release to the local radio, television or news services.

(C) The snow emergency shall continue in force and effect until the Snow Removal Coordinator declares it to be over in the same manner as provided for herein.

(Ord. 4-1-85, passed 4-1-85)

safety of the citizens of county; and

(F) The Snow Removal Coordinator shall have the power to take whatever action is reasonably

§ 39.04 CONDITIONS; TRAFFIC REGULATIONS.

When the Snow Removal Coordinator has declared a snow emergency, the following traffic regulations shall be in effect:

(A) No vehicle shall be parked on a county road right-of-way;

(B) The pushing of snow onto any county road by any individual is prohibited;

(C) Any vehicle parked, stalled, incapable of moving under its own power or left unattended upon any county road may be removed therefrom by the County Highway Department, or any person directed by the Supervisor of the County Highway Department to perform the removal, at the expense and liability of the owner of the vehicle;

(D) (1) The Snow Removal Coordinator shall have the power to limit traffic on any county road, street or highway, under the jurisdiction of the County Highway Department for maintenance;

(2) All persons shall obey traffic directions of the Coordinator during an emergency;

(E) The Snow Removal Coordinator shall have the power to designate vehicles such as four-wheel drive vehicles and snow mobiles as "temporary emergency vehicles," if in his or her opinion, the designation is necessary to insure the health and

necessary to insure the health, safety and welfare of the citizens during a snow emergency.
(Ord. 4-1-85, passed 4-1-85)

§ 39.05 OTHER EMERGENCIES.

The County Snow Removal Coordinator, Sheriff or Police Department or their designees may remove and impound any unoccupied or unattended vehicle upon any highway so as to constitute a definite

hazard or obstruction to the movement of traffic in times of other emergency, such as fires, riots, civil emergencies, as provided by law, natural disasters, highway cave-ins, snow emergencies or any other emergency. The cost of removal or impounding of any vehicle shall be charged to and paid by the owner of the vehicle.

(Ord. 4-1-85, passed 4-1-85)

TITLE V: PUBLIC WORKS

Chapter

50. ON-SITE SEWAGE DISPOSAL

51. GARBAGE

CHAPTER 50: ON-SITE SEWAGE DISPOSAL

Section

General Provisions

- 50.01 Title
- 50.02 Purpose
- 50.03 Authority
- 50.04 Regulations adopted by reference
- 50.05 Definitions
- 50.06 Installer certification

Sewage Disposal Chapter of the County," may be cited as such and will be referred to herein as "this chapter."

(Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

§ 50.02 PURPOSE.

The purpose of this chapter is to provide minimum standards for the prevention and suppression of disease and health risks associated with the use of on-site sewage disposal systems and to otherwise promote public safety and welfare and protection of the environment.

(Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

System Requirements; Permits

- 50.20 System requirements
- 50.21 Permits and fees
- 50.22 Inspections
- 50.23 Petition for review

Administration and Enforcement

- 50.35 Notice of violation
- 50.36 Suspension or revocation of certification
- 50.37 Certification required
- 50.38 Continuation of violation
- 50.39 Application and inconsistencies
- 50.40 Remedies

§ 50.03 AUTHORITY.

The County Health Officer, as hereinafter defined, and the Health Officer's agents and representatives are hereby authorized to issue permits, installer certifications, collect permit and incidental fees, perform inspections, order or otherwise compel correction of violations of this chapter, and are otherwise authorized to perform all actions necessary for the administration and enforcement of this chapter.

(Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

GENERAL PROVISIONS

§ 50.01 TITLE.

This chapter and all ordinances supplemental or amendatory hereto shall be known as the "On-Site

§ 50.04 REGULATIONS ADOPTED BY REFERENCE.

(A) (1) The regulations of the State Residential
Department of Health, as found in 410 I.A.C. 6-8.1,

Sewage Disposal Systems, are hereby incorporated by reference in this chapter and shall include any later amendments to those regulations as the same published in the State Register of the Administrative Code with effective dates as fixed therein.

(2) Copies of 410 I.A.C. 6-8.1-1 *et seq.* are available and on file in the Office of the County Board of Health and the County Auditor.

(B) (1) The regulations of the State Department of Health, as found in 410 I.A.C. 6-10, Commercial On-Site Wastewater Disposal, are hereby incorporated by reference in this chapter and shall include any later amendments to those regulations as the same are published in the State Register of the Administrative Code with effective dates as fixed therein.

(2) Copies of 410 I.A.C. 6-10-1 *et seq.* are available and on file in the Office of the County Board of Health and the County Auditor.
(Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

§ 50.05 DEFINITIONS.

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

(B) The following definitions are in addition to or to otherwise supplement those definitions contained in 410 I.A.C. 6-8.1-1 *et seq.*, which is incorporated herein by reference.

BEDROOM. A room within a dwelling that might reasonably and regularly be used as a sleeping room or which contains a closet or shares a common hallway with or adjoins a bathroom. A **BEDROOM**

may include, but is not limited to those rooms designated as dens, studios, offices or libraries if the rooms otherwise meet the above definition.

BOARD. The County Board of Health.

BUSINESS BUILDING. The building or structure utilized primarily for a commercial establishment including, but not limited to office buildings, apartments, condominiums, motels, mobile home parks, churches, campgrounds, schools, hospitals, nursing homes, subdivisions, restaurants and the like at locations where the facilities may be approved.

COMMERCIAL ON-SITE WASTEWATER DISPOSAL FACILITY. All equipment and devices necessary for proper conduction, collection, storage, treatment and on-site disposal of wastewater from other than one- or two-family dwellings.

DUPLEX. A dwelling as defined in 410 I.A.C. 6-8.1-7 with two separate living quarters for two separate families.

HEALTH DEPARTMENT. The County Health Department.

HEALTH OFFICER. The Health Officer of the county.

INSTALLER. Any person engaged in the construction and installation of residential or commercial on-site sewage disposal systems in the county.

MULTIPLE FAMILY UNITS. Any building or place of residential or commercial on-site sewage disposal systems in the county.

ON-SITE SEWAGE DISPOSAL SYSTEM. Any sewage disposal facility not owned by a municipality or sanitary district or administered by the State Department of Health where the effluent is treated on the lot and shall include, but is not limited to residential sewers, grease traps, septic tanks, dosing tanks, soil absorption systems, experimental treatment processes, perimeter drains, temporary sewage holding tanks and sanitary vault privies. **ON-SITE SYSTEMS** include both residential and commercial disposal systems.

PLANNED DEVELOPMENT. Any land development which requires the specific zoning classification entitled "planned development."

PUBLIC WATER SUPPLY. A system which provides piped water for human consumption to at least 15 service connections or at least 25 people at least 60 days out of the year.

RESIDENCE. A dwelling, as defined in 410 I.A.C. 6-8.1-7.

RESIDENTIAL SEWAGE DISPOSAL SYSTEM. All equipment and devices necessary for proper conduction, collection, storage, treatment and on-site disposal of sewage from a one- or two-family dwelling.

SANITARY PRIVY. A privy so located, constructed and maintained so:

- (1) Users do not contact waste matter deposited;
 - (2) Flies, insects, rats and other animals cannot gain access to the privy interior or vault;
 - (3) Surface or ground water cannot enter the vault;
 - (4) The waste material in the privy cannot contaminate a water supply, stream or body of water; and
 - (5) Odors are minimized both inside and outside the privy structure.
- (Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

(A) Effective 1-1-01, no person shall construct, install, replace, alter or repair any part of any on-site sewage disposal system in the county unless the person is certified by the County Health Department.

§ 50.06 INSTALLER CERTIFICATION.

(B) Any person engaged in the installation of on-site sewage disposal systems in the county must file an application for certification with the County Board of Health. The application shall be accompanied by a certificate of liability insurance issued by a company registered in the state. The liability policy shall be sufficient to indemnify persons for whom faulty work may be performed or for a minimum of \$100,000.

(C) Every person engaged in the installation of on-site sewage disposal systems in the county shall be knowledgeable of all laws, rules and regulations of both the state and the county, governing on-site sewage disposal systems.

(1) The applicant for certification must demonstrate knowledge of the applicable laws, rules and regulations before becoming certified by passing a written proficiency examination conducted by the County Health Department. The examination shall be in two parts and consist of 50 questions. Part A, 35 questions, will cover laws, rules and regulations of the state and the county and installation of sub-surface gravity feed trickle flow systems. Part B, 15

questions, will cover pressure distribution and experimental type on-site sewage disposal systems, as defined by the State Department of Health.

(2) The examination shall be reviewed from time to time to determine its applicability to current laws, rules and regulations. A score of 80% or higher on each section will be considered passing. When taking a written examination is not feasible due to language or reading difficulties, oral examination will be allowed. If the applicant fails to pass either part of the examination, the applicant may re-apply for an installer certification no earlier than one month following the examination date. An application fee of \$10 must be paid prior to re-examination.

(D) Upon successful completion of Part A, the applicant shall be issued a certification to install sub-surface gravity feed trickle flow systems and will pay set fees for the certification. Upon successful completion of Parts A and B, the applicant shall be issued a certification to install all types of on-site

sewage disposal systems including pressure distribution and experimental systems and will pay set fees for the certification.

(E) The certification shall be valid for a term of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually. The certification shall bear the name and address of the certified installer. Any certification which is not renewed within one year of the expiration date shall be considered void and the installer must re-apply for certification and pass the proficiency test.

(F) The installer shall maintain in his or her possession a copy of the certification at all times when installing on-site soil absorptions systems.

(G) (1) A certified installer shall be on the site at all times during construction and shall be deemed responsible for the installation.

(2) A certified installer may supervise other construction workers as necessary to assist in the installation.

(H) A property owner wishing to install, repair or otherwise work on the on-site sewage disposal system serving his or her own dwelling shall be required to demonstrate knowledge of the applicable laws, rules and regulations by taking the proficiency exam in division (C)(1) above, conducted by the Health Department.

(Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

(A) Where a sanitary sewer system is not available within 300 feet, all persons owning, leasing or otherwise occupying property shall comply with 410 I.A.C. 6-8.1-1 *et seq.*, 410 I.A.C. 6-10-1 *et seq.* and the following provisions of this chapter for an on-site sewage disposal system.

SYSTEM REQUIREMENTS; PERMITS

§ 50.20 SYSTEM REQUIREMENTS.

(B) No person shall throw, run, drain, seep or otherwise dispose into any of the surface waters or ground waters of the county, or cause, permit or suffer to be thrown, drained, allowed to seep or otherwise disposed into the waters, any organic or inorganic matter from a dwelling or residential sewage disposal system that would cause or contribute to a health hazard or water pollution.

(C) Connection to an existing soil absorption system shall be permitted if the following conditions are met:

(1) The connection will not exceed the system design load based on the sizing requirements of 410 I.A.C. 6-8.1 or 410 I.A.C. 6-10;

(2) The existing system has not malfunctioned;

(3) The existing system has been permitted and approved by the Health Officer, and the applicant has possession of a record of the permitted and approved system which shows all

system dimensions;

(4) If the existing system shall fail, there is sufficient space for system replacement; and

(5) In the event that a system enlargement is proposed, the enlargement must bring existing system into compliance with the minimum standards of 410 I.A.C. 6-8.1 or 410 I.A.C. 6-10.

(D) (1) No privy shall be permitted for a residence, except on a temporary basis and then only by special permit.

(2) All privies shall comply with State Department of Health Bulletin S.E. 11. Bulletin S.E. 11 is herein incorporated by reference as part of this section and two copies are filed in the Office of the County Auditor and County Board of Health for public inspection.

(3) In the case of self-contained chemical toilets, no pit will be required.

On-Site Sewage Disposal

(E) Should an on-site sewage disposal system fail, the failure shall be corrected by the owner or occupant served by the system within the limit set by the Health Officer.

(F) (1) Whenever a public sanitary sewage system becomes available and is within 300 feet of a residential dwelling or commercial building situated in the county and the building is served by an on-site sewage disposal system or privy, a direct connection of the building sewer may be made to the sanitary sewer and any septic tanks, vaults, and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner.

(2) If the estimated cost of connecting a dwelling or structure to a sewer line does not exceed 1½ times the estimated cost of installing an on-site septic system, then connecting to the sewer line may be required by the County Health Officer or his or her representative.

(3) Whenever a public sanitary sewage system becomes available and is within 300 feet of a residential dwelling or business building situated in the county and is served by an on-site sewage disposal system or privy that fails to be in compliance with county ordinances related to on-site sewage disposal systems and/or state law, the residential dwelling or business building's sewer shall be directly connected to the sanitary sewage system and any septic tanks, vaults and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner. The direct connection to a sanitary sewage system shall be made within 180 days of issuance of order of connection.

(G) Whenever a new business building or dwelling is to be constructed in an area where a sanitary sewage system is available as provided

herein, a connection shall be made to the sanitary sewer according to plans submitted for approval prior to construction of any project.

(Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05) Penalty, see § 10.99

§ 50.21 PERMITS AND FEES.

(A) *Permits.*

(1) Before the commencement of construction, alteration or repair of an on-site sewage disposal system, the owner or his or her agent shall apply in writing to the County Health Office for a permit to construct, alter or repair an on-site sewage disposal system, which application shall set out the date of the intended construction, alteration or repair, topographic and soil characteristic information as well as other information required in 410 I.A.C. 6-8.1-48 and 410 I.A.C. 6-10-6, previously incorporated herein by reference, and expressly stating that the owner has complied and will at all times comply with the standards set out in this chapter.

(2) The sewage disposal permit issued by the Health Officer must be obtained prior to application for a building permit.

(3) For a commercial on-site sewage disposal permit, the application shall include a copy of the permit issued for the State Department of

Health and a copy of the project design plans.

(4) No permit will be issued if it is determined the issuance of a permit would violate or otherwise be inconsistent with the provisions of 410 I.A.C. 6-8.1-1 *et seq.*, and federal or state statute or regulation and ordinance of the county, or would otherwise be reasonably expected to cause or contribute to an unsanitary condition, an unacceptable probability of groundwater contamination or construction of an on-site sewage disposal system with an unacceptable risk of failure.

(5) No on-site sewage disposal system shall serve more than one single dwelling or business building. No permits will be issued for multiple family units served by an on-site sewage disposal system unless permitted by 410 I.A.C. 6-10-1 *et seq.*

(6) A permit for the installation of an on-site sewage disposal system, whether issued prior to or after the adoption of this chapter, shall lapse and be void if work has not been completed within one year after its issuance. When a permit has expired or has been revoked, the work on the on-site sewage disposal system shall not commence or resume unless a new application and fee have been submitted and a new permit has been obtained.

(7) The permit shall be available to regulatory authorities at or near the dwelling or facility where the on-site sewage disposal system is under construction. The permit shall be posted in a conspicuous place and be plainly visible from the public thoroughfare serving this building.

(8) No part of an on-site sewage disposal system for a residence shall be located closer than 25 feet to a surface water drain tile, running stream or surface water drain. The rules and regulations of the Drainage Board will apply for any legal ditch or drain.

(9) All parts of the system must be kept at least 50 feet from any water well.

(10) Because of the hazards regarding potential ground water contamination of wells through the development of subdivisions, planned developments, parcels and other divisions of land for developments, the Health Officer may, at the Health Officer's discretion, decline to issue a permit for the on-site sewage disposal system if the system may cause or contribute to a health hazard or any unsanitary condition unless a public water supply is provided.

(11) Those factors to be considered by the Health Officer in making a determination to issue or decline a permit unless a public water supply is

provided include, but are not limited to the requirements of 410 I.A.C. 6-8.1-1 *et seq.*, soil and geological conditions, the depth of the water table and the quantity of water available, evidence of any existing or anticipated on-site sewage disposal systems located within the general area in which the proposed on-site disposal system is to be built.

(B) *Fees.*

(1) A fee of \$50 for a sewage disposal permit shall be submitted prior to issuance of the permit.

(2) A fee of \$25 for installer certification shall be submitted prior to the issuance or renewal of the certification.

(3) A property owner, as described herein, is exempt from the installer certification fee.
(Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

§ 50.22 INSPECTIONS.

(A) The Board, its agent or the Health Officer or his or her agent shall be permitted to enter upon all properties for purposes of inspection, observation, measurement, sampling and testing necessary to ensure compliance with this chapter and to verify no

on-site sewage disposal system has failed.

(B) (1) No construction of the on-site sewage disposal system may take place if the on-site sewage disposal system site is disturbed or altered after the on-site evaluation by the addition of fill material (other than that construction necessary for the on-site sewage disposal system itself) or by cutting, scraping, compaction or the removal of soil, until a new evaluation has been conducted and a modified permit has been issued.

(2) In the event the on-site inspection indicates site limitations, either arising from topography or soil characteristics, the site owner or his or her agent is responsible for designing a residential or an on-site sewage disposal system which addresses the demands of the site in accordance with rules established in 410 I.A.C. 6-8.1-1 *et seq.*, 410 I.A.C. 6-10-1 *et seq.* and this chapter.

(C) The owner or agent shall request an inspection by the County Health Department at least

two working days before any portion of the on-site disposal system is covered, in accordance with rules established in 410 I.A.C. 6-8.2-33(1) *et seq.* (Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

(C) The procedures established in I.C. 4-21.5, the Administrative Procedure and Orders Act, shall apply to the conduct of the hearing.

§ 50.23 PETITION FOR REVIEW.

(A) The County Board of Health shall hear appeals incidental to the issuance and revocation of permits if, within 15 days following the date of receipt of an issued permit, permit modification, notice of permit denial or notice of permit revocation, any person aggrieved by the action files a petition for review concerning the action with the Board.

(B) A petition for review shall state:

(1) The name, address and telephone number, if applicable, of the person making the request;

(2) Identify the interests of the petitioner which is effected by the permit issuance, denial, modification or revocation;

(3) Identify any persons whom the petitioner represents;

(4) State with particularity the reasons for the request;

(5) State with particularity the issues proposed to be considered; and

(6) Include proposed terms or conditions which, in the judgment of the petitioner, would be appropriate to carry out the requirements of law and 410 I.A.C. 6-10-1 *et seq.* or 410 I.A.C. 6-8.1-1 *et seq.* governing the permits.

(D) Whenever a sanitarian has been employed by the County Board of Commissioners, the County Health Officer may appoint the sanitarian as his or her agent to receive applications and fees, make inspections and issue permits as required by the various sections of this chapter. (Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

ADMINISTRATION AND ENFORCEMENT

§ 50.35 NOTICE OF VIOLATION.

(A) Any person found to be in violation of any provision of this chapter or the applicable rules and regulations of the State Department of Health shall be served with a written order either in person or by certified or registered mail by the County Board of Health or the County Health Officer or his or her authorized agent. This order shall state the nature of the violation and provide a reasonable time limit,

unless the Health Officer deems an emergency exists, not to exceed 60 days, for the correction of any violation of this chapter.

(B) Any installer, as defined herein, and certified under § 50.06, found to be in violation of any provision of this chapter or the applicable rules of the State Department shall receive notice as specified in division (A) above. The installer shall have up to 14 days to correct the violation or as otherwise determined by the Health Officer. (Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

§ 50.36 SUSPENSION OR REVOCATION OF CERTIFICATION.

(A) If the violation is not corrected within the designated time, the Health Officer may suspend or revoke the certification. If the certification is suspended, the certification can be reinstated by the Health Officer upon correction of all violations. If the

certification is revoked, the requirements for becoming certified including testing and the payment of the certification fee shall apply prior to re-certification.

(B) Re-certification shall not occur until all outstanding violations are corrected to the satisfaction of the Health Officer.

(Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

(B) Each day a violation of this chapter continues shall constitute a separate offense for which a separate fine may be levied.

(Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

§ 50.37 CERTIFICATION REQUIRED.

Any person or contractor performing work in constructing, installing, replacing, altering or repairing any on-site sewage disposal system who is not certified in the county shall be deemed to be in violation of this chapter. A person who is in violation of this chapter shall be fined for the first offense not more than \$500, and for the second and each subsequent offense not more than \$1,000. Each violation of this chapter shall constitute a separate violation.

(Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

§ 50.38 CONTINUATION OF VIOLATION.

(A) Any property owner, or other person in lawful possession of real estate who shall continue any violation of this chapter beyond the time limit provided for correction of any violations of this chapter or who performs any act prohibited herein or shall fail to perform any duty lawfully enjoined or who shall fail, neglect or refuse to obey any lawful order given by the Health Officer shall be punished for the first offense by a fine of not more than \$500; for the second and each subsequent offense not more than \$1,000.

§ 50.39 APPLICATION AND INCONSISTENCIES.

(A) (1) Application of this chapter or any part of this chapter is intended to be consistent with 410 I.A.C. 6-8.1-1 *et seq.* and 410 I.A.C. 6-10-1 *et seq.*

(2) Any inconsistency in the direct application of this chapter with the regulations shall be resolved in favor of enforceability of those regulations.

(B) To the extent the provisions of 410 I.A.C. 6-10-1 *et seq.* and 410 I.A.C. 6-8.1-1 *et seq.* are inconsistent with each other then that interpretation provided by 410 I.A.C. 6-10-1 *et seq.* shall apply for on-site sewage disposal systems serving business buildings and that interpretation provided by 410 I.A.C. 6-8.1-1 *et seq.* shall apply for on-site sewage disposal systems serving residences.

(Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

The Health Officer may, in the name of the Commissioners of the county, bring actions in the County Circuit Court or County Superior Court for mandatory and injunctive relief for the enforcement of and to secure compliance with any order or orders made by the Health Officer or to otherwise provide for the enforcement of this chapter. Any action for mandatory or injunctive relief may be joined with an action to recover the penalties, costs and expenses provided in this chapter. In the event any legal action is necessary to enforce this chapter, the Health Officer may seek recovery of costs and expenses reasonably incurred to enforce the provisions of this chapter including, but not limited to reasonable attorney's fees.

(Ord. 10-9-00, passed 10-9-00; Am. Ord. 10-9-00A, passed 4-18-05)

§ 50.40 REMEDIES.

CHAPTER 51: GARBAGE

Section

General Provisions

- 51.01 Purpose
- 51.02 Definitions
- 51.03 Permits
- 51.04 Enforcement

(A) This chapter regulates the public disposal of garbage, rubbish and the open storage of junk on any land which is situated outside the corporate limits of any city or town.

Operations and Standards

- 51.15 Inspection of sites
- 51.16 Disposal sites
- 51.17 Sanitary landfills
- 51.18 Salvaging
- 51.19 Burning refuse
- 51.20 Adequate equipment
- 51.21 Consumption by animals
- 51.22 Infestation
- 51.23 Hazardous materials
- 51.24 Grading
- 51.25 Dust and litter control
- 51.26 Modifications
- 51.27 Spreading refuse; suitable covers
- 51.28 Compliance
- 51.29 Other methods of disposal

Cross-reference:

Waste Haulers and Recyclers, see Chapter 111

GENERAL PROVISIONS

§ 51.01 PURPOSE.

(B) This chapter requires permits and provides penalties for violations.
(^82 Code, § 3-43-1)

§ 51.02 DEFINITIONS.

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

AUTOMOBILE GRAVEYARD. Any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

COUNTY. Those areas which are under the jurisdiction of the County Health Officer and situated outside the corporate limits of any city or town.

GARBAGE. Rejected food wastes, including every waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

GROUND WATER. Water in the ground that is in the zone of saturation.

HAZARDOUS MATERIAL. Explosives, patho-logical wastes, radioactive materials and chemicals.

HEALTH OFFICER. The County Health Officer or his or her authorized representative.

JUNK. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous material.

JUNKYARD. An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills, but shall not include a scrap metal processing facility.

PERSON. Any person, firm, corporation or association.

PUBLIC DISPOSAL. Disposal of refuse which has been removed from premises used, owned or leased by one or more persons, firms, corporations or associations, and transported to other premises and disposed either with or without the payment of a fee.

REFUSE. Any combination of garbage and rubbish.

RUBBISH. The matter as ashes, cans, metalware, broken glass, crockery, dirt, sweepings, boxes, wood, grass, weeds or litter of any kind.

SALVAGING. The controlled removal of reusable materials.

SANITARY LANDFILL. A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to reduce it to the smallest practical volume, and to cover it with a compacted layer of suitable cover material at the conclusion of each day and at

more frequent intervals as necessary.

SCAVENGING. The uncontrolled picking of materials.

SCRAP METAL PROCESSING FACILITY.

An establishment having facilities for processing iron, steel or non-ferrous metal and whose principal product is scrap iron, steel or scrap for sale for remelting purposes only.

receive and retain a permit. A permit shall be for the term of

SURFACE WATER.

A body of water whose top surface is exposed to the atmosphere including a flowing body as well as a pond and a lake.

(82 Code, § 3-43-2)

§ 51.03 PERMITS.

(A) It shall be unlawful for any person to engage in or permit the open storage of junk, as defined herein, except as provided for in the Acts of 1969, Chapter 215, Sections 1 and 2, Location Restrictions, 1,000 feet from a right-of-way unless screened.

(B) It shall be unlawful for any person, who does not possess an unrevoked permit from the health officer, to engage in the county in the removal of refuse from premises to a location other than the place of origin of the refuse for disposal.

(C) A resident of the county hauling his or her own refuse from the place of origin to an approved disposal site shall be exempt from the license requirement of this chapter, however, the transportation shall be in a manner approved by the County Health Officer or his or her authorized representative.

(D) It shall be unlawful for any person, who does not possess an unrevoked permit from the Health Officer, to engage in the county in the disposal of refuse on premises other than the place of origin of the refuse or on premises at the place of origin in the quantities as to have public health significance.

(E) (1) Only persons who comply with the requirements of this chapter shall be entitled to

one year on a calendar year basis and shall be renewable annually. Any permit issued by the Health Officer shall contain the name of the person to whom the permit is granted, the address of the premises for which it is issued and other pertinent information as may be required by the Health Officer. A permit shall be issued to any person who has complied with the requirements of this chapter and no permit or renewal thereof shall be denied on arbitrary or capricious grounds.

(2) A permit may be temporarily suspended by the Health Officer upon violation by the holder of any of the terms of this chapter or revoked after an opportunity for a hearing by the Health Officer upon serious or repeated violation. A separate permit shall be required for each public disposal site operated, or to be operated, by any person.

(F) No permit signed by the Health Officer shall be valid until it has been countersigned by the County Treasurer. The County Treasurer shall countersign a properly signed permit upon payment to the County Treasurer of a permit fee in the amount of \$5. The monies or fees collected under the terms of this chapter shall revert to the General Fund of the county.

(G) No fee shall be charged for a state, county or municipally-owned and operated public refuse disposal site in the county.

(H) Before a permit is issued by the Health Officer for any new disposal site, detailed plans and specifications and necessary reports must be submitted to the State Board of Health and to the Health Officer by a registered professional engineer.

(I) Before a permit is issued by the Health

Officer for the collection and transportation of refuse, all equipment and vehicles to be used shall be inspected by the Health Officer. All equipment and vehicles used to transport refuse to a disposal site shall be covered, water-tight and cleaned as may be necessary to prevent nuisances and health hazards. ('82 Code, § 3-43-3) Penalty, see § 10.99

§ 51.04 ENFORCEMENT.

(A) The enforcement of this chapter shall be by the Health Officer.

(B) It shall be the duty of the County Prosecuting Attorney, to whom the Health Officer shall report any violations of the provisions of this chapter, to cause proceedings to be commenced against the person violating the provisions of this chapter and to prosecute to final termination.

(C) Each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate the conditions as ordered by the Board of Health, or by the duly appointed Health Officer of the county, shall constitute a distinct and separate offense.

(^82 Code, § 3-43-6)

inspection report, on which violations of any item of sanitation pertinent to the provisions of this chapter

OPERATIONS AND STANDARDS

§ 51.15 INSPECTION OF SITES.

(A) At least once each month, the Health Officer shall inspect each refuse disposal site located within the county.

(B) (1) In case the Health Officer discovers a violation of any item of sanitation pertinent to the provisions of this chapter, he or she shall make a second inspection after the lapse of time as he or she deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with terms of this chapter.

(2) Any violation of the same item of this chapter on second inspection shall call for suspension or revocation of permit.

(C) (1) One copy of the Health Officer's

shall be inscribed, shall be delivered to the permittee by the Health Officer. Another copy of the before-mentioned inspection report shall be filed by the Health Officer with the records of the County Health Department.

(2) The person operating the public disposal site shall, upon request of the Health Officer, permit access to all parts of the grounds by the Health Officer and shall permit him or her to copy any and all records pertaining to the sources of refuse transported thereto for public disposal.

(^82 Code, § 3-43-4)

§ 51.16 DISPOSAL SITES.

The issuance of any permit to a person for the operation of a proposed refuse disposal site shall be subject to the approval of the Health Officer who shall inspect the proposed site prior to the issuance of a permit.

(^82 Code, § 3-43-5)

§ 51.17 SANITARY LANDFILLS.

Sanitary landfill operations shall be so designed and executed that conditions of pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams shall be drained or may be filled with specific inert material not detrimental to legitimate water uses and which will not create a nuisance or hazard to health. Special approval of the drainage method or of the inert material to be used in the fill is required in writing from the Health Officer.

(^82 Code, § 3-43-5)

§ 51.18 SALVAGING.

Salvaging, if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards.

This

provision in no way precludes the right of a landfill operator to prevent salvaging as a part of his or her operational standards. Scavenging shall not be permitted. All salvage material must be removed from the disposal area at least once each week, except that any and all materials containing food for rodents and insects, including tin cans, shall be disposed of daily in a sanitary manner.
(^82 Code, § 3-43-5)

landfill site and site of operation. An alternate entrance should be available in case of an emergency.
(^82 Code, § 3-43-5) Penalty, see § 10.99

§ 51.19 BURNING REFUSE.

No person shall burn any refuse in any open fire, except as follows:

(A) Camp fires and fires used solely for recreation purposes where the fires are properly controlled by responsible persons;

(B) Backyard incineration;

(C) Burning of rubbish on a farm, derived from an agricultural operation, when the prevailing winds, at the time of burning, are away from populated areas and no nuisance is created;

(D) Open burning in remote areas of highly explosive or other dangerous materials for which there is no other method of disposal or for special purposes when approved by the Board; and

(E) Open burning of material of noncommercial nature so long as no public nuisance is created.
(^82 Code, § 3-43-5) Penalty, see § 10.99

§ 51.20 ADEQUATE EQUIPMENT.

Any person engaged in public refuse disposal by sanitary landfill shall have available, at all times, earth moving equipment of adequate size and capacity to satisfactorily operate the sanitary landfill. An all-weather road shall be provided to the sanitary

§ 51.21 CONSUMPTION BY ANIMALS.

It shall be expressly forbidden to make uncooked garbage available for animal consumption at any public refuse disposal site.

(^82 Code, § 3-43-5) Penalty, see § 10.99

§ 51.22 INFESTATION.

Infestation of rodents and insects on the premises of a public refuse disposal site shall constitute a violation of this chapter and the violation shall be determined by the Health Officer.

(^82 Code, § 3-43-5) Penalty, see § 10.99

§ 51.23 HAZARDOUS MATERIALS.

(A) Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for the disposal through the Health Officer, the State Board of Health and/or the Stream Pollution Control Board.

(B) This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his or her operational standards.

(^82 Code, § 3-43-5) Penalty, see § 10.99

§ 51.24 GRADING.

The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill and to prevent the collection of standing water.

(^82 Code, § 3-43-5)

§ 51.25 DUST AND LITTER CONTROL.

(A) Measures shall be provided to control dust and blowing paper.

(B) The entire area shall be kept clean and orderly.
(^82 Code, § 3-43-5)

during the first two years following completion of the landfill.
(^82 Code, § 3-43-5)

§ 51.26 MODIFICATIONS.

Modification of the rules on sanitary landfills as applicable to existing disposal areas may be made by the Health Officer and the State Board of Health. These modifications must be approved in writing.
(^82 Code, § 3-43-5)

§ 51.27 SPREADING REFUSE; SUITABLE COVERS.

(A) (1) Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two feet.

(2) Large and bulky items, when not excluded from the site, shall be disposed of in a manner approved by the Health Officer and not inconsistent with state standards.

(B) A final layer of suitable cover material compacted to a minimum thickness of two feet shall be placed over the entire surface of each portion not later than one week following the placement of refuse within that portion.
(^82 Code, § 3-43-5)

§ 51.28 COMPLIANCE.

An inspection of the entire site shall be made by the Health Officer to determine compliance with approved plans and specifications before the earth-moving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as complete. Arrangements shall be made for the repair of all cracked, eroded and uneven areas in the final cover

§ 51.29 OTHER METHODS OF DISPOSAL.

Any other method of solid waste disposal not covered by these rules shall be reviewed by the Health Department for the purposes of evaluating the design and operational methods with reference to the nuisance factor, the safety of employees and protection of the public health. The disposal methods shall be subject to the evaluation and approval of the Health Officer.

(^82 Code, § 3-43-5)

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC RULES

72. PARKING REGULATIONS

73. TRAFFIC SCHEDULES

CHAPTER 70: GENERAL PROVISIONS

Section

- 70.01 Title
- 70.02 Purpose
- 70.03 Application
- 70.04 Definitions
- 70.05 Enforcement and obedience
- 70.06 Traffic-control devices
- 70.07 Notice of violation
- 70.08 Fees; payment
- 70.09 Failure to appear
- 70.10 Skating on walkways

(B) The provisions hereof do not apply on state highways.
 (82 Code, § 5-81-1-3)

§ 70.04 DEFINITIONS.

The definitions of terms as prescribed in I.C. 9-21-13 are adopted as the definitions of terms under this code.
 (82 Code, § 5-81-1-4)

§ 70.01 TITLE.

This code, and ordinances supplemental or amendatory thereto, shall be known and may be cited hereafter as the “Traffic Code of the County.”
 (82 Code, § 5-81-1-1)

§ 70.02 PURPOSE.

- (A) It is the purpose of this code to regulate motor vehicles and traffic.
- (B) This code provides authority for enforcement and penalties for violations.
 (82 Code, § 5-81-1-2)

§ 70.03 APPLICATION.

(A) The provisions of this code shall apply to the public roads and highways in the unincorporated areas of the county.

§ 70.05 ENFORCEMENT AND OBEDIENCE.

- (A) (1) It shall be the duty of the officers of the Police Department or officers as are assigned by the County Sheriff to enforce all traffic laws of the county and all of the state vehicle laws.
- (2) Officers of the Police Department or officers as are assigned by the County Sheriff are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(3) Officers of the County/Township Fire Departments, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.
 (82 Code, § 5-81-2-1)

(B) It is unlawful and an infraction for any person to do any act forbidden or fail to perform any act required in this code. (82 Code, § 5-81-2-2)

(C) No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or Fire Department official. (82 Code, § 5-81-2-3)

(D) (1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may park or stand, irrespective of the provisions of this code.

(2) The foregoing provision shall not relieve the driver of an authorized emergency vehicle from the duty to park or stand with due regard for the safety of all persons, nor shall the provision protect the driver from the consequences of his or her reckless disregard for the safety of others.
(82 Code, § 5-81-2-4) Penalty, see § 10.99

(82 Code, § 5-81-3-2)

(C) (1) Traffic-control signs or devices and speed limits hereafter erected upon the authority of the

§ 70.06 TRAFFIC-CONTROL DEVICES.

(A) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this code unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle. (82 Code, § 5-81-3-1)

(B) All traffic-control devices and signs and speed limits signs heretofore erected and now existing are adopted as traffic-control signs and devices and speed limits in the county, and no driver of a vehicle shall disobey the instructions of the traffic-control devices or signs and the speed limits.

Board of County Commissioners shall control traffic after the erection thereof.

(2) No driver of a vehicle shall disobey the instructions of the traffic-control signs or devices or speed limits.
(^82 Code, § 5-81-3-3)

(D) All traffic-control signs, devices or speed limits existing in the county now or hereafter shall be presumed to be established by authority of the County Board of Commissioners after the completion of traffic engineering studies which verify that the traffic control is warranted as set forth in the *State Manual on Uniform Traffic Control Devices for Streets and Highways* unless the contrary is established. (^82 Code, § 5-81-3-4)

(E) Proof of existence of a traffic-control sign, device or speed limit at the time of the adoption of this code shall establish its existence under the authority of the Board of County Commissioners. Other proof may also be provided. (^82 Code, § 5-81-3-5)

§ 70.07 NOTICE OF VIOLATION.

(A) The County Police Department shall enforce the provisions of this code. Whenever a member of the Police Department or other person charged with the enforcement of this code finds that any section or sections are being or have been violated by the owner or operator of any vehicle, he or she shall notify the owner or operator of the vehicle, in writing on a form provided in accordance with law applicable thereto.

(B) The notice shall:

- (1) Be made in duplicate;
- (2) Be serially numbered;

(3) Show the specific violation charged;

(4) Show the registration or state license number of the vehicle involved;

(5) Show the violator's name, address and operator's license number, if possible to obtain the same; and

(6) State any other information which the officer may then and there discover.

(C) (1) One copy of the notice shall be presented to the violator, owner or operator of the vehicle. In case the violator, operator or owner shall not be in possession of, present or in charge of the vehicle, the posting of the notice or the attachment thereof to a conspicuous place on the vehicle shall be deemed a sufficient notice of the violation.

(2) The notice shall require the notified person to appear within 48 hours, at the hour specified in the notice at the Traffic Court Violations Bureau of the County Superior Court. The officer or person serving the notice shall file the duplicate copy in the Office of the Police Department.
(`82 Code, § 5-81-6-1)

Violations Bureau for certain offenses or for continued offenders and have the charges referred to court for disposition in the case of misdemeanors.
(`82 Code, § 5-81-6-2)

§ 70.08 FEES; PAYMENT.

The owner or operator who has been notified of a violation of the regulations as provided in this code may, within 48 hours of being notified, answer at the Office of the Traffic Court Violations Bureau of the County Superior Court, to the charge of the violation as set forth in the notice, and pay a prescribed fee in settlement of the offense or charge. The amount of the fee shall be \$2 for each parking violation and \$25 for any other violation, plus court costs. An acceptance of any payment of the fee to the Clerk shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt which so states. The County Superior Court may by rule or order prohibit the use of the Traffic Court

§ 70.09 FAILURE TO APPEAR.

of the

Whenever any person who has been issued a notice, as provided in § 70.07, fails or refuses to appear within 48 hours after service of the notice at the Traffic Court Violations Bureau of the County Superior Court or, having appeared, fails to or refuses to pay the Clerk the fee in settlement of the charge or violation, or it appears by rule or order of the County Superior Court that the Traffic Court Violations Bureau is not permitted to accept the fee in settlement of the charge or violation, then the Traffic Court Violations Bureau shall notify the violator that it will be necessary for him or her to appear in court at a designated time and place to answer as to the charge against him or her or warrant of arrest will issue. (82 Code, § 5-81-6-3)

§ 70.10 SKATING ON WALKWAYS.

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

SIDEWALK. All cement areas surrounding the County Courthouse owned by and under the control of the Board of County Commissioners.

SKATING. Roller skates, skateboards, skating blades and any other means of transportation other than pedestrian.

WAXING. The placing of any foreign object on sidewalks whereby traction for walking pedestrians may be made more hazardous due to slipping thereon.

(B) It shall be unlawful for any person to use any means of skating, as defined herein, on the sidewalks, as defined herein, on the cement walkways on and surrounding the County Courthouse being under the ownership and control of the Board of County Commissioners. The walkways shall be for the use of pedestrians only, excepting for special uses

walkways which may be specifically authorized and ordered by the Board of County Commissioners. It shall also be unlawful for any foreign object to be placed on the walkways or steps of property owned and controlled by the Board of County Commissioners causing the walkways and steps to be in a slippery condition making a hazard to the using of pedestrians.
(Ord. 9-23-96, passed 9-23-96) Penalty, see § 10.99

CHAPTER 71: TRAFFIC RULES

Section

71.01 Off-road vehicles

71.02 Speed limits

Cross-reference:

*Traveling during disaster emergencies, see
§ 34.04*

(C) The provisions of I.C. Title 14, Article 16, Chapter 1, Regulation of Land Recreation, is hereby adopted and made a part hereof.

§ 71.01 OFF-ROAD VEHICLES.

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

OFF-ROAD VEHICLE. A motor-driven vehicle capable of cross country travel without benefit of a road or trail on or immediately over land, water, snow, ice, marsh, swampland or other natural terrain as further defined in I.C. 14-16-1-3.

(2) Likewise, definitions of terms in interpreting this section shall be in accordance with I.C. 14-16-1-1 through 14-16-1-29.

(B) (1) An off-road vehicle may be operated on a highway in the county highway road system outside the corporate limits of a city or town which is designated for the purpose by the supervisor of the Highway Department.

(2) Specifically, this authorization shall include the operation of an off-road vehicle going from one farm to another by use of the county highway system.

(D) (1) The operation of an off-road vehicle on the county highway traffic system shall be at the risk of the owner and operator of the vehicle.

(2) Also, the owner of the off-road vehicle operated on the county highway system shall be liable for any damage resulting to the road bed drainage structures, side ditches and highway in the operation of the vehicle.

(Ord. 10-28-96, passed 10-28-96) Penalty, see § 10.99

§ 71.02 SPEED LIMITS.

(A) No person shall drive a vehicle on a road or highway at a speed greater than the posted speed limit as heretofore or hereafter established from time to time by the Board of County Commissioners in accordance with the law. (82 Code, § 5-81-4-1)

(B) In the event that the Board of County Commissioners, upon the advice and report of the

County Highway Engineer and upon the basis of an engineering and traffic investigation as required by I.C. 9-21-5-6, shall determine that the maximum speed provided by this chapter is greater or less than reasonable and safe under the conditions found to exist on a county road or street, or part of a county road or street, the Board of County Commissioners upon advice of the County Highway Engineer, shall have the authority to establish a maximum speed for the county road or street, or part thereof, which is greater or less than that specified by this section, which speed shall be determined pursuant to the provisions of I.C. 9-21-5-6. In no event shall the maximum speed on any county road or street, or part thereof, exceed 55 miles per hour. (82 Code, § 5-81-4-3)

Penalty, see § 10.99

CHAPTER 72: PARKING REGULATIONS

Section

72.01 Parking restrictions

left hand corner of the windshield on the vehicle. At the time that an employee of the county is no longer employed in the capacity, the person shall immediately remove the parking sticker from his or her windshield.

(Ord. 5-13-91, passed 5-13-91)

§ 72.01 PARKING RESTRICTIONS.

(A) No person shall park or stop a motor vehicle on the traveled portion of any roadway or highway, except in compliance with a traffic-control device, in compliance with the instruction of a law enforcement officer, in preparation of turning his or her motor vehicle off the traveled portion of the highway or onto another highway, or in case of emergency.

(82 Code, § 5-81-5-1)

(B) No person shall park a vehicle on the side of the traveled portion of any highway or road, except in a residential area where the paved portion of the road is not less than 26 feet in width, or except in case of emergency. No person shall be deemed to have violated this provision unless a "no parking" sign or signs have been erected in the immediate vicinity of the violation, or unless a driver has failed to move a parked vehicle after being advised of the violation by a police officer.

(82 Code, § 5-81-5-2)

(C) No person shall park a vehicle within the confines of the county parking lot located between Court Street and Wabash Street unless the person is an employee of the county and has been issued a sticker by the county authorizing parking in the parking lot, with the sticker being affixed at the lower

(D) (1) Pursuant to I.C. 9-21-1-3, entitled "Powers of Local Authorities," the Miami County Board of Commissioners, as the local authority, now order that no vehicles shall be permitted to stand or park on the side of the road mail receptacles are affixed and/or mail vehicles travel for delivery of the U.S. Mail and in any cul-de-sac contained within the boundaries of Eagles Pointe Estates dedicated on 2-3-97 and accepted by the Miami County Board of Commissioners as recorded in the corrective final Plat Miscellaneous Record volume 062, pages 382–398.

(2) This division (D) is effective upon posting signs giving notice of the traffic restriction at the entrance of and/or corner of each street contained within the boundary of Eagles Pointe Estates that are intended to be restricted by this division (D).

(3) Violation of this division (D) shall be punishable by a fine of \$25 for each violation.

(E) (1) Pursuant to I.C. 9-21-1-3, entitled "Powers of Local Authorities," the Miami County Board of Commissioners, as the local authority, now order that no vehicles shall be permitted to stand or park on the north side of County Road Blair Pike between Forest Avenue and the west property line of Blair Point School.

(2) This division (E) is effective upon posting signs giving notice of the traffic restriction at the entrance and/or corner of each street or road that is intended to be restricted by this division.

(3) Violation of this division (E) shall be punishable by a fine of \$25 for each violation.

(F) (1) Parking of vehicles on Castle Court shall be prohibited only on the side of the road wherein mail receptacles are affixed and/or mail delivery vehicles travel.

(2) This division (F) is effective upon posting signs giving notice of the traffic restrictions on Castle Court.

(G) Due to the recreational traffic use and the restricted sight distance, a no parking zone shall be established on both sides of the roadway east of

Bridge #111. The no parking zone shall extend a distance of 500 feet east of the east abutment on Frances Slocum Trail. This are shall be posted “no parking.”

(Ord. 3-28-05, passed 3-28-05; Am. Ord. 4-4-05, passed 3-28-05; Am. Ord. 8-15-05, passed 8-15-05; Am. Ord. 3-20-06, passed 3-20-06; Am. Ord. 09-10-12, passed 9-10-12; Am. Ord. 12-17-12, passed 12- - 12) Penalty, see § 10.99

CHAPTER 73: TRAFFIC SCHEDULES

Section

- I. Stop intersections
- II. Yield intersections
- III. One-way streets
- IV. Weight limits
- V. Speed limits

SCHEDULE I. STOP INTERSECTIONS.

The following streets, roads and rights-of-way are hereby deemed stop intersections. It shall be unlawful for the driver of a motor vehicle to pass through the following intersections without stopping at the appropriately marked traffic-control devices.

<i>Street</i>	<i>Intersection</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
	Blake Street and CR 200 West		4-7-03A	4-7-03
	Blake Street and Elm Street			
	Canal Street and Chicago Avenue	South	3-20-00C	3-20-00
	Cherry Street and Elm Street		4-7-03A	4-7-03
	Clover Lane and Meadow Drive	All	7-6-92	7-6-92
	CR 25 South and CR 700 East	West		
	CR 25 South and East River Road	East		
	CR 100 North and CR 500 West		2, 1977	4-4-77
	CR 100 North and CR 400 West	All	9-27-99A	9-27-99
	CR 100 North and CR 500 West	All	9-27-99B	9-27-99
	CR 100 South and CR 550 East	North and South	7-6-92	7-6-92
	CR 125 North and CR 700 East	East and West		

	CR 180 South and Wallic Road	West		
	CR 375 North and CR 25 West	West		

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<i>Street</i>	<i>Intersection</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>		
	CR 500 South and CR 250 East	All	6-26-94	6-26-94		
	CR 550 East and CR 100 South		2, 1977	4-4-77		
	CR 500 West and CR 200 West		101-79-H	9-17-79		
	CR 600 North and CR 100 West	North	7-6-92	7-6-92		
	CR 625 North and CR 170 West	East				
	CR 650 North and CR 75 West	East and North				
	CR 650 North and CR 700 East	West				
	CR 700 South and CR 125 East	West and North	7-27-92	7-27-92		
	CR 840 South and CR 950 East	South	7-6-92	7-6-92		
	CR 850 South and CR 150 East	North				
	CR 900 North and Meridian Road		11-20-95	11-20-95		
	CR 990 North and CR 600 East	South and East	7-6-92	7-6-92		
	CR 1000 South and CR 25 West	North				
	CR 1150 South and CR 100 West	North and South				
	CR 1200 South and CR 400 East	North and South				
	CR 1200 North and CR 500 East	North and South				
	CR 1270 South and CR 200 East	South				
	CR 1400 North and CR 600 East	North and South				
	CR 1400 South and CR 700 East	North and South				
	CR 1550 North and CR 400 West	East				
	CR 1500 North and CR 600 East	North and South				
	East Bridge and South Miami				2-13-95	2-13-95
CR 450 East	At-grade railroad crossings	All			05-06-13; 5-13-13(1)	5-6-13; 5-13-13
CR 550 East	At-grade railroad crossings	All	05-06-13; 5-13-13(1)	5-6-13; 5- 13-13		

Eel River Cemetery Road			11-12-85	11-12-85
	Fairview Drive and Business 31		3-20-00D	3-20-00
	High Street and Main Street	East	5-11-98	5-11-98
	Main Street and Chicago Avenue	North	3-20-00C	3-20-00
	Meadow Land and Clover Drive	All	1-31-94	1-31-94

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<i>Street</i>	<i>Intersection</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
	Poplar Street and CR 1050 South		4-7-03A	4-7-03
	Rail Road Street and CR 1050 South			
	Reed Street and CR 200 West			
	Reed Street and Elm Street			
	Walnut Street and Elm Street			
<i>BUTLER</i>				
	Vermont Street and Santa Fe Pike		4-7-03A	4-7-03
	Walnut Street and CR 775 South			
<i>CHILI</i>				
	Broadway and Chili Cemetery Road		8-12-02	8-12-02
	Chili Cemetery Road and Main			
<i>DEER CREEK TOWNSHIP</i>				
	CR 1100 South and CR 200 West	East	4-7-03A	4-7-03
<i>ESTATES AT EAGLES POINTE</i>				
	Alan Olson Drive and Randolph Street	North	4-7-03A	4-7-03
	Altus Court and Schilling Street			
	Barksdale Avenue and Lincoln Street	East		
	Barksdale Avenue and Chanute Avenue	West		
	Beale Court and Schilling Street			
	Cannon Court and Lincoln Street	South		
	Capehart Street and Lincoln Street	North		
	Capehart Street and Shaw Street	North and South		
	Carswell Court and Schilling Street			
	Castle Court and Shaw Street	North		
	Chanute Avenue and Lincoln Street	North		

	Chanute Avenue and Warhawk Street			
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<i>Street</i>	<i>Intersection</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
<i>ESTATES AT EAGLES POINTE (Cont'd)</i>				
	Donaldson Avenue and Chanute Avenue	East	4-7-03A	4-7-03
	Donaldson Avenue and Forbes Avenue	West		
	Dow Street and Schilling Street	South		
	Dow Court and Schilling Street	East and West		
	Dow Street and Westover Street	North		
	Edwards Court and Schilling Street			
	Eglin Avenue and Forbes Avenue	South and West		
	Fairchild Court and Schilling Street			
	Forbes Avenue and Chanute Avenue			
	Forbes Avenue and Warhawk Street			
	George Avenue and Shaw Street	South		
	George Avenue and Warhawk Street	East		
	Gunter Court and Schilling Street			
	Hamilton Court and Schilling Street			
	Kelly Avenue and Capehart Street	South		
	Kelly Avenue and Randolph Street	North		
	Kessler Court and Schilling Street			
	Lincoln Street and Capehart Street	West		
	Lincoln Street and Norton Avenue	East and West		
	Lincoln Street and Warhawk Street	All		
	Little Rock Court and Schilling Street			
	Lowery Avenue and Capehart Street	South		
	Lowery Avenue and Randolph Street	North		
	MacDill Court and Schilling Street			

	March Street and Shaw Street	East	
	March Street and Westover Street	West	

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Traffic Schedules

<i>Street</i>	<i>Intersection</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
<i>ESTATES AT EAGLES POINTE (Cont'd)</i>				
	Norton Avenue and Warhawk Street		4-7-03A	4-7-03
	Patrick Street and Capehart Street	West		
	Patrick Street and Norton Avenue	East		
	Randolph Street and Capehart Street	West		
	Randolph Street and Credit Union Drive	East		
	Randolph Street and Foreman Drive	East		
	Randolph Street and Norton Avenue	East and West		
	Schilling Street and Shaw Street	East		
	Shaw Street and Lincoln Street	North		
	Shaw Street and Warhawk Street	East		
	Thule Court and March Street			
	Travis Street and Lincoln Street	North		
	Travis Street and Shaw Street	South		
	Warhawk Street and Foreman Drive	East and West		
	Westover Street and Lincoln Street	North		
	Westover Street and March Street	North and South		
	Westover Street and Schilling Street	All		
<i>GILEAD</i>				
	Washington and 1400 N/Gilead Ch.		8-12-02	8-12-02
<i>GRISSOM AEROPLEX</i>				
	Constellation and Hoosier Boulevard	Southeast and Northwest	4-7-03A	4-7-03
	Constellation and Thunderbolt Street	Northwest		
	Credit Union Drive and Randolph		9-13-04	9-13-04
	Credit Union Drive and Thunderbolt			

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<i>Street</i>	<i>Intersection</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
<i>GRISSOM AEROPLEX (Cont'd)</i>				
	Flyer Street and Hoosier Boulevard	Southeast	4-7-03A	4-7-03
	Foreman Drive and Hoosier Boulevard	South		
	Fortress Street and Lightning Avenue	Southeast		
	Fortress Street and Mustang Avenue	Northwest		
	Hoosier Boulevard and Unknown	Southeast		
	Kitty Hawk Avenue and Constellation	Northeast and Southwest		
	Kitty Hawk Avenue and Hoosier Boulevard	Southeast		
	Kitty Hawk Avenue and Lancer Street	Southwest		
	Kokomo Court and Liberator Street	Southwest		
	Lancer Street and Hoosier Boulevard	East		
	Lancer Street and Hoosier Boulevard	Southeast		
	Lancer Street and Matador Street	North and South		
	Liberator Street and Hoosier Boulevard	Southeast and Northwest		
	Liberator Street and Matador Street	Southeast		
	Lightning Avenue and Constellation	Northeast and Southwest		
	Lightning Avenue and Hoosier Boulevard	Northeast and Southwest		
	Lightning Avenue and Lancer Street	Northeast and Southwest		
	Lightning Avenue and Liberator Street	Northeast		
	Lightning Avenue and Matador Street	Northeast and Southwest		
	Logansport Lane and Hoosier Boulevard	Southeast		

	Matador Street and Foreman Drive	West	
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<i>Street</i>	<i>Intersection</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
<i>GRISSOM AEROPLEX (Cont'd)</i>				
	Mustang Avenue and Constellation	Northeast and Southwest	4-7-03A	4-7-03
	Mustang Avenue and Foreman Drive	West		
	Mustang Avenue and Lancer Street	Northeast and Southwest		
	Mustang Avenue and Liberator Street	Northeast		
	Mustang Avenue and Matador Street	Northeast and Southwest		
	Peru Place and Hoosier Boulevard	Southeast		
	Thunderbolt Avenue and Foreman Drive	East and West		
	Thunderbolt Avenue and Lancer Street	North and South		
	Thunderbolt Avenue and Matador Street	Northeast and Southwest		
	Unknown and Hoosier Boulevard	North		
	Unknown and Hoosier Boulevard	Northwest		
<i>HIDDEN HILLS</i>				
	Betty Lane and Grand		8-12-02	8-12-02
	Dart Court and Grand			
	El'burn and Striker			
	Grand and Lovers Lane			
	Kim and Harbour Point Drive			
	Kim and Mexico Road			
	Lakeview and Kim			
	Racoonhill Drive and Kim			
	Racoonhill Lane and Racoonhill Drive			

	Striker and Grand Avenue			
	Striker and Kim			
	Striker Court and Striker Road			

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<i>Street</i>	<i>Intersection</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
<i>JACKSON TOWNSHIP</i>				
	980 South and 1050 East		8-12-02	8-12-02
Quaker Street	Quaker Street and CR 800 East	West	8-26-02B	
<i>LEIGH WOODS</i>				
	Alberts and Mexico Road		8-12-02	8-12-02
	Vincent and Alberts			
<i>MACY</i>				
	1360 North and Macy-Millark Road		8-12-02	8-12-02
	South Avenue and 300 West			
<i>MEXICO</i>				
	Constant and Hammond		8-12-02	8-12-02
<i>MIAMI</i>				
Mitchell Alley	Hoosier Boulevard and Flyer Avenue	All	9-22-03C	9-22-03
	Railroad and Blake		8-12-02	8-12-02
	Railroad and Reed			
	Walnut and Poplar			
<i>NORTH GROVE</i>				
	Mill and 550 East		8-12-02	8-12-02
	North and 550 East			
	Park and 550 East			
	Pine Street and Elm Street	East	9-23-02	9-23-02
	South and 550 East		8-12-02	8-12-02
	Vine Street and 550 East			
	Vine Street and Walnut Street	West	9-23-02	9-23-02
<i>PERU</i>				

	12th and Chestnut		8-12-02	8-12-02
	Bluebird Court and Meadowview			

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Traffic Schedules

<i>Street</i>	<i>Intersection</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
<i>PERU (Cont'd)</i>				
	Crestview Drive and Tam-O-Shanter Road	South	4-7-03A	4-7-03
	Meadowview and Blair Pike		8-12-02	8-12-02
	Pebble Drive and 250 West			
	Pebble Drive and Old Stone Road			
	Shadowbrook and Country Club			
	Stoneridge and Shadowbrook			
	West 6th Street and Pasadena Avenue		4-7-03A	4-7-03
	Whispering Court and Shadowbrook		8-12-02	8-12-02
<i>PIPE CREEK TOWNSHIP</i>				
	CR 250 South and CR 400 West	West	8-12-02 8-26-02C	8-12-02 8-26-02
<i>WABASH RIVER ESTATES</i>				
	Carol and Riverview		8-12-02	8-12-02
	Donald and Ridge			
	Foxhill and Lynn			
	Foxhill and Woodland			
	Memory and Riverview			
	Quail and Riverview			
	Woodland and Deerpark			
	Woodland and Riverview			
<i>Flora Addition</i>				
	Foreman and James		8-12-02	8-12-02
	James and Hillcrest			
	Maple and Ellis			

	Rose and James			
	Zipperian and Hillcrest			

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<i>Street</i>	<i>Intersection</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
<i>WABASH RIVER ESTATES (Cont'd)</i>				
<i>Golden Hills</i>				
	Golden Hills Drive and Moys Court		8-12-02	8-12-02
<i>Peru</i>				
	Denham Drive and Wallick Road		8-12-02	8-12-02
	Faithway Drive and 250 South			
	MaConaquah Drive and 250 South			
<i>Temple Addition</i>				
	Summit Drive West and Summit Drive		8-12-02	8-12-02
	Summit Drive West and Summit Drive East			
	Valley Vista and Summit Drive			
<i>Wawpecong</i>				
	Sycamore and 1300 South		8-12-02	8-12-02
<i>Willow Creek</i>				
	Bowyer Court and Willow Drive		8-12-02	8-12-02
	Maple and Willow Creek			
	Willow Court and Willow Lane			
	Willow Lane and Willow Creek			

Penalty, see § 10.99

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SCHEDULE II. YIELD INTERSECTIONS.

The following streets, roads and rights-of-way are hereby deemed yield intersections. It shall be unlawful for the driver of a motor vehicle to pass through the following intersections without yielding at the appropriately marked traffic-control devices.

<i>Intersection</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Paw Paw Pike and CR 550 East	South	5-29-12	5-29-12
South Pleasant Drive and North Pleasant Drive	South	4-8-91B	4-8-91
CR 300 North and Eel River Cemetery Road	East	5-22-00	5-22-00

Penalty, see § 10.99

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SCHEDULE III. ONE-WAY STREETS.

The following streets, roads and rights-of-way are hereby deemed one-way streets. It shall be unlawful for the driver of a motor vehicle to drive in a direction other than designated hereby.

<i>Street</i>	<i>Intersection</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Thorpe Drive		East	4-8-91A	4-8-91
North Avenue	Between Lincoln Street and Randolph Street		4-19-99A	4-19-99

Penalty, see § 10.99

SCHEDULE IV. WEIGHT LIMITS.

No person shall operate a vehicle on a road, street or highway under the jurisdiction of the county with a gross weight greater than the posted weight limit as heretofore or hereafter established by the Board of County Commissioners, in accordance with state law. No person shall operate a vehicle on a road or highway under the jurisdiction of the county in violation of posted prohibitions or limitations. Prohibitions and limitations shall be established as the Board of County Commissioners and designated by appropriate signs placed on the highway.

<i>Street/Right-of-Way</i>	<i>Location</i>	<i>Weight Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Bridge 45	CR 500 East, 0.2 mile, to CR 500 North	Five Tons	4-77	4-18-77
CR 450 North	SR 19 to Paw Paw Pike	12 Tons	5-81-4-2.5	10-6-86
CR 250 North	SR 19 to US 24	12 Tons		
CR 1,000 South	CR 150 West to CR 300 East	12 Tons		
CR 1,100 South	Strawtown Pike to SR 19	12 Tons		

Penalty, see § 10.99

SCHEDULE V. SPEED LIMITS.

It shall be unlawful for the driver of a motor vehicle to drive at a speed greater than designated below.

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
11th Street		30 mph		6-17-91	6-17-91
11th Street	From Kelly Avenue to Walnut Street	30 mph	West	11-14-05	11-14-05
Barksdale Avenue	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Bridge Street		15 mph		5-11-98A	5-11-98
Business 31	From US 24 to Washington Avenue	35 mph		6-22-92-31N	6-22-92
Business 24 East	From 1,500 feet east of Ash Street	45 mph	West	–	10-17-88
Business 24 East	From 1,500 feet east of Ash Street	55 mph	East	–	10-17-88
Business 24 East	From 900 feet east of Ash Street	45 mph	East	–	10-17-88
Business 24 East	From 900 feet east of Ash Street	35 mph	West	–	10-17-88
Capehart	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Chanute	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Clover Drive		30 mph		1-31-94	1-31-94
Country Club Road	From US 24 to CR 250 North	40 mph		3,1977	5-2-77
CR 100 East	From a point 300 feet north of East Chili River Cemetery Road to a point 2,640 feet north of CR 550 North (1,380 feet south of Bridge #28)	30 mph		12-28-09	12-28-09
CR East	From a point 1,000 feet north of East Chili River Cemetery Road to a point 1,940 feet north of CR 550 North (2,080 feet south of Bridge #28)	40 mph		12-28-09	12-28-09

CR 190 West	From 320 North to 400 CR North	45 mph		6-30-86	6-30-86
CR 200 North	Between CR 300 East and CR 700 East	45 mph		8-28-95	8-28-95
CR 200 North	From Business 31 to a point 3,200 feet west of Business 31	45 mph		7-1-91	7-1-91
CR 200 West	From Business 31 South to town limits of Bunker Hill	45 mph		7-22-85	7-22-85

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<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
CR 210 West		25 mph		10-21-98B	10-21-98
CR 250 West	Between Logansport Road and Blair Pike	45 mph		11-4-02A	11-4-02
CR 250 West	Between Logansport Road and Old Stone Road	30 mph		11-4-02B	11-4-02
CR 300 East	From a point 600 feet of CR 300 East and CR 950 South	45 mph		8-1-94	8-1-94
CR 300 East	From a point 1,000 feet north of CR 950 South and CR 300 East	30 mph		8-1-94	8-1-94
CR 400 West	Between SR 218 and CR 250 South	50 mph		3-1-04	3-1-04
CR 500 East	From CR 500 East to CR 740 North, CR 700 East to Paw Paw Pike	40 mph		1-6-92	1-6-92
CR 500 South	From a point 2,300 feet west of CR 200 West to US 31	45 mph		5-26-98	5-26-98
CR 500 South	From Strawtown Pike to a point 2,300 feet west of CR 200 West	55 mph		5-26-98	5-26-98
CR 625 East	From CR 500 South to the north terminus of CR 625 East	25 mph		7-15-02A	7-15-02
CR 1000 North	From 377 feet west of the south leg of CR 100 West to 2821 feet west of the south leg of CR 100 West	30 mph		1-20-04	1-20-04
CR 1000 North	From 400 feet east of the south leg of CR 100 West to 377 feet west of the south leg of CR 100 West, and from 2821 feet west of the south leg of CR 100 West to 3700 feet west of the south leg of CR 100 West	45 mph		1-20-04	1-20-04
Deer Creek Avenue		30 mph		1-31-94	1-31-94

Donaldson	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Eel River Cemetery Road		25 mph		10-21-98B	10-21-98
Elgin	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Forbes	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Foreman	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
George	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03

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<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Grissom Aeroplex		30 mph		5-27-97A 1-12-04	5-27-97 1-12-04
High Street		15 mph		5-11-98A	5-11-98
Hillcrest Drive		20 mph		7-8-02	7-8-02
Holliday Drive		25 mph		6-22-92H.D.	6-22-92
Honey Tree Court		30 mph		1-31-94	1-31-94
James Drive		20 mph		7-8-02	7-8-02
Kelly	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Kelley Avenue	From Canal Street to West 11th Street	30 mph		11-14-05	11-14-05
Lowery	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Logansport Road	Between Kelly Avenue and Cook Avenue	35 mph		7-28-03	7-28-03
Logansport Road	From 1350 feet west of the centerline of the southbound lanes of U.S. 31 to Cook Avenue	45 mph		7-28-03	7-28-03
March	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Matador	East of Norton in the Estates at Eagles Pointe	30 mph		1-27-03	1-27-03
Meadow Lane		30 mph		1-31-94	1-31-94
Meridian Road	Between CR 875 North and CR 920 North	35 mph		11-6-95	11-6-95
Meridian Road	Between the Town of Denver and CR 1,000 North	45 mph		11-6-95	11-6-95
Miami Street		15 mph		5-11-98A	5-11-98
Mississinewa Dam	Between CR 550 East and CR 675 East	30 mph		5-13-96	5-13-96
North Broadway	Between Jackson Avenue and US 24	45 mph		2-8-88	2-8-88

North Broadway	Between Washington Avenue and Jackson Avenue	35 mph		2-8-88	2-8-88
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Miami County - Traffic Code

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
North Lincoln	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
North Lincoln	West of Warhawk in the Estates at Eagles Pointe	30 mph		1-27-03	1-27-03
Norton	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Old Stone Road	From 500 west of Cook Street to 900 feet west of US 31	40 mph		12-26-90	12-26-90
Old Stone Road	From Kelly Avenue to a point 500 feet west of Cook Street	30 mph		12-26-90	12-26-90
Old US 31	From Mexico town limits to 650 feet southwest of Eel River	45 mph		89-1	1-9-89
Old US 31	From a point 70 feet north of CR 900 North to a point 2,100 feet south of CR 1000 in Union Township	40 mph		9-21-09A	9-21-09
Patrick	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Randolf	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
River Road	Between CR 500 West and Business 31 South	45 mph		8-12-02A	8-12-02
Rose Drive		20 mph		7-8-02	7-8-02
Schilling	Between Westover and Shaw in the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Schilling	West of Westover in the Estates at Eagles Pointe	30 mph		1-27-03	1-27-03
Second Street		15 mph		5-11-98A	5-11-98
Shaw	In the Estates at Eagles Pointe	30 mph		1-27-03	1-27-03
South Lincoln	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Strawtown Pike	Between SR 218 and CR 850 South	40 mph		6-24-02	6-24-02
Strawtown Pike	From 600 feet south of Park Drive to a point 2,000 feet south	45 mph		6-22-92S.P.	6-22-92

Strawtown Pike	From Erwin Street to 600 feet south of Park Drive	35 mph		6-22-92S.P.	6-22-92
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Traffic Schedules

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Strawtown Pike	From Erwin Street to 1,320 feet south of Park Drive	35 mph		8-31-92	8-31-92
Strawtown Pike	From 1,320 feet south of Park Drive to a point 2,000 feet south	45 mph		8-31-92	8-31-92
Strawtown Pike	From 2900 feet north of CR 500 South to 5070 feet north of CR 500 South	40 mph		7-21-03A	7-21-03
Sycamore Boulevard		25 mph		6-22-92H.D.	6-22-92
Terrace Place		25 mph		6-22-92H.D.	6-22-92
Travis	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Wallick Road	From CR 300 South to Business 31 South Pipe Creek Township	40 mph		6-26-06	6-26-06
Warhawk	In the Estates at Eagles Pointe	30 mph		1-27-03	1-27-03
West River Road		45 mph		6-16-86B	6-16-86
West River Road	From 300 feet east to a point 300 feet west of Gidley Pond Curve	30 mph		6-16-86B	6-16-86
West Riverside Drive	From 1390 feet west of CR 50 West to 2670 feet west of CR 50 West	35 mph		8-4-03	8-4-03
Westover	In the Estates at Eagles Pointe	20 mph		1-27-03	1-27-03
Zipperian Drive		20 mph		7-8-02	7-8-02

Penalty, see § 10.99

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TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. WEEDS AND GRASS**
- 92. FAIR HOUSING**
- 93. STREETS AND SIDEWALKS**
- 94. SWIMMING POOLS**

CHAPTER 90: ANIMALS

Section

Dog Control

- 90.01 Authority
- 90.02 Definition
- 90.03 Administration
- 90.04 Nuisance declared
- 90.05 Registration and immunization
- 90.06 At-large dogs
- 90.07 Abandonment

Animal Control

- 90.10 Definitions
- 90.11 Licensing and taxation of animals and kennels
- 90.12 Prohibitions and penalties
- 90.13 Rabies vaccination required
- 90.14 Authority
- 90.15 Redemption and disposition of impounded animals
- 90.16 Quarantine guidelines
- 90.17 Notice to owners
- 90.18 Vicious animals
- 90.19 Due process
- 90.20 Wild animals
- 90.21 Records
- 90.22 Enforcement
- 90.23 Abandonment of animals

- 90.99 Penalty

Cross-reference:

Dog Tax, see Chapter 35.06

DOG CONTROL

§ 90.01 AUTHORITY.

Pursuant to I.C. 36-1-3, the Board of Commissioners establishes this "Dog Control Chapter."
(Ord. 6-5-00B, passed 6-5-00)

§ 90.02 DEFINITION.

Pursuant to I.C. 34-19-1-1, a nuisance shall be defined as whatever is injurious to health; indecent; offensive to the senses; and an obstruction to the free use of property or so as essentially to interfere with the comfortable enjoyment of life or property is a nuisance and a subject of an action.
(Ord. 6-5-00B, passed 6-5-00)

§ 90.03 ADMINISTRATION.

It shall be the responsibility of the County Sheriff, Health Office and Dog Catcher to enforce this chapter for the county.
(Ord. 6-5-00B, passed 6-5-00)

§ 90.04 NUISANCE DECLARED.

(A) It shall be an unlawful nuisance for any person to keep, maintain or harbor any dog or other vertebrate animal within the county which by offensive barking, or which by producing obnoxious smell or substance, is harmful to health, comfort of the body or mind, is offensive to the senses so as to interfere with the comfortable enjoyment of life or

property of individuals or the public and as such is a public nuisance.

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(B) Any person who shall have or permit any dog to frequent or to remain or within his or her house, building enclosure or premises, or shall feed, lodge or otherwise retain a dog shall be considered as harboring the dog.

be tied up where the animal can present a threat or become a nuisance to pedestrians traveling on a sidewalk or other thoroughfare.

(Ord. 6-5-00B, passed 6-5-00) Penalty, see § 90.99

(C) No person shall keep, raise or maintain more than three dogs that are more than 12 weeks old in the county unless the person has applied and been granted a kennel permit from the County Board of Zoning Appeals.

(Ord. 6-5-00B, passed 6-5-00) Penalty, see § 90.99

§ 90.05 REGISTRATION AND IMMUNIZATION.

(A) It shall be unlawful to own or maintain any dog more than six months old that has not received all vaccination and registered with the Township Trustee.

(B) Any person that cannot show proof to an enforcement officer at the time of request shall be required to present proof within 24 hours that the dog(s) has had all shots and is registered with the Township Trustee.

(C) Any person that cannot show proof within 24 hours may be required to surrendered the dog to the County Dog Catcher or other enforcement officer.
(Ord. 6-5-00B, passed 6-5-00) Penalty, see § 90.99

§ 90.06 AT-LARGE DOGS.

It shall be unlawful for any person to allow his or her pet or animal to stray beyond his or her property unless leashed and under the control of that person. Voice command for the purpose of this section shall not constitute control. No animal shall

§ 90.07 ABANDONMENT.

It shall be unlawful for anyone to abandon any domesticated pet or animal on any public place, including right-of-way or any public thoroughfare or upon property of others.
(Ord. 6-5-00B, passed 6-5-00) Penalty, see § 90.99

ANIMAL CONTROL

§ 90.10 DEFINITIONS.

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

ANIMAL. Dogs, cats and all other household animals held as pets.

ANIMAL SHELTER. Any facility operated by

the county or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this subchapter or state law.

AT LARGE. Any animal when it is off the property of its owner and not under the control of a competent person.

AUTHORIZED AGENT. Law enforcement officer or authorized employees of the County Commissioners, County Sheriff, County Health Office and County Animal Control Officer. The Animal Control Officer shall be under the authority of the County Sheriff Department.

HARBOR. The actions of any person who permits any animal to habitually remain or lodge or to be fed within his or her home, store, enclosure, yard or place of business, or any premises on which such person resides or controls. An animal shall be presumed ***HARBORED*** if it is fed or sheltered for three days.

HEALTH DEPARTMENT. The County Health Department.

(3) Damage public or private property;

KENNEL. A facility operated principally for the purpose of boarding, housing, grooming, breeding or training dogs.

(4) Are not confined while in estrus ("heat");

MIAMI COUNTY ANIMAL CONTROL AUTHORITY.

(1) The provisions of this subchapter shall be enforced by the Animal Control Authority in conjunction with county law enforcement agencies and courts. The Animal Control Authority shall consist of three members, all of which shall be appointed by the County Commissioners, and which shall include:

(a) A veterinarian;

(b) County Health Officer or a representative; and

(c) County Commissioner.

(2) The Animal Control Authority shall meet the first Wednesday of each month at 1:30 p.m. in the county courthouse.

OWNER. Any person or persons owning or having the care, custody, or control of any animal.

PERSON. Any individual, firm, association, partnership, or corporation.

PUBLIC NUISANCE. Any animal or animals that:

(1) Attack passers-by or passing vehicles;

(2) Attack other animals;

(5) Bark, whine, or howl in an excessive or continuous fashion, unreasonable under the circumstances, as to violate the peace and quiet of the neighborhood;

(6) It shall be a **PUBLIC NUISANCE** to harbor more than three dogs over the age of three months, unless classified as a kennel; and

(7) It shall also be a **PUBLIC NUISANCE** to harbor more than six cats in such a manner as to create unsanitary living conditions injurious to health and well being as determined by an authorized agent.

RESTRAINT. The securing of an animal by a leash or confining it within the real property limits by its owner.

STRAY. Any animal that does not appear, upon reasonable inquiry, to have an owner.

VICIOUS ANIMAL. Any animal that by its behavior constitutes an immediate and serious physical threat of harm to human beings or other animals.

WILD ANIMALS. Any non-domesticated animal, with the exception of small non-poisonous aquatic or amphibious animals and small caged birds. (Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04)

§ 90.11 LICENSING AND TAXATION OF ANIMALS AND KENNELS.

(A) The provisions of I.C. 15-5-9-1 through 15-5-9-7 inclusive concerning the licensing and taxation of dogs and kennels are hereby adopted in their entirety and as they may be subsequently amended, and are made a part hereof by reference the same as if fully set out herein. As so adopted, the provisions shall apply, and be enforceable in, the county.

(B) Any violation of the provisions contained in I.C. 15-5-9-1 through 15-5-9-7 inclusive concerning the licensing and taxation of dogs and kennels shall

constitute a violation of this subchapter and shall be punishable by fine pursuant to the schedule established in § 90.99.

(Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04) Penalty, see § 90.99

§ 90.12 PROHIBITIONS AND PENALTIES.

In addition to those provisions set forth in I.C. 15-5-9-1 through 15-5-9-17, the following prohibitions and penalties shall apply, and be enforceable in, the county.

(A) It shall be unlawful for any owner to allow, suffer, or permit a dog or cat to be at large within the county.

(1) Except that it shall be permissible during hunting season prescribed by state law for hunting dogs to be allowed to hunt with their owners on private property when permission has been obtained from the owner thereof and to hunt on state lands where allowed.

(2) (a) It shall be unlawful for any person to allow his or her pet or animal to stray beyond his or her property, unless leashed and under the immediate and complete control of a person capable of controlling such animal. Voice command, for the purpose of this subchapter, shall not constitute "control."

(b) No animal shall ride in the back of a pickup truck unrestrained or uncontained.

(c) No animal shall be tied up where the animal can present a threat or become a nuisance to pedestrians traveling on a sidewalk or other thoroughfare.

(B) It shall be unlawful for any person to hinder, molest, or interfere with any authorized official in the performance of any duty described in this subchapter.

(C) It shall be unlawful for the owner of any animal to permit said animal to be a public nuisance within the county.

(D) Furthermore, it shall be unlawful for any owner of any animal to recklessly or carelessly fail to exercise care and control over said animal in such a way that the animal is a public nuisance. (Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04) Penalty, see § 90.99

§ 90.13 RABIES VACCINATION REQUIRED.

(A) All dogs, cats and ferrets three months of age and older must be vaccinated against rabies. The rabies vaccination of a dog, cat and ferret shall be maintained by ongoing re-vaccination of the animal as follows:

(1) Ferrets shall be re-vaccinated within 12 months of the prior vaccination.

(2) Dogs and cats that are vaccinated with a rabies vaccine whose label recommends annual boosters shall be re-vaccinated within 12 months of the prior vaccination.

(3) Dogs and cats that are vaccinated with rabies vaccine whose label recommends a booster one year later and triennially thereafter shall be re-vaccinated within 12 months of the first vaccination and shall be re-vaccinated within 36 months of each vaccination thereafter.

(B) The owner of the animal is responsible for procuring the vaccination required by this section.

(C) Any dog, cat or ferret not vaccinated in compliance with this section shall be subject to impoundment and all owners shall be subject to fine as established by § 90.99.

(Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04) Penalty, see § 90.99

§ 90.14 AUTHORITY.

Any authorized agent of Miami County is given authority to enter upon the land in the county when in pursuit of any animal which the agent has reasonable

cause to believe is in violation of this subchapter, except that the agent is not authorized to enter any building without consent of the occupant. (Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04)

destroyed or possession given to another. If any animal or animals must be destroyed pursuant to this subchapter the identified owner shall be assessed a \$25 fee for incineration of each animal.

(D) Divisions (B)(1), (B)(2), and (C) of this section shall apply to any animal impounded under this subchapter.

§ 90.15 REDEMPTION AND DISPOSITION OF IMPOUNDED ANIMALS.

(A) (1) All animals found to be running at large shall be collected by the authorized agent of the county and impounded in the shelter designated as the animal shelter, and be confined in a humane manner.

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(2) Animals not claimed by their owner within the expiration of five days shall become the property of the authorized agency and be disposed of at the discretion of said authority except as hereinafter provided in the cases of certain animals. Animals not claimed within the five days may be disposed of in a humane manner if not claimed by their owner.

(B) Any healthy dog or cat apprehended or impounded may be redeemed by the owner or the persons as authorized by this section within five days of such apprehension, upon showing that the dog has a current rabies vaccination certificate, current township license and the payment of the following fees. These fees are to be used to maintain the holding facility:

(1) If the animal has been apprehended by an agent of the county, the sum of \$25; and

(2) A reasonable fee for room and board for each day or fraction thereof, during which the dog or cat was impounded.

(C) After five days, the dog or cat may be

(E) Any animal impounded, for any reason, which appears to any duly licensed veterinarian to have any infectious or contagious disease other than rabies may be destroyed forthwith.

(F) Any person bitten by an animal must report the incident to the County Health Department.

(G) Any dog or cat apprehended and impounded for having bitten a person, being suspected of having bitten a person, or appearing to have rabies, shall be kept under observation for a minimum of ten days unless the dog or cat shall sooner die. At the expiration of the ten-day period, the animal may be redeemed by the owner or other persons as provided in § 90.17, upon showing that the dog has a current township license and the animal has a current rabies vaccination tag and by payment of the fees set forth in division (B) herein; however, home quarantine of an owned animal may be allowed by the County Health Department.
(Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04)

§ 90.16 QUARANTINE GUIDELINES.

(A) One essential component of effective rabies control is the management of dogs and cats known to or suspected to have been exposed to rabid or suspect rabid animal, or to have bitten or exposed a person.

(B) Based upon the circumstances involved in the bite and the vaccination status of the animal involved, one of the following quarantine plans will be required at the discretion of the Animal Control Officer involved.

(1) *Close observation.*

(a) Animal shall be kept on owner premises;

(b) Owner shall be informed of potential rabies; and

(c) Owner shall be required to notify enforcing agency of unusual behavior or change in health status of pet.

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(2) *Strict confinement.*

(a) Animal shall be kept on designated property in the house, garage, or other escape-proof building or enclosure approved by the local Health Director or his or her agent;

(b) Animal shall be leash walked under immediate control of an adult on property designated for confinement;

(c) Owner shall be informed of potential rabies and given instructions in writing; and

(d) Owner is required to immediately

notify enforcing agency of unusual behavior or change in health of pet.

(3) *Quarantine.*

(a) Animal shall be confined off owner's property in a designated facility, i.e. animal shelter, veterinary hospital or qualified commercial kennel.

(b) Strict quarantine on owner premises shall be possible at discretion of animal control or the County Health Department; and

(c) In case of death of quarantined

animal, contact local animal control or health official.
Do not dispose of animal.
(Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A,
passed 9-20-04) Penalty, see § 90.99

§ 90.17 NOTICE TO OWNERS.

Immediately upon impounding an animal, the agents of the Animal Control Authority shall make every possible effort to notify the owner of such animal so impounded and inform such owner of the condition whereby he or she may regain custody of the animal.
(Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04)

§ 90.18 VICIOUS ANIMALS.

(A) No person shall own, keep or harbor a vicious animal within the county, provided this section shall not apply to animals under the control of a law enforcement or military agency.

(B) For the purpose of this subchapter, a dog may be declared vicious and humanely destroyed by an authorized agent if the following facts or criteria are met:

(1) That the animal, while running at large, has bitten a person or persons and said bite or attack was unprovoked, and that the animal exhibits vicious propensities in present or past conduct, including but not limited to conduct such that the animal:

(a) Has bitten a person or persons on one or more occasions; or

(b) Has caused injuries creating a potential danger to the health and life of the victim or constitutes an immediate and serious threat of harm to human beings or other animals; and

(c) Cannot be safely captured and impounded by ordinary means.

(2) That in order to preserve the public health, safety and welfare of the community, the destruction of said animal is necessary.

(3) Every reasonable effort shall be made to avoid killing an animal which has bitten or is suspected of having bitten a person or which appears to have rabies. If the killing of the animal cannot reasonably be avoided, the authorized agent shall attempt to kill the animal in such a manner so as to preserve the head thereof intact.

(Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04) Penalty, see § 90.99

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§ 90.19 DUE PROCESS.

(A) (1) Whenever an animal is declared vicious and has not been humanely destroyed pursuant to § 90.19, the Animal Control Authority shall notify the owner of the animal of this declaration.

(2) The notice shall be served either in person or by certified or registered mail.

(3) The animal, if not already held in quarantine at the County Animal Shelter, shall be surrendered to the Animal Control Authority.

(4) Within ten days of the receipt of such notification, the owner may appeal the declaration to the Animal Control Authority or said animal will be humanely destroyed by the Animal Control Authority at the owner's expense. The owner may also release the animal to the Authority at any time during this ten-day period.

(B) (1) Any decision of the County Animal Control Officer or authorized agent under the provisions of this section may be appealed to the County Board of Animal Control, which shall hear and render a decision in this matter. Such appeal by the owner to the Board of Animal Control shall be filed with the Board within ten days after receipt of notification from the County Animal Control Officer or authorized agent that said animal shall be destroyed.

(2) The disposition of any animal shall be stayed during the pendency of such appeal. The animal shall remain at the County Animal Shelter during the appeal process.

(3) The decision of the Board of Animal Control may be appealed as provided by law.

(4) The Board shall review the information provided by both the County Animal Control Officer or authorized agent and the owner of said animal. It should be left to the discretion of the Board as to

whether or not a formal hearing shall be held or if the Board shall review the information provided in camera. The Board shall then render a decision determining that:

(a) The animal is not vicious;

(b) The animal may have vicious propensities and must be controlled in a specific manner as prescribed by the Board; or

(c) The animal is vicious and should be destroyed.

(5) The owner of any animal which is impounded and destroyed under this section shall be responsible for payment of any expenses incurred by the County Animal Shelter for the impoundment and destruction, and failure to pay such fee to the County Animal Shelter within 15 days after destruction of the animal shall constitute a violation of this section and

shall further result in a fine as required in § 90.99. (Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04) Penalty, see § 90.99

§ 90.20 WILD ANIMALS.

(A) All provisions contained within 312 I.A.C. 9-11 are hereby adopted in their entirety and are made a part hereof by reference. The provisions as adopted shall apply and be enforceable in the unincorporated area of the county.

(B) A wild animal possession permit obtained from the County Zoning Administration is required for the possession of the wild animals listed below and for the possession of a state endangered or threatened species.

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<i>Class I</i>	<i>Class II</i>	<i>Class III</i>
East, cottontail rabbit	Beaver	Wolves (purebred)
Gray squirrel	Coyote	Bears (all species)
Fox squirrel	Gray fox	Wild cats (all species, excluding feral cats)
Southern flying squirrel	Red fox	Venomous reptiles
	Mink	Crocodilians (at least five feet long)
	Muskrat	
	Opossum	
	Raccoon	
	Skunk	
	Weasel	

the species of wild animal, where it will be possessed, and the type of enclosure used must be attached to the application form.

(2) The cage or enclosure required for a Class III wild animal must also be surrounded by a perimeter chain link fence which is at least six feet high and have secondary housing such as a den or transport crate in which the animal can be secured.

(C) Class I or II wild animals: An application for a wild animal possession permit (\$10) must be submitted within five days of acquiring the animal. A recapture plan is included in the application form and must detail the quick and safe recapture of the wild animal if it escapes or, if recapture is impracticable, plan for the destruction of the animal. The plan must indicate who will be notified, who will attempt to recapture the animal, and what equipment will be used.

(D) Class III wild animals:

(1) An application for a wild animal possession permit (\$10) must be submitted before taking possession of the animal. An affirmation that neighboring landowners have been given a notice of

(3) Once the application has been received for the first permit for that animal, the commercial license clerk will send out letters to neighboring landowners giving them 30 days to submit any concerns. A second notice will be mailed out by certified letter, giving the neighbors an additional 18 days to respond. If a petition is received bearing the signatures of at least 25 people that object to the possession of this wild animal, a public hearing will be conducted to receive comments and a decision will be made by the Deputy Director on the issuance of the permit; otherwise, the permit will be issued.

(E) Endangered or threatened species:

(1) Endangered or threatened species of wild animals will be considered Class I, II or III by the County Animal Control Authority and must follow the same procedures accordingly for that class of animal (312 I.A.C. 9-11-1).

(2) The application form must have the signature of a veterinarian testifying that the animal appears to be free of disease, appropriately

immunized and in good health.

(3) A conservation officer must inspect the location where the animal is kept to ensure that the housing requirements and specifications applying to the animal are met. This inspection must be completed before submitting the application.

(4) Wild animals possessed under this permit may not be used for a commercial purpose (unless a commercial license issued by the USDA is obtained), for a sporting purpose or as a public display.

(5) Wild animals must be kept in enclosures that ensure the safety of the animal as well as the permit holder and do not pose a hazard to the property of a person other than the permit holder. The wild animal must be kept in a safe and sanitary enclosure that prevents escape of the animal, preventing any maltreatment or neglect of the animal.

(6) A permit may be revoked or suspended if an emergency exists with respect to the safety of the public or the health of the animal or if the permit holder fails to comply with the attached regulations.

(Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04)

(7) The permit must be renewed annually (no fee). An application form must be submitted indicating that it is a renewal, including the old permit number, and must include signatures from a veterinarian and conservation officer. If a Class III permit holder changes their residence at any time during the year, the permit holder will need to follow the same procedures as a first time permit holder.

(Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04) Penalty, see § 90.99

§ 90.21 RECORDS.

(A) It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into his or her custody.

(B) It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of any monies paid to or held by the Animal Control Officer, which records shall be open to inspection at reasonable time by such persons responsible for similar records of the county and shall be audited annually. A written copy of such audit shall be submitted to the County Commissioners.

(Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04)

§ 90.22 ENFORCEMENT.

Enforcement of this chapter shall be by lawsuit initiated in the name of the county by the County Attorney.

§ 90.23 ABANDONMENT OF ANIMALS.

It shall be unlawful for anyone to abandon any domesticated pet or animal on any public place, including rights-of-way or any public thoroughfare or upon property of others.

(Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) *General.* Violation of any section of this chapter for which another penalty is not provided shall be punished as set forth in § 10.99 of this code.

(B) *Penalty.* Any person found to be in violation of § 90.10 *et seq.* may be punished by a fine not to exceed \$2,500, unless noted in each specific section of § 90.10 *et seq.*, and if such violation is continued, each day's violation shall be considered a separate offense. Any decision by the enforcement authority may be appealed to the Circuit or Superior Courts of the county.

(C) *Fine schedule.* Unless noted in a particular section of § 90.10 *et seq.* or upon a specific finding by the Animal Control Authority, the following fine schedule shall apply to each violation, and each day's violation shall be considered a separate offense.

1st violation	\$100
2nd violation	\$125
3rd violation	\$150
Any further violation	\$200

(D) *Disposition of monies collected.* All monies or fines collected pursuant to § 90.10 *et seq.* shall be paid to the County Auditor and shall be deposited to the proper fund as set forth under I.C. 15-5-9-1 through 15-5-9-17 and established by this chapter unless otherwise specified in this chapter. (Ord. 6-28-04, passed 6-28-04; Am. Ord. 6-28-04A, passed 9-20-04)

CHAPTER 91: WEEDS AND GRASS

Section

91.01	Authority	purposes that lies outside the limits of any city or town.
91.02	Definitions	
91.03	Height requirements	
91.04	Notice of violation	
91.05	Lien for failure to pay costs	

§ 91.01 AUTHORITY.

Pursuant to I.C. 36-1-3, the Board of Commissioners enact, by ordinance, a maximum height of all grass, weeds or other foliage on county residential property in the county.
(Ord. 7-17-00B, passed 7-17-00)

§ 91.02 DEFINITIONS.

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

AUDITOR. The County Auditor.

COMMISSIONERS. The County Commissioners.

CONTRACTOR. A person hired by an enforcement officer to cut and remove grass, weeds or foliage on property that is in violation of this chapter.

COUNTY RESIDENTIAL PROPERTY. Any property within the county used for residential

ENFORCEMENT OFFICER. A person appointed by the County Commissioners to enforce the mandates of this chapter.
(Ord. 7-17-00B, passed 7-17-00)

§ 91.03 HEIGHT REQUIREMENTS.

It shall be unlawful for the owner, occupant, lessee or person entitled to possession of any county residential property in the county to permit any grass, weeds or foliage to grow or remain on the real estate above the height of eight inches.
(Ord. 7-17-00B, passed 7-17-00) Penalty, see § 10.99

§ 91.04 NOTICE OF VIOLATION.

(A) Any owner, occupant, lessee or person entitled to possession of any county residential property in the county, that permits grass, weeds or other foliage to remain above the height of eight inches for a period of seven days or longer shall be notified in writing by an enforcement officer to cut and remove the grass within seven days from the receipt of the notice. The notice shall additionally advise the owner, occupant, lessee or other persons entitled to possession of the real estate of the enforcement procedure for failure to cut or remove the grass, weeds or foliage in violation of this chapter. Notice shall be deemed sufficient when served by certified mail to the name of the owner, occupant, lessee or person entitled to possession of the real estate.

(B) (1) If the owner fails to cut or to remove the grass below the height of eight inches within seven days from receipt of notice, an enforcement officer shall contact a private contractor to have the grass, weeds or foliage removed. An enforcement officer shall file a statement evidencing the cost of cutting and removal including the costs paid to the contractor with the County Auditor. These costs shall include, but not be limited to gasoline, wages and administrative fee of \$10 for each lot.

(2) The Auditor shall file a lien upon the real estate in favor of the county for all monies expended.
(Ord. 7-17-00B, passed 7-17-00)

§ 91.05 LIEN FOR FAILURE TO PAY COSTS.

An enforcement officer shall mail a notice to the owner, notifying the owner of the real estate of the total charges and cost of the lien due. The charges and costs must be paid within 30 days from the date of mailing of the notice. If the owner of the real estate fails to pay all costs within the time specified, an enforcement officer shall certify the lien to the County Auditor for foreclosure, collection and payment in the same manner as provided by law for liens regarding other county or special improvement assessments. Nothing contained herein shall prevent the commencement of legal action against the owner for foreclosure of the lien or the collection of costs in favor of the county as in other civil actions.

(Ord. 7-17-00B, passed 7-17-00)

CHAPTER 92: FAIR HOUSING

Section

- 92.01 Policy
- 92.02 Definitions
- 92.03 Discrimination prohibited
- 92.04 Exemptions
- 92.05 Administrative enforcement

§ 92.01 POLICY.

It shall be the policy of the Board of Commissioners to provide, within limitation, for fair housing throughout its jurisdiction as provided for under the provisions of I.C. 22-9.5-1 *et seq.* (Ord. 2-1-93, passed 2-1-93)

§ 92.02 DEFINITIONS.

The definitions of the terms, as used in this chapter, are as set out in I.C. 22-9.5-2-1 through I.C. 22-9.5-2-13 which are incorporated herein by reference and made a part hereof. (Ord. 2-1-93, passed 2-1-93)

§ 92.03 DISCRIMINATION PROHIBITED.

Discrimination in the sale or rental of housing in the county shall be prohibited in accordance with I.C. 22-9.5-5-1 through I.C. 22-9.5-5-8, which are made a part herein by reference. The sections describe the prohibited discrimination under this chapter. (Ord. 2-1-93, passed 2-1-93) Penalty, see § 10.99

§ 92.04 EXEMPTIONS.

This chapter shall not apply to the exempted sale or rental of real estate in the county in accordance with I.C. 22-9.5-3-1 through I.C. 22-9.5-3-6 which are incorporated herein and made a part of this chapter by reference. (Ord. 2-1-93, passed 2-1-93)

§ 92.05 ADMINISTRATIVE ENFORCEMENT.

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commission, as set forth in division (B) below, shall be vested in the Chairperson of the Board of Commissioners.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Board of Commissioners, because of 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 for administrative enforcement actions, pursuant to I.C. 22-9.5-6, and the Chairperson shall refer all the complaints to the Commission, as provided for under division (A) above, to the Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. 22-9.5-6. (Ord. 2-1-93, passed 2-1-93)

CHAPTER 93: STREETS AND SIDEWALKS

Section

- | | | |
|-------|--|--|
| 93.01 | Use of county highways and rights-of-way | (C) Any public or private utility or other contractor applicant agrees to repair and restore to good condition, to the satisfaction of the County Highway Supervisor and/or the Board of |
| 93.02 | Skating; skateboarding; rollerblading on walkways around Miami County Courthouse | |
| 93.99 | Penalty | |

§ 93.01 USE OF COUNTY HIGHWAYS AND RIGHTS-OF-WAY.

(A) (1) Whenever the County Board of Commissioners shall hereafter consent to the use of county highways and rights-of-way by any public or private utility provider or other contractors for construction, maintaining or operation of any pipeline, electric line, communication line, or any other facility, such consent shall be conditioned upon the terms, agreement, conditions and limitations contained herein.

(2) All utilities by acceptance of said consent by the Board of Commissioners agree to abide by the terms and conditions of this section.

(B) Any and all public or private utilities or other contractors wishing to use county highways or rights-of-way for operation of their business shall, prior to the initiation of any and all work and/or construction, obtain written consent from the Board of Commissioners.

Commissioners, all pavements, surfaces, drains, bridges, structures and improvements within the highway right-of-way which are in any manner disturbed by the construction, maintenance or operation of said pipeline, electric line, communication line or other facility, with said agreement to repair and restore being a condition precedent to receipt of consent by Board of Commissioners.

(D) (1) All public and private utility corporations or other contractors utilizing the county's highways and rights-of-way shall at all times during any work maintenance or construction operations maintain warning signs and/or lights as prescribed by the County Highway Supervisor and as further required by state law.

(2) At least five days prior to commencing any work on any highways or rights-of-way owned by the county, any public and/or private utility

provider or other contractor shall submit to the Highway Supervisor a proposal for protection of traffic traveling on the affected highway or right-of-way for approval. Provided however, in the event of an emergency, and with the consent of the Highway Supervisor the five-day notice requirement may be waived.

(E) (1) Any and all public or private utilities or other contractors further agree that they will not backfill any till or drain or any other buried structure until they have notified and received consent from the Highway Supervisor.

(2) Any and all public or private utility or other contractors further agree that as a condition precedent to receipt of the aforementioned consent,

that it will indemnify and hold harmless the county for any and all liability incurred as a result of the construction, maintenance or any and all operation of said pipeline, electric line, communication line or other facility, including attorney fees and cost of litigation incurred by the county.

(3) All applicants further agree to pay the cost of any work required to be performed by the county to repair damages incurred as a result of the construction, maintenance or any operation of any pipeline, electric line, communication line or other facility.

(F) All easements for such pipeline, electric line, communication line or other facility shall at all times be subject to the superior right of the county for easement utilized for general highway purposes. If deemed necessary from time to time the county may move, remove, alter or modify said pipeline, electric line, communication line or other facility. The utility provider shall either perform the work of moving, removing, altering or modifying at its own expense or reimburse the county for the cost of moving, removing, altering or modifying any pipeline, electric line, communication line or other facility.

(G) The county may, as a condition precedent to use of county highways or rights-of-way for the aforementioned purposes, require submission of a maintenance bond and/or maintenance agreement by the applicable public or private utility provider or other contractor.

(Ord. 2-22-05, passed 2-22-05) Penalty, see § 10.99

**§ 93.02 SKATING; SKATEBOARDING;
ROLLERBLADING ON WALKWAYS
AROUND MIAMI COUNTY COURTHOUSE.**

(A) *Definitions.* For the purposes of this section,

the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SIDEWALK. All cement areas surrounding the Miami County Courthouse owned by and under the control of the Commissioners of Miami County.

SKATING. Includes roller skates, skateboards, skating blades, and any other means of transportation other than pedestrian.

WAXING. The placing of any foreign object on the sidewalks whereby traction for walking pedestrians may be made more hazardous due to slipping thereon.

(B) *Prohibition.*

(1) It shall be unlawful for any person to use any means of skating as defined herein on the sidewalks as defined herein on the cement walkways on and surrounding the Miami County Courthouse being under the ownership and control of the Board of Commissioners of the county. The walkways shall be for the use of pedestrians only excepting for special uses of the walkways which may be specifically authorized and ordered by the Board of Commissioners of the county.

(2) It shall also be unlawful for any foreign object to be placed on the walkways or steps of property owned and controlled by the Board of Commissioners of the county causing such walkways and steps to be in a slippery condition making a hazard to the using of pedestrians.

(Ord. 11-21-05, passed 11-21-05) Penalty, see § 93.99

§ 93.99 PENALTY.

Any and all violations of § 93.02 shall constitute a Class C infraction. Upon admission or conviction in a court of law for violating the provisions of § 93.02 each person shall receive a fine of \$10 in addition to court costs.

(Ord. 11-21-05, passed 11-21-05)

CHAPTER 94: SWIMMING POOLS

Section

- 94.01 Definitions
- 94.02 Permits
- 94.03 Permit fee
- 94.04 Minimum requirements for pool operation
- 94.05 Minimum requirements
- 94.06 Inspection
- 94.07 Authority to inspect and to copy records
- 94.08 Approval of plans
- 94.09 Annual fee schedule
- 94.10 Appeal

- 94.99 Penalty

BREAKPOINT CHLORINATION. The point in a rising chlorine residual at which the concentration of free or available chlorine becomes great enough to completely oxidize all organic matter and ammonia compounds (chloramines) in a pool.

DIVING POOL. A pool designed and constructed primarily for diving and does not have a shallow end.

HEALTH DEPARTMENT. The Miami County Health Department.

HEALTH OFFICER. The medical doctor serving as the executive officer of the Miami County Health Department or any authorized representative.

§ 94.01 DEFINITIONS.

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

AIR GAP. The unobstructed vertical distance through atmosphere between the water supply inlet and the flood level of the rim of the receiving unit.

BATHER. Any person using a pool facility for the purpose of recreation, relaxation, therapy or related activities.

IMMINENT HEALTH HAZARD. Any event, circumstance or situation, which in the discretion of the Health Officer or his or her authorized agent, presents a serious and present health or safety risk to a person or to the public at large.

LAW. Applicable, state, and federal statutes, regulations, and local ordinances.

MAXIMUM BATHER LOAD. The maximum usage of the pool calculated based on the following, whichever is applicable:

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	Shallow or wading areas (A)	Deep areas, not including diving areas (B)	Diving areas (per board) (C)
If the deck is less than the surface area of the pool	15 sq. ft. of pool surface area per bather	20 sq. ft. of pool surface per bather	300 sq. ft. of pool surface area per bather
If the deck is equal to or larger than the surface area of the pool	12 sq. ft. of pool surface area per bather	15 sq. ft. of pool surface per bather	300 sq. ft. of pool surface per bather
If the deck is twice the surface area of the pool	8 sq. ft. of pool surface per bather	10 sq. ft. of pool surface per bather	300 sq. ft. of pool surface area per bather
A + B + C = MAXIMUM BATHER LOAD . If the diving board is closed, an additional 10 bathers are permitted.			

OWNER OR AUTHORIZED AGENT. Any individual, association, company, corporation, partnership, division of government or other group acting as a unit, trust, estate, agent or legal representative thereof who shall hold title to the real estate upon which the pool is placed, or who shall be legally responsible for the operations of the pool, or who shall be so named as the owner on the pool permit application.

PERMIT. The document issued by the Health Department which authorizes a person to operate a public swimming pool or spa.

POOL. A structure, basin, chamber or tank containing an artificial body of water designed for swimming, diving, wading, or other recreational use.

PUBLIC POOL. Any pool, other than those pools defined as a semi-public pool, which is intended to be used for swimming or bathing and is operated by a concessionaire, owner, lessee, operator, or licensee, regardless of whether a fee is charged for use. Nothing in this chapter shall be construed as applying to any pool, constructed at a one- or two-family dwelling, and maintained by any individual for the sole use of the household and house guest.

REGULATORY AUTHORITY. The local, state or federal enforcement body or authorized representative having jurisdiction over a public or semi-public pool.

REPEAT VIOLATION. A violation that has been observed and recorded on the previous inspection form and the violation was also observed and recorded again on the consecutive inspection report.

SEMI-PUBLIC POOL. Any pool that is intended to be used for swimming or bathing and is operated solely for and in conjunction with:

- (1) Schools, universities and colleges;
- (2) Hotels, motels, apartments, condominiums, bed and breakfasts, or similar lodgings;
- (3) Camps or mobile home parks;

- (4) Memberships clubs or associations; or
- (5) Therapeutic pools; rehabilitation and health care facilities.

SPA. A pool designed for recreational and/or therapeutic use, which is not drained, cleaned, and refilled after each use. The term may include, but is not limited to:

- (1) Hydro jet circulation;
- (2) Hot water;
- (3) Cold water;
- (4) Mineral baths;

(5) Air induction systems; or

(6) Any combination thereof.

UNSATISFACTORY WATER SAMPLE. A water sample that contains more than 200 bacteria colonies per milliliter as determined by the heterotrophic 35 degree Centigrade plate count, a test positive (confirmed test) for coli form organisms in any of the five to ten milliliter portions of a sample when the multiple tube fermentation tube test is used, a test positive for more than one coli form organism per 50 milliliters when the membrane filter test is used, or the presence of any coli form when the 100 milliliter presence/absence test is used.

WRITTEN ORDER. A written letter of abatement generated by the regulatory authority and signed by the regulatory authority, that is served to the operator of a public swimming pool or a semi-public swimming pool or spa, a tourist home pool or spa that has been found in violation of the provisions of this chapter, and lists those violations and mandates a specific time by which the abatement must occur.

(Ord. 10-18-2010, passed 10-18-10)

§ 94.02 PERMITS.

(A) *Permit.* It shall be unlawful for any person to operate a retail public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa in Miami County who does not possess a valid permit from the Health Department. Such permit shall be posted in a conspicuous place in plain view of the public.

(B) *Eligibility.* Only persons who comply with the applicable requirements as specified by the Indiana State Department of Health rules

incorporated herein by reference shall be entitled to receive and retain such a permit.

(C) *Term.* An annual permit for a public swimming pool, a semi-public pool, a tourist home pool or spa or a public spa shall be for a term of one year beginning May 1, and expiring April 30, of the

following year and shall be renewed annually. The seasonal permit for a public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa shall be for any pool that will be operated less than six months in the same calendar year. A permit may be issued to any person upon completion of (C)(1) through (4).

(1) An application is reviewed and approved by the Health Department for a public swimming pool, a tourist home pool or spa a semi-public pool or a public spa, a tourist home pool or spa.

(2) A pre-opening inspection is completed by the Health Department for new or substantially remodeled public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa.

(3) The public swimming pool, a semi-public pool, a tourist home pool or spa or a public spa is in substantial compliance with all applicable requirements of 410 I.A.C. 6-2.1.

(4) Appropriate fees are paid.
(Ord. 10-18-2010, passed 10-18-10) Penalty, see § 94.99

§ 94.03 PERMIT FEE.

(A) See § 94.08 for fee schedule for current rates. Note that a late fee will be assessed on any annual public swimming pool, a semi-public pool, a tourist home pool or spa or a public spa permit not renewed within 30 days following expiration date. Closure of the public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa shall be initiated for any public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa that has not been renewed within 31 days following the expiration date.

(B) *Permit and fee exception.* No permit fee shall be paid by an organization that is exempt from the Indiana gross income tax.
(Ord. 10-18-2010, passed 10-18-10)

§ 94.04 MINIMUM REQUIREMENTS FOR POOL OPERATION.

All public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa, shall comply with at least the minimum requirements specified by the Indiana State Department of Health in Rules 410 I.A.C. 6-2.1 and all addenda, two copies of which are on file in the office of the Clerk of Miami County, Peru, Indiana, for public inspection.

(Ord. 10-18-2010, passed 10-18-10) Penalty, see § 94.99

form such violations, and serve a copy of the report to the operator or the person in charge and fix a time within which the operator or person in charge of the public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa shall abate and remedy such violations. A copy of the report shall be kept on record at the Health Department.

§ 94.05 MINIMUM REQUIREMENTS.

All public, semi-public pools and public spas, a tourist home pool or spa shall comply with the least minimum requirements specified by 675 I.A.C. 20-1, Swimming Pool Code, and 410 I.A.C. 6-2.1, Public and Semi-Public Pools a Tourist Home Pool or Spa, and this chapter.

(Ord. 10-18-2010, passed 10-18-10) Penalty, see § 94.99

§ 94.06 INSPECTION.

(A) *Inspections.* Each public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa for which a permit is required under the provisions of this chapter may be inspected at any time during its normal operational hours. Frequency of inspections are to be based on past compliance.

(B) *Procedure when violations are noted.* If, during the inspection of any public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa shall the authorized representative discovers the violation of any of the requirements in § 94.04, he or she shall list on the report section of the inspection

(C) *Final inspection.* If, upon a subsequent inspection of a public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa the regulatory authority finds that a public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa is violating any provisions of this chapter which were found in violation during the previous inspection, and concerning which a written order was issued the regulatory authority may issue a fine for each violation of this chapter.

(D) *Suspension of permit.* A pool shall be closed when any of the following occurs: Any permit issued under this chapter may be temporarily suspended by the regulatory authority without notice or hearing for any of the following reasons provided that any suspension order shall be issued by the regulatory authority in writing and served upon the permittee by leaving a copy at his or her usual place of business by delivery or registered or certified mail:

(1) Bacteriological requirements of section 31(f), 42.1(b)(15), or 42.1(b)(16) of 410 I.A.C. 6-2.1.

(2) Failure to meet disinfectant

concentrations of section 30(b), 42.1(b)(1) of rule 410 I.A.C. 6-2.1.

(3) Failure to meet the water clarity requirements of section 31(a) or 42.1(b)(13) of rule 410 I.A.C. 6-2.1.

(4) The grate on the main drain is missing or broken, or failure to meet the requirements of section 32(e) of 410 I.A.C. 6-2.1.

(5) Failure to meet lifeguard requirements of section 35 of rule 410 I.A.C. 6-2.1.

(6) A pump, filter, or disinfectant feeder is not operational.

(7) A fecal accident.

(8) The spa water temperature exceeds 104 degrees Fahrenheit.

(9) If the Department determines a condition, situation, or installation is created, installed or maintained that may:

(a) Cause or result in a health or safety hazard; or

(b) Cause or transmit disease.

(10) pH values less than 6.8 or equal to or greater than 8.0.

(E) *Reinstatement of permit.* Any person whose permit has been suspended may, at any time, make application to the regulatory authority for the reinstatement of his or her permit. The applicant shall submit written documentation with explanation why the permit should be reinstated and provide specific measures to be followed which will prevent the circumstances of suspension from recurring.

(F) *Revocation of permit.* The Miami County Health Board, upon a hearing, if the permittee should fail to show cause may revoke the permit and promptly give written notice of the action to the permittee. The regulatory authority shall maintain a permanent record of the proceedings filed in the office of the Health Department. Upon failure of any person maintaining or operating a public swimming pool, a semi-public pool or public spa, a tourist home pool or spa to comply with any order of the regulatory authority, it shall be the duty of the regulatory authority summarily to revoke the permit of the person and public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa and to forbid the further operations therein. (Ord. 10-18-2010, passed 10-18-10) Penalty, see § 94.99

COPY RECORDS.

The person in charge of a public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa shall, upon request of the regulatory authority, allow the regulatory authority access to all parts of the

public swimming pool, a semi-public pool or public spa and shall permit the regulatory authority to collect evidence and/or exhibits and to copy any or all records relative to the enforcement of this chapter.

(Ord. 10-18-2010, passed 10-18-10) Penalty, see § 94.99

§ 94.08 APPROVAL OF PLANS.

All public swimming pool, a semi-public pool or a public spa, a tourist home pool or spa, which are hereafter constructed or altered, shall conform to the applicable requirements of the Indiana State Department of Health and by the Indiana Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted for approval to the Health Department at least 30 days prior to initiating construction. A stop work order may be issued if plans have not been submitted for approval to the Health Department at least 30 days prior to the initiation to construction.

(Ord. 10-18-2010, passed 10-18-10) Penalty, see § 94.99

§ 94.09 ANNUAL FEE SCHEDULE.

(A) An annual permit fee of \$25 for each public swimming pool, a semi-public pool or a public spa, pool, wading pool, a tourist home pool or spa.

(B) A seasonal permit fee of \$15 for each swimming pool, a semi-public pool or a public spa, a tourist home pool or spa.

(C) A late fee of \$25 assessed on any permit not obtained prior to opening.

(Ord. 10-18-2010, passed 10-18-10)

§ 94.10 APPEAL.

(A) Any person aggrieved by any final order of the Health Department shall be entitled to a review of the final order before the Board by filing a written request therefor with the Secretary of the Board within 15 days after such final order is issued.

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(B) Upon the Health Department's receipt of such request, the Board shall hear the matter de novo in an open hearing after at least ten days' written notice of the time, place and nature thereof. (The Health Department and appellant may agree to a shorter period of time, if requested by either party.) The notice shall be issued by the Secretary of the Board to the Health Department and the person filing the request.

(C) The notice of hearing shall be served upon the appellant by leaving or mailing by certified mail the notice to the address listed on the permit application as the appellant's mailing address or such other address as the appellant shall designate in writing to the Secretary of the Board.

(D) At such hearing, the same rules of procedure shall apply as in the case of the hearing before the Health Department; provided, that upon written request by the appellant or the Health Department, the Board shall cause the proceedings before it to be recorded by a reporter employed for such purpose, and the same, together with all papers

and documents filed therein,
(Ord. 10-18-2010, passed 10-18-10)

§ 94.99 PENALTY.

The regulatory authority may issue a fine for each repeated violation of this chapter, rule 410 I.A.C. 6-2.1

(A) For the first offense a fine not to exceed \$50 unless extreme circumstances deem a greater fine not to exceed \$2,500.

(B) For the second offense a fine not to exceed \$500 unless extreme circumstances deem a greater fine not to exceed \$2,500.

(C) For the third and more offenses a fine may be issued not in excess of \$2,500.
(Ord. 10-18-2010, passed 10-18-10)

TITLE XI: BUSINESS REGULATIONS

Chapter

**110. SALESPERSONS, SOLICITORS AND TRANSIENT
MERCHANTS**

111. WASTE HAULERS AND RECYCLERS

112. WEIGHTS AND MEASURES

113. FOOD ESTABLISHMENTS

CHAPTER 110: SALESPERSONS, SOLICITORS AND TRANSIENT MERCHANTS

Section

- 110.01 Purpose
- 110.02 License required
- 110.03 Application
- 110.04 Investigation and issuance
- 110.05 Fees
- 110.06 Exhibition of license
- 110.07 Enforcement
- 110.08 Records
- 110.09 Revocation of license
- 110.10 Solicitation prohibited on county property during business hours

§ 110.01 PURPOSE.

The purpose of this chapter is to regulate salespersons and solicitors. This chapter requires licensing and provides penalties for violations. (82 Code, § 2-21-1)

§ 110.02 LICENSE REQUIRED.

(A) It shall be unlawful after the passage of this chapter for any door to door salesperson or solicitor of services or merchandise, not residing in the county for a period of six months to engage in the business of soliciting or selling services or merchandise within the limits of the county without first obtaining a license therefor in compliance with the provisions of this chapter.

(B) For the purpose of this chapter, every person shall be subject to the provisions, except bona fide school students in regular attendance in a school located within the confines of the county, or in event of consolidation, in a school supported by direct taxation by the taxpayers of the county. (82 Code, § 2-21-2) Penalty, see § 10.99

§ 110.03 APPLICATION.

Applicants for a license under this chapter must file with the County Auditor a sworn application in writing and in duplicate form to be furnished by the Auditor, which shall give the following information:

(A) Name and description of the applicant;

(B) Permanent home address and full local address of applicant;

(C) The name and address of employer along with credentials;

(D) The length of time for which the right to do business in the county is desired; and

(E) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor. (82 Code, § 2-21-3)

§ 110.04 INVESTIGATION AND ISSUANCE.

(A) Upon receipt of the application, the original shall be referred to the County Sheriff, who shall cause the investigation of the applicant's business and moral character to be made as he or she deems necessary for the protection of the general public.

(B) If, as a result of the investigation, the applicant's character is found to be unsatisfactory, the County Sheriff shall thereupon endorse upon the

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application his or her disapproval and the reasons for the same, and return the application to the County Auditor, who shall notify the applicant that his or her application has been disapproved and that no license will be issued.

(C) If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the County Sheriff shall thereupon endorse upon the application his or her approval and return same to the County Auditor, who, then shall, upon payment of the required and prescribed fee, deliver, to the applicant a license to engage in the business in the county.
(`82 Code, § 2-21-4)

§ 110.05 FEES.

(A) (1) The license fee which shall be charged by the County Auditor for the license is \$2 for a 60-day permit or \$5 for a one-year permit and the license shall in no way be transferrable.

(2) There shall be no fee charged to an honorably discharged veteran of the United States Armed Forces who otherwise qualifies under the provisions of this chapter.

(B) (1) The County Council does hereby authorize the establishment of the license fee for the issuance of a county transient merchant's license.

(2) The fee shall be \$10 for each day or part of day that the merchant proposes to transact the business or \$100 for a six-month period during which the transient merchant proposes to transact business.

(`82 Code, § 2-21-5) (Am. Ord. 4D-15-86, passed 4-15-86)

§ 110.06 EXHIBITION OF LICENSE.

Salespersons and solicitors under this chapter are required to exhibit their license at the request of any citizen of this county.
(`82 Code, § 2-21-6)

§ 110.07 ENFORCEMENT.

It shall be the duty of the County Sheriff to require any person seen engaged in the business covered by this chapter, and who is not known by the Sheriff to be duly licensed, to produce the license and to enforce the provisions of this chapter against any person found to be violating the same.
(`82 Code, § 2-21-7)

§ 110.08 RECORDS.

The County Sheriff shall report to the County Auditor all convictions for the violation of this chapter and the County Auditor shall maintain a record for each license issued and record the reports of violations therein.
(`82 Code, § 2-21-8)

§ 110.09 REVOCATION OF LICENSE.

Licenses issued under the provisions of this chapter may be revoked by the Board of County Commissioners for any of the following causes:

(A) Fraud, misrepresentation or false statement contained in the application for license;

(B) Fraud, misrepresentation or false statement made in the course of carrying on his or her business;

(C) Any violation of this chapter;

(D) Conviction of any crime or misdemeanor involving moral turpitude; or

(E) Conducting his or her business in an unlawful manner or in a manner as to constitute breach of the peace or to constitute a menace to the health, safety or general welfare of the general public.
(`82 Code, § 2-21-9)

§ 110.10 SOLICITATION PROHIBITED ON COUNTY PROPERTY DURING BUSINESS HOURS.

Any and all solicitation of Miami County employees on Miami County owned property during business hours is hereby prohibited. All violators

shall be immediately escorted from the Miami County owned property, and are subject to be permanently denied access to Miami County owned property for any continuing violations and any other reasons deemed necessary.

(Ord. 9-5-06A, passed 9-5-06)

CHAPTER 111: WASTE HAULERS AND RECYCLERS

Section

- 111.01 Definitions
- 111.02 Registration and fees
- 111.03 Reporting requirements
- 111.04 Violations

§ 111.01 DEFINITIONS.

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

HAULERS. The owner of any vehicle used to collect solid waste, as defined by I.C. 13-11-2-205, with the district must hold a valid, current registration issued by the district, if the owner charges a fee for the collection or the owner is a city, town, county or other unit of government.

RECYCLERS. The owner of any facility, as defined by I.C. 13-11-2-77, employed in whole or in part in the recovery of solid waste products from the waste stream for purposes of recycling, as defined in I.C. 13-11-2-180, within the district must hold a valid, current registration issued by the district if the owner charges a fee for the collection of the materials, the owner pays monies to the generator of the materials, the owner collects monies in the sale or disposition of some or all of the materials or the owner is a city, town, county or other unit of government.

(Res. 11-9-93, passed 11-9-93)

§ 111.02 REGISTRATION AND FEES.

(A) If the registrant is a hauler, as described herein, a registration may be purchased for a registration fee of \$150 per year.

(B) If the registrant is a recycler, as described herein, a registration may be purchased for a registration fee of \$25 per year.

(C) If the registrant is both a hauler and recycler as defined herein, a registration may be purchased for a registration fee of \$160 per year.

(D) No owner, as described herein, shall be required to purchase more than one registration per year.

(E) Registrations shall expire on the last day of November each year.

(F) Registrations purchased after June 1 shall be one-half of the application registration fee for the remaining term of the annual registration.

(G) Registrations may be transferred to a new owner without the payment of a fee. Notification of the ownership change to the district shall be required.

(H) Registrants, as described herein, shall display a registration emblem issued by the district at their place of business and shall maintain in all vehicles or on-site at all facilities a photocopy of current registration documents.
(Res. 11-9-93, passed 11-9-93)

§ 111.03 REPORTING REQUIREMENTS.

(A) (1) Registration shall require that the registrants, as described herein, provide semi-annual

reporting to the district on certain matters regarding the collection for disposal and recycling within the district.

(2) Reporting forms will be provided by the district and may be obtained from the District Controller, Auditor's Office, Courthouse, Peru, Indiana, 46970.

(B) Reports shall be prepared for the periods ending December 1 and June 1 of each year for the six-month period preceding in which the registrant held a current, valid registration issued by the district. The reports shall be due on or before January 1 and July 1 or each year hereinabove described.

(C) The district shall keep a current registry of registered owners and shall make the registry available to the public for informational purposes. (Res. 11-9-93, passed 11-9-93)

§ 111.04 VIOLATIONS.

Any registered owner determined by the District's Board Chair to be in noncompliance with this chapter shall have the registration revoked by the District. The decision may be appealed to the District Board by filing a notice to appeal with the District Board Chair within ten days after the receipt of the notice of revocation. The registration revocation takes effect ten days after notice is received by the owner, or, if there is an appeal to the Board, and the decision of the Board Chair is upheld, it takes effect upon the date the appeal is decided. (Res. 11-9-93, passed 11-9-93)

CHAPTER 112: WEIGHTS AND MEASURES

Section

- 112.01 Definitions
- 112.02 Compliance with state standards
- 112.03 Inspection of mobile instruments
- 112.04 Instrument repair and installation; numbering
- 112.05 Security seals
- 112.06 Commodity regulations
- 112.07 Enforcement

Cross-reference:

Garbage, see Chapter 51

§ 112.01 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. 11-1-99A, passed 11-1-99)

§ 112.02 COMPLIANCE WITH STATE STANDARDS.

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 the purpose if the instrument does not meet the standards established by the state or the Division of Weights and Measures of the State Department of Health.
(Ord. 11-1-99A, passed 11-1-99) Penalty, see § 10.99

§ 112.03 INSPECTION OF MOBILE INSTRUMENTS.

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.
(Ord. 11-1-99A, passed 11-1-99) Penalty, see § 10.99

§ 112.04 INSTRUMENT REPAIR AND INSTALLATION; NUMBERING.

(A) All owners or operators of instruments shall inform the County Inspector that an instrument has been repaired or installed and provide the County Inspector with the location of the instrument prior to that instrument being placed into service.

(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 a manner that each instrument shall be readily distinguishable from all other instruments of that type present at that location.
(Ord. 11-1-99A, passed 11-1-99)

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§ 112.05 SECURITY SEALS.

(A) When a weighing or measuring device is security sealed by a County Inspector, the 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) A repairperson whose equipment is certified hereunder may remove a security seal for the purpose of making repairs without prior approval of the County Inspector. Repairpeople who cut, sever or remove a security seal shall immediately notify the County Inspector.

(C) No security seal shall be valid in the county, except a seal approved by the County Inspector.

(D) 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.

(Ord. 11-1-99A, passed 11-1-99) Penalty, see § 10.99

§ 112.06 COMMODITY REGULATIONS.

(A) All persons engaged in the selling, buying, bartering or exchanging goods or commodities must sell, buy, barter or exchange the goods or commodities using the legal method of selling, buying, bartering or exchanging the 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 package or containers shall meet all labeling requirements of the National Conference on Weights and Measures Packaging and Labeling Regulations.

(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.

(Ord. 11-1-99A, passed 11-1-99)

§ 112.07 ENFORCEMENT.

(A) The County Inspector may issue to the violator a citation which 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 ten 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 the last one year.

(D) Each day the violation continues constitutes a separate violation.

(E) All fines shall be deposited into a dedicated non-reverting fund to be used for capital purchases for the Weights and Measures Department, subject to appropriation of funds by the County Council.
(Ord. 11-1-99A, passed 11-1-99)

CHAPTER 113: FOOD ESTABLISHMENTS

Section

Food and Bed and Breakfast Establishments

- 113.01 Definitions
- 113.02 Permits
- 113.03 Permit fee
- 113.04 Minimum requirements for food operations
- 113.05 Sale, examination and condemnation of unwholesome, adulterated and misbranded food
- 113.06 Inspection of food operations
- 113.07 Authority to inspect and to copy records
- 113.08 Approval of plans
- 113.09 Appeal

Railroad Camp Cars

- 113.20 Definitions
 - 113.21 Permits
 - 113.22 Sanitary requirements
 - 113.23 Application and permit fees
 - 113.24 Inspections
 - 113.25 Violations
 - 113.26 Other permit revocation, suspension and closure orders
 - 113.27 Hearing
 - 113.28 Appeal

 - 113.98 Enforcement
 - 113.99 Penalty
- Appendix A: Annual Fee Schedule

FOOD AND BED AND BREAKFAST ESTABLISHMENTS

§ 113.01 DEFINITIONS.

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

ADULTERATED. The meaning stated in I.C. 16-42-1 through 16-42-4. (410 I.A.C. 7-24-4)

EMPLOYEE. The person in charge, having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a retail food establishment. (410 I.A.C. 7-24-29)

HEALTH DEPARTMENT. The Miami County Health Department.

HEALTH OFFICER. The medical doctor serving as the executive officer of the Miami County Health Department or any authorized representative.

LAW. Applicable state, and federal statutes, regulations and local ordinances. (410 I.A.C. 7-24-51)

NARRATIVE REPORT. The section on the food service inspection report form where the authorized representative records in written form the violations and/or other pertinent information that are observed during the inspection of a retail food establishment.

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OWNER OR AUTHORIZED AGENT. Any person operating a retail food establishment.

PERMIT. The document issued by the Health Department which authorizes a person to operate a retail food establishment or bed and breakfast establishment.

PERSON. An association, a corporation, individual, partnership, other legal entity, government or governmental subdivision or agency. (410 I.A.C. 7-24-58)

TEMPORARY FOOD ESTABLISHMENT. A retail food establishment that operates for a period of not more than 14 consecutive days in conjunction with a single event or celebration. (410 I.A.C. 7-4-98)

WHOLESOME. In sound condition, clean, free from adulteration and otherwise suitable for use as human food.

WRITTEN ORDER. A written letter of abatement generated by the regulatory authority and signed by the regulatory authority, that is served to the operator of a retail food establishment or bed and breakfast that has been found in violation of the provisions of this chapter, and lists those violations and mandates a specific time by which the abatement must occur.
(Ord. 7-17-00A, passed 7-17-00; Am. Ord. 5-23-05, passed 5-23-05; Am. Ord. 7-18-05, passed 7-18-05)

§ 113.02 PERMITS.

(A) (1) It shall be unlawful for any person to operate a retail food establishment or bed and breakfast establishment in the county, who does not possess a valid permit from the Health Department. The permit shall be posted in a conspicuous place in plain view of the public.

(2) Only persons who comply with the applicable requirements as specified by the State Department of Health rules incorporated herein by

reference shall be entitled to receive and retain a permit.

(3) A permit for a retail food establishment or bed and breakfast establishment shall be for a term of one year beginning January 1 and expiring December 31 of the same year and shall be renewed annually. The permit for a temporary retail food establishment shall be for the term of one continuous operation with duration of 14 days or less. Any permit issued by the Health Department shall contain the name and address of the person to whom the permit is issued, the address of the premises for which same is issued and other pertinent data as may be required by the Health Department.

(4) A separate permit shall be required for each retail food establishment or bed and breakfast establishment operated or to be operated by any person. A permit issued under this chapter is not transferable from one owner to another or from one location to another.

(5) The owner of any retail food establishment or bed and breakfast opening for business without first obtaining a valid permit shall immediately cease all operations until a permit has been obtained. The owner of any retail food establishment opening for business without first obtaining a valid permit may be subject to penalties in § 113.99.

(6) A permit may be issued to any person upon completion of the following steps:

(a) An application and plans as specified in 410 I.A.C. 7-24 are reviewed and approved by the Health Department for new and remodeled retail food establishments and bed and breakfast establishments;

(b) A pre-opening inspection is completed by the Health Department for new or substantially remodeled retail food establishments or bed and breakfast establishments;

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(c) The retail food establishment is in substantial compliance with all applicable requirements of 410 I.A.C. 7-24; and

(d) Appropriate fees are paid.
(Ord. 7-17-00A, passed 7-17-00; Am. Ord. 5-23-05, passed 5-23-05; Am. Ord. 7-18-05, passed 7-18-05)

(E) The Health Department may forbid the sale of any food product by any charitable organization in which the food product is found to be unwholesome, adulterated, or otherwise unfit for human consumption.

(Ord. 7-17-00A, passed 7-17-00; Am. Ord. 5-23-05, passed 5-23-05; Am. Ord. 7-18-05, passed 7-18-05)

Cross-reference:

Fees and taxes, see Ch. 35

§ 113.03 PERMIT FEE.

(A) (1) See Appendix A to this chapter for current fee schedule rates.

(2) Note that a late fee will be assessed on any annual food permit not renewed within 30 days following expiration date. Closure of retail food establishments will be initiated for any retail food establishment or bed and breakfast that has not been renewed within 31 days following the expiration date.

(B) *Exception.* No permit fee shall be paid by an organization that is exempt from the Indiana gross income tax.

(C) *Exemption from compliance.* An organization that is exempt from the Indiana gross income tax and that offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from complying with the requirements of the chapter that may be imposed upon the sale of food at that event if:

(1) Members of the organization prepare the food that will be sold;

(2) Events conducted by the organization under this section take place for no more than 30 days in any calendar year; and

(3) The name of each member who has prepared a food item is attached to the container in which the food item has been placed.

(D) This section does not prohibit an exempted organization from waiving the exemption and applying for a license under this chapter.

§ 113.04 MINIMUM REQUIREMENTS FOR FOOD OPERATIONS.

(A) All retail food establishments shall comply with the minimum requirements specified by the State Department of Health in Rules 410 I.A.C. 7-24 and all addenda.

(B) Two copies of which are on file in the Office of the County Clerk, Peru, Indiana, for public inspection.

(Ord. 7-17-00A, passed 7-17-00; Am. Ord. 5-23-05, passed 5-23-05; Am. Ord. 7-18-05, passed 7-18-05)

§ 113.05 SALE, EXAMINATION AND CONDEMNATION OF UNWHOLESOME, ADULTERATED AND MISBRANDED FOOD.

(A) It shall be unlawful for any person to sell through a food operation any food which is unwholesome, adulterated, or misbranded as provided in 410 I.A.C. 7-24-4 and 410 I.A.C. 7-24-54.

(B) (1) Samples of food may be taken and examined by the authorized representative as often as may be necessary to determine freedom from contamination, adulteration, or misbranding.

(2) The authorized representative may, on written notice to the owner or operator, impound and forbid the sale of any food which is, or which he or she has probable cause to believe is, unfit for human consumption, unwholesome, adulterated or misbranded.

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(3) 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 authorized representative.

(4) The authorized representative may also cause to be removed or destroyed any dairy product, vegetable, fruit or other perishable articles which in his or her opinion are unsound, or contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

(Ord. 7-17-00A, passed 7-17-00; Am. Ord. 5-23-05, passed 5-23-05; Am. Ord. 7-18-05, passed 7-18-05) Penalty, see § 10.99

§ 113.06 INSPECTION OF FOOD OPERATIONS.

(A) *Frequency of inspection.* Each retail food establishment and bed and breakfast for which a permit is required under the provisions of this chapter shall be inspected at a frequency based on menu type and past compliance.

(B) *Procedure when violations are noted.*

(1) If, during the inspection of any retail food establishment, the authorized representative discovers the violation of any of the requirements in § 113.04, he or she shall list on the narrative report section of the inspection form the violations, and serve a copy of the report to the operator or the person in charge and fix a time within which the operator or person in charge of the retail food establishment or bed and breakfast shall abate and remedy the violations.

(2) A copy of the narrative report shall be kept on record at the Health Department.

(C) *Final inspection.* If, upon a subsequent inspection of a retail food establishment or bed and breakfast the regulatory authority finds that a retail food establishment or bed and breakfast is violating

any provisions of this chapter which were found in violation during the previous inspection, and concerning which a written order was issued, the regulatory authority may issue a fine for each violation of this chapter.

(D) *Suspension of permit.* Any permit issued under this chapter may be temporarily suspended by the regulatory authority without notice or hearing for a period of not to exceed 30 days, for any of the following reasons provided that any suspension order shall be issued by the regulatory authority in writing and served upon the permittee by leaving a copy at his or her usual place of business by delivery, by registered or certified mail:

(1) Imminent health hazard or other conditions which in the regulatory authority's opinion endanger the public's health.

(2) Interference with the authorized representative in the performance of his or her duties.

(3) As a result of the willful and/or continuous violation of any provisions of this chapter.

(E) *Reinstatement of permit.* Any person whose permit has been suspended may, at any time, make application to the regulatory authority for the reinstatement of his or her permit. The applicant shall submit written documentation with explanation why the permit should be reinstated and provide specific measures to be followed which will prevent the circumstances of suspension from recurring.

(F) *Revocation of permit.*

(1) The County Health Board, upon a hearing, if the permittee should fail to show cause, may revoke the permit and promptly give written notice of the action to the permittee. The regulatory authority shall maintain a permanent record of the proceedings filed in the office of the Health Department.

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(2) Upon failure of any person maintaining or operating a retail food establishment and bed and breakfast to comply with any order of the regulatory authority, it shall be the duty of the regulatory authority summarily to revoke the permit of the person and retail food establishment or bed and breakfast and to forbid the further sale or serving of food therein.

(Ord. 7-17-00A, passed 7-17-00; Am. Ord. 5-23-05, passed 5-23-05; Am. Ord. 7-18-05, passed 7-18-05)

§ 113.07 AUTHORITY TO INSPECT TO AND COPY RECORDS.

The person in charge of a retail food establishment shall, upon request of the regulatory authority, allow the regulatory authority access to all parts of the retail food establishment and bed and breakfast and shall permit the regulatory authority to collect evidence and/or exhibits and to copy any or all records relative to the enforcement of this chapter.

(Ord. 7-17-00A, passed 7-17-00; Am. Ord. 5-23-05, passed 5-23-05; Am. Ord. 7-18-05, passed 7-18-05)

§ 113.08 APPROVAL OF PLANS.

All retail food establishments which are hereafter constructed or altered shall conform to the applicable requirements of the State Department of Health and by the Indiana Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted for approval to the Health Department at least 30 days prior initiating construction. A stop work order may be issued if plans have not been submitted for approval to the Health Department at least 30 days prior to the initiation of construction.

(Ord. 7-17-00A, passed 7-17-00; Am. Ord. 5-23-05, passed 5-23-05; Am. Ord. 7-18-05, passed 7-18-05)

§ 113.09 APPEAL.

(A) Any person aggrieved by any final order of the Health Department shall be entitled to a review of the final order before the Board by filing a written request therefor with the Secretary of the Board within 15 days after such final order is issued.

(B) Upon the Health Department’s receipt of such request, the Board shall hear the matter de novo in an open hearing after at least ten days’ written notice of the time, place and nature thereof. (The Health Department and appellant may agree to a shorter period of time, if requested by either party.) The notice shall be issued by the Secretary of the Board to the Health Department and the person filing the request.

(C) The notice of hearing shall be served upon the appellant by leaving or mailing by certified mail the notice to the address listed on the permit application as the appellant’s mailing address or such other address as the appellant shall designate in writing to the Secretary of the Board.

(D) At such hearing, the same rules of procedure shall apply as in the case of the hearing before the Health Department; provided, that upon written request by the appellant or the Health Department, the Board shall cause the proceedings before it to be recorded by a reporter employed for such purpose, and the same, together with all papers and documents filed therein.

(Ord. 5-23-05, passed 5-23-05; Am. Ord. 7-18-05, passed 7-18-05)

RAILROAD CAMP CARS

§ 113.20 DEFINITIONS.

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

BOARD. The Miami County Board of Health, Miami County, Indiana.

COMMUNICABLE DISEASE. Includes those diseases which epidemiological evidence can be transmitted through food preparation or service.

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DEPARTMENT. The Miami County Board of Health, Miami County, Indiana, and/or its employees.

HEALTH OFFICER. The duly appointed Health Officer as set forth in I.C. 16-20-2-16. The County **HEALTH OFFICER** or designee shall be designated as official in charge of enforcing this subchapter. The **HEALTH OFFICER** may designate a representative in the Health Department to perform those duties and responsibilities of the **HEALTH OFFICER**.

IMMINENT HEALTH HAZARD. A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the number of potential injuries or illnesses; and the nature, severity, and duration of the anticipated injury or illness.

MOBILE CAMP. A temporary location where at least two railroad maintenance of way employees are housed.

PERMIT. A certificate and/or a permit number of a size and style previously approved by the Health Officer.

PERMITTEE. Includes the person who is the owner of or responsible for the operation of a railroad mobile camp which shall include his, her, or its authorized representative and who shall be responsible for the acceptance of all notices at the address listed on the application for any permit issued hereunder.

PERSON. Includes, but is not limited to, an individual, corporation, firm, partnership, association, business, organization, municipality or any other group acting as a unit, as well as an individual, trust or estate, or the agent or legal representative thereof.

RETAIL FOOD SERVICE ESTABLISHMENT. Any food establishment, including, but not limited to, a restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, commissary, drive-in restaurant, drink establishment,

snack bar, food counter, dining room, food catering facility, industrial feeding establishment, private, public, or non-profit organization or institution routinely serving food, and any other eating or drinking establishment, where food or drink products are prepared, served or provided for human consumption with or without charge. The term does not include private homes where food is prepared or served for individual family consumption.

TEMPORARY FOOD SERVICE ESTABLISHMENTS. Any food establishment in any enclosure stall or other facility, whether fixed or mobile, operating at one site or location for a period of time not in excess of 14 consecutive days, in conjunction with a single event or celebration, where food in open form intended for human consumption off the premises is offered with or without charge. (Ord. 7-19-2010, passed 7-19-10)

§ 113.21 PERMITS.

(A) *Permit requirements.* It shall be unlawful for any person to operate a mobile camp or to act, whether actually or ostensibly, as a mobile camp operator in Miami County, Indiana, who does not possess a valid permit for each such operation from the Health Officer, unless otherwise exempted from the provisions of this subchapter.

(B) *Posting.* All permits shall be posted in a conspicuous place while in operation in Miami County and must be kept at the mobile camp site itself.

(C) *Separate permits.* A separate permit shall be required for each mobile camp and for each time a mobile camp arrives into Miami County.

(D) *Application.* The application for a mobile camp permit shall be made to the Health Officer on forms provided by the Health Officer no later than two days upon arrival of the mobile camp and its employees into Miami County. Such forms shall show, among other information which may be required by the Health Officer, the legal name, address, and telephone number of the permittee, the

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name under which said permittee intends to operate, the address and general location of the mobile camp. The application shall include the signature of the permittee or his or her authorized representative.

(E) *Permit issuance.* A permit shall be issued subsequent to application and inspection and upon a determination by the Health Officer or his or her representative(s) that the permittee has complied with all of the applicable provisions of this chapter and tendered the appropriate fee as hereinafter specified.

(F) *Term.*

(1) The permit for a mobile camp shall be the number of consecutive days the mobile camp is located in Miami County and becomes void once the mobile camp leaves Miami County. A new permit must be obtained upon each arrival in Miami County.

(2) The permits shall be obtained no later than two days upon the mobile camp and its employees' arrival into Miami County. If the application for such mobile camp is not submitted within the required two-day arrival period as stated above, a late fee of \$250 (per each day of violation) will also be added to the overall permit fee.

(G) *Permit not transferable.* No permit issued to any permittee under this subchapter shall be transferable between location with Miami County, between operators, or between mobile camp visits in Miami County. Upon change of location or leaving the county after the initial inspection for which the permit was granted or upon change of operator or owner, all existing permits become void. (Ord. 7-19-2010, passed 7-19-10)

§ 113.22 SANITARY REQUIREMENTS.

Railroad employee and mobile camp sanitary requirements. All mobile camps which are hereinafter utilized to house railroad maintenance of way employees shall conform in their construction and overall operation to the applicable requirements of I.C. 16-19-3 and 410- I.A.C. 6-14, as amended, as

well as with this subchapter. The Board hereby incorporates by reference all rules and regulations established by the Indiana State Department of Health regarding the operation of mobile camps as set forth in the Indiana Administrative Code and all such establishments shall abide by said rules and regulations as the now exist and as are amended hereafter. The Health Officer may prohibit the further housing of railroad maintenance of way employees in any mobile camp in Miami County that fails to meet the requirements of this subchapter or the requirements of I.C. 16-19-3 and 410 I.A.C. 6-14, as amended.

(Ord. 7-19-2010, passed 7-19-10)

§ 113.23 APPLICATION AND PERMIT FEES.

(A) *Fees.* Prior to the issuance of any permit, each permittee shall first tender to the Treasurer of Miami County, Indiana, a fee or fees, which shall be deposited into the Miami County Board General Fund for each such operation in accordance with the classification as established in the following schedule of fees.

1-10 total cars in the mobile camp system	\$465
11-20 total cars in the mobile camp system	\$620
21 or more total cars in the mobile camp system	\$775

(B) If, upon application, the total numbers of cars submitted and paid for is not correct as determined upon actual on-site inspection and the actual total number of cars is higher, the late fee of \$250 will automatically be assessed in addition to the difference between the fee paid and the fee owed based on the actual number of cars, and payment will be required within 24 business hours. If unpaid, the mobile camp will be immediately closed upon the expiration of that 24-hour period. (Ord. 7-19-2010, passed 7-19-10)

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§ 113.24 INSPECTIONS.

Frequency of inspection. The Miami County Health Department will inspect mobile camps within two business days or as soon after that as is possible upon permit of application of the mobile camp operator and as often thereafter as necessary to ensure compliance with all applicable regulations with regard to operations as set forth in this subchapter. (Ord. 7-19-2010, passed 7-19-10)

§ 113.25 VIOLATIONS.*(A) Procedure when violations are noted.*

(1) If, during the inspection of any mobile camp the Health Officer discovers the violation of any provision of this subchapter or 410 I.A.C. 6-14 (or as amended hereafter), he or she shall issue a written report listing such violations and the remedial action(s) to be taken. A copy of the report shall be delivered to the permittee by hand delivering the report to him or her on-site, or mailing the notice by certified mail to the address listed by the permittee as his, her, or its mailing address on the permit application.

(2) A copy of the written order shall be filed in the records of the Department.

(B) Permit suspension/closure. The Health Officer may order the suspension of any permit issued for a mobile camp which order shall include the prohibition of any further residential occupancy or preparing/serving of food or beverages for the following reasons:

(1) Interference with the Health Officer, or his or her authorized representatives, in performance of his or her duties. **INTERFERENCE** shall be defined as the process of obstructing, hampering or blocking the Health Officer in the performance of his or her duties.

(2) As a result of the willful and/or continuous violation of any provisions of this subchapter or applicable Indiana Administrative Code. (Ord. 7-19-2010, passed 7-19-10)

§ 113.26 OTHER PERMIT REVOCATION, SUSPENSION AND CLOSURE ORDERS.

(A) No permit suspension or revocation shall be ordered by the Health Officer except after a hearing is held.

(B) Notwithstanding any other provisions of this subchapter, whenever the Health Officer, or his or her authorized representatives, find unsanitary or other conditions, involving the operation of any mobile camp operation which, in his or her reasonable belief, constitutes an imminent health hazard, he or she shall, without notice or hearing, issue and serve a written order upon the permittee requiring the immediate closure of its operations, shall cite the existence of said unsanitary condition(s) and shall specify the corrective action(s) actions to be taken.

(1) Such order shall be effective immediately.

(2) Upon written request to the Health Officer, the permittee shall be afforded a hearing on the next business day as set forth in this subchapter.

(3) The Health Officer or his or her representative shall make a reinspection upon the request of the permittee during normal (Health Department) business hours. When the Health Officer determines that the necessary corrective action(s) have been taken, operation of the mobile camp may be resumed. (Ord. 7-19-2010, passed 7-19-10)

§ 113.27 HEARING.

(A) All hearings required under this subchapter shall be held only upon at least ten days' written notice to the permittee of time, place and nature

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thereof. The notice of hearing shall be served upon the permittee by leaving or mailing by certified mail the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Health Officer.

(B) At any hearing required under this subchapter, every person who is a party to such proceedings shall have the right to submit evidence, to cross-examine witnesses and to be represented by legal counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitive evidence may be excluded.

(C) Upon the conclusion of such hearing, the Health Officer shall enter a final order, subject to appeal in this subchapter.
(Ord. 7-19-2010, passed 7-19-10)

§ 113.28 APPEAL.

(A) Any permittee aggrieved by any final order of the Health Officer shall be entitled to review of the final order before the Board of Health (hereinafter "Board") by filing a written request therefor with the Secretary of the Board within 15 days after such final order is issued.

(B) Upon the Health Officer's receipt of such request, the Board shall hear the matter de novo in an open hearing after at least ten days' written notice of the time, place and nature thereof to the Health Officer and permittee by leaving or mailing by certified mail the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Secretary of the Board.

(C) The notice of hearing shall be served upon the permittee by leaving or mailing by certified mail the notice to the address listed on the permit application as the permittee's mailing address or such other address as the permittee shall designate in writing to the Secretary of the Board.

(D) At such hearing, the same rules of procedure shall apply as in the case of the hearing before the Health Officer, provided, that upon written request by the permittee or the Health Officer, the Board shall cause the proceedings before it to be recorded by a reporter employed for such purpose, and the same, together with all papers and documents filed therein, shall, at the request of either party be reproduced by the Board in the form of a transcript, a copy of which shall be available to any party.

(E) The expense of such proceedings shall be charged to the permittee who applied for the review, except that copies of transcripts shall be at the expense of the party requesting the same. At the time the transcript is requested, the Board may require the permittee to pay a deposit in an amount determined by the Board to be necessary to secure such expense(s).

(F) The Board shall make written findings of facts and shall enter its final order or determination of the matter in writing.
(Ord. 7-19-2010, passed 7-19-10)

§ 113.98 ENFORCEMENT.

(A) *Enforcement.* It shall be the duty of the Health Officer or his or her representative(s) to enforce the provisions of §§ 113.20 through 113.28 and all applicable state statutes in this regard. Any permit issued in conflict with the provisions of this subchapter shall be null and void. A violation of an order issued by the Health Officer or Board shall be considered to be a violation of this subchapter.

(B) *Violations.* Whenever the Health Officer determines that any mobile camp or mobile camp personnel or any other person, is in willful violation of any of the provisions of this subchapter, the Health Officer shall furnish evidence of said willful violation to the Prosecuting Attorney of Miami County, Indiana or the attorney for the Board who shall seek all appropriate legal remedies against the person(s) violating said provisions of this subchapter.

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(C) *Injunction.* The Health Officer may bring an action for an injunction in the Circuit or Superior Court of Miami County, Indiana, to restrain any person from violating the provisions of this subchapter, to cause such violation(s) to be prevented, abated or removed.

(D) *Expense.* Any person violating any of the provisions of this subchapter shall be liable to the Miami County Health Department for the expense, loss or damage occasioned by reason of such violation, including reasonable attorney's fees and costs.

(E) *Cumulative.* The remedies provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

(Ord. 7-19-2010, passed 7-19-10)

§ 113.99 PENALTY.

(A) (1) The regulatory authority may issue a fine for each violation of §§ 113.01 through 113.09 not in excess of \$2,500.

(2) In addition to any civil penalty that may be imposed under Indiana law, any person who violates any provisions of §§ 113.01 through 113.09 may be assessed a civil penalty in compliance with 410 I.A.C. 7-23-1 entitled "Schedule of Civil Penalties" a copy of which is attached to Ord. 7-18-05 and is incorporated herein by reference.

(3) All fines shall be paid to the Miami County Clerk's Office with all funds received being placed in a non-reverting fund.

(4) If permit applicants fail to submit application seven days prior to the applicable event, a \$25 late fee shall be assessed.

(B) Any person who willfully violates any of the provisions of §§ 113.20 through 113.28 shall be

subject to a fine of not more than \$500 for each violation. Each day of the existence of any violation of §§ 113.20 through 113.28 shall be considered to be a separate violation.

(Ord. 5-23-05, passed 5-23-05; Am. Ord. 7-18-05, passed 7-18-05; Am. Ord. 7-19-2010, passed 7-19-10)

APPENDIX A

ANNUAL FEE SCHEDULE

Retail food establishments and bed and breakfast	\$50
Temporary retail food establishment	\$10 per day not to exceed \$30 per event beginning January 1, 2006. Temporary permit submit 7 days prior to event of pay \$25 late fee
Late fee (assessed on any permit not renewed within 30 days following expiration date)	\$25

(Ord. 5-23-05, passed 5-23-05; Am. Ord. 7-18-05, passed 7-18-05)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

130.01 Deadly weapons; possession

130.02 Smoking prohibited

§ 130.01 DEADLY WEAPONS; POSSESSION.

(A) Pursuant to I.C. 36-1-3, entitled "Home Rule," the County Board of Commissioners hereby elect to establish a policy prohibiting possession of a deadly weapon by all person, except law enforcement officers and acting judges of County Circuit and Superior Courts within the county government buildings and/or upon the property immediately surrounding the buildings.

(B) The County Sheriff or any of his or her deputies shall establish reasonable procedures to carry out the terms and conditions of this section.

(C) The County Sheriff and/or any law enforcement officers may detain any person based upon a reasonable suspicion they believe possesses a deadly weapon in violation of this section, for a sufficient amount of time to obtain the proper name, address, date of birth, social security number, facilitate compliance with this section and/or seize the deadly weapon, if necessary.

(D) Any person who enters or attempts to enter any government building or the parcels of property contiguous thereto, consents to a limited search by a metal detector of his or her person, possessions or files and waives any and all claims he or she may have to be free from search and/or seizure for a deadly weapon.

(E) Any person, in lieu of being detained by the County Sheriff or representative of the Sheriff may immediately leave the premises of the government building.

(F) This section shall not apply to any full-time law enforcement officers employed by a unit of government while on active duty or acting judges of County Circuit and Superior Courts who lawfully possess a weapon on the property of the government.

(G) This section shall in no way limit or restrict any law enforcement officer from performing his or her lawful duties on or about government premises. (Ord. 6-5-00A, passed 6-5-00) Penalty, see § 10.99

§ 130.02 SMOKING PROHIBITED.

(A) Upon request and receipt of information regarding smoking in and around all county-owned facilities, the Board of Commissioners effective 11-1-02 designate all county-owned properties and facilities as smoke-free working environments.

(B) Therefore, smoking shall be prohibited within 25 feet of the entrances to all county-owned property and within all county-owned facilities.

(C) Persons found to be in violation of this section may receive fines of up to \$500. (Ord. 11-4-02, passed 10-7-02) Penalty, see § 10.99

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TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS; CONSTRUCTION

151. FLOOD DAMAGE PREVENTION

152. PLANNING

153. ZONING

CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

Section

General Provisions

150.58 Exceptions

150.01 Encroachments on rights-of-way

Unsafe Buildings

150.15 Purpose

150.16 Definitions

150.17 Nuisance declared

150.18 Enforcement authority; powers

150.19 Conditions

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Addressing and Naming Roads

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150.46 Enforcement

Construction Registration and Performance Procedures

150.55 Definitions

150.56 Registration

150.57 Registry

- 150.59 Eligibility
- 150.60 Permit issuance
- 150.61 Suspension or revocation
- 150.62 Fees
- 150.63 Construction procedures
- 150.64 Inspections
- 150.65 Structural
- 150.66 Penalties
- 150.67 Appeals

Cross-reference:

ADA accessibility standards adopted, see § 34.10

Building and Zoning Department, see § 36.03

Building Commission, see Chapter 36

Planning, see Chapter 152

Weeds and Grass, see Chapter 91

§ 150.01 ENCROACHMENTS ON RIGHTS-OF-WAY.

It shall be unlawful for any landowner or occupants of land adjoining a county road or highway to encroach upon the established road or highway right-of-way by planting crops or otherwise using real estate within the established right-of-way of county roads and highways which have been established for use of the public. Where there is found to be doubt as to the property line which is established between the highway right-of-way and the adjacent real estate, it shall be the duty of the landowner or occupant of the adjacent land to properly establish by survey the line of the right-of-way which by this section is not to be encroached upon.

(Ord. 3-1-93, passed 3-1-93) Penalty, see § 10.99

GENERAL PROVISIONS

UNSAFE BUILDINGS**§ 150.15 PURPOSE.**

This subchapter regulates the control of unsafe and unsanitary buildings and residences within the county providing for violations.

(`82 Code, § 3-44-1)

enforcement authority, to be unsafe, as defined in § 150.19, are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, removal or curing unsanitary conditions.

(`82 Code, § 3-44-3)

§ 150.16 DEFINITIONS.

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

ENFORCEMENT AUTHORITY. The Board of County Commissioners or the Zoning Administrator acting in an advisory capacity on behalf of the County Commissioners.

HEARING AUTHORITY. A person or persons designated as such by the executive of the county. An employee of the enforcement authority may not be designated as the ***HEARING AUTHORITY.***

SUBSTANTIAL PROPERTY INTEREST. Any right in real property that may be affected in a substantial way by actions authorized by this subchapter, including a fee interest, a life estate interest, a future interest, a present possessory interest or an equitable interest of a contract purchaser. (`82 Code, § 3-44-2) (Am. Ord. 8-25-97, passed 8-25-97)

§ 150.17 NUISANCE DECLARED.

All buildings or portions thereof within the county, which are determined, after inspection by the

**§ 150.18 ENFORCEMENT AUTHORITY;
POWERS.**

The enforcement authority or designee shall be authorized to administer and to proceed under the provisions of this subchapter in ordering the repair or removal of any buildings found to be unsafe or unsanitary, as specified herein, or as specified hereafter.

(` 82 Code, § 3-44-4)

§ 150.19 CONDITIONS.

(A) The description of an unsafe building contained in I.C. 36-7-9-4 is made a part hereof is as follows.

(B) An unsafe building or structure, or any part of a building or structure, is any that is in an impaired structural condition that makes it unsafe to a person or property; a fire hazard; a hazard to the public health; and dangerous to a person or property because of a violation of a statute or ordinance.

(C) Unsafe building condition or maintenance on certain premises, for the purpose of this subchapter, is an unsafe building and the tract of real property on which the unsafe building is located.

(` 82 Code, § 3-44-5)

§ 150.20 SEALING BUILDINGS.

Upon a finding by the enforcement authority that a building or structure is "unsafe," as defined above, in addition to all other powers provided by law, the enforcement authority may, pursuant to I.C. 36-7-9-5(a)(2), proceed to seal the unsafe building against intrusion by unauthorized persons.

(` 82 Code, § 3-44-6)

§ 150.21 VIOLATIONS.

No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect,

construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this subchapter, or any order issued by the enforcement authority.

(⁸² Code, § 3-44-7) Penalty, see § 10.99

established to administer the Unsafe Building Law in the county.

§ 150.22 ORDERS, CONTENTS AND NOTICES.

The enforcement authority may issue an order requiring action relative to any unsafe premises as provided for in I.C. 36-7-9-5 and serve any notice in reference to the orders, as provided for in I.C. 36-7-9-25.

(⁸² Code, § 3-44-9)

§ 150.23 EXPENSES INCURRED.

Any and all expenses incurred by the county in enforcement or curing violation of this subchapter shall be paid by the owner or occupant of the premises upon notice given by the enforcement authority by certified mail, and unless the charges are paid within a period of six months, the expense shall be included upon the tax duplicate and paid as other real estate and personal property taxes in the county.

(⁸² Code, § 3-44-10)

§ 150.24 STATUTORY AUTHORIZATION.

(A) Upon receipt of information concerning the Unsafe Building Law in the county, it has been determined to be necessary to adopt I.C. 36-7-9 in its entirety for use in the control and enforcement of the Unsafe Building Law in the county. Pursuant to I.C. 36-7-9 *et seq.*, the County Board of Commissioners is hereby designated as the executive department

(B) For purposes of definition relating to the county's Unsafe Building Law, "substantial property interest" shall be defined as any right in real property that may be affected in a substantial way by actions authorized by I.C. 36-7-9 *et seq.*, including a fee interest, a life estate interest, a future interest, a present possessory interest or an equitable interest of a contract purchaser.

(Ord. 11-1-99B, passed 11-1-99)

ADDRESSING AND NAMING ROADS

§ 150.35 TITLE.

This subchapter shall be known and may be cited as the "County Addressing Subchapter."

(Ord. 10-27-97, passed 10-27-97)

§ 150.36 COMPLIANCE.

No structure shall be assigned an address or street name in any manner whatsoever in the unincorporated areas of the county, except in full compliance with all provisions of this subchapter.

(Ord. 10-27-97, passed 10-27-97)

§ 150.37 PURPOSE.

(A) The purpose of this subchapter shall be to set standards for residences and other structures for numbering and road naming in the county and establishing authority and methods to be used when assigning addresses to properties in the county.

(B) These standards shall be used to provide continuity, avoid duplication and prevent general confusion regarding the location of developed parcels of land in the county.

(Ord. 10-27-97, passed 10-27-97)

§ 150.38 APPLICATION.

It is not intended by this subchapter to interfere with, abrogate or amend any covenants or other agreements between parties, nor is it intended by this subchapter to repeal, abrogate or annul or in any way interfere with existing provisions of laws or ordinances not specifically repealed by this subchapter.

(Ord. 10-27-97, passed 10-27-97)

where the next highest block number designation is used.

CUSTOMER. A family, individual, residence, business or industry which receives mail at a delivery point.

§ 150.39 JURISDICTION.

This subchapter shall apply to all unincorporated land, lots and residences within the county.

(Ord. 10-27-97, passed 10-27-97)

§ 150.40 DEFINITIONS.

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

ADDRESSING PLANNING AUTHORITY.

The County Commissioners shall serve as the coordinating body in the county with the responsibility for assigning street addresses within its jurisdiction. The agency shall coordinate its addressing efforts with the Plan Commission and any other entity it feels appropriate.

APARTMENT. A single structure containing three or more dwelling units.

BASE LINES. Existing recognizable lines which divide the county into quadrants or sections.

BLOCK INTERVALS. The hundred number interval is the distance between grid lines or the point

DUPLEX. A structure containing two dwelling units.

FRONTAGE INTERVAL. The distance in foot frontage along a street, highway or county road which is used to assign consecutive property numbers, beginning from the nearest grid or base line. The address system used by the county assumes a frontage interval of 10.56 feet.

GRID LINES. Imaginary lines or actual county roads which are located a specific distance from and perpendicular or parallel to base lines. These lines indicate the point where block numbers change from one hundred to the next higher hundred. **GRID LINES** are used to standardize the numbering of parallel blocks at the same distance from base lines.

LOT. A lot is a designated parcel, tract, development or area of land which is either now being or will be used eventually for construction of a structure.

MOBILE HOME PARK. An area of land on which five or more mobile homes are regularly accommodated with or without charge.

OUT-OF-BOUNDS ADDRESS. An out of bounds address is a term used by the U.S. Postal Service to designate addresses that are out of sequence with surrounding addresses. Often, this occurs when mailboxes are located on the back street of a property that faces another street or on a corner lot.

PRIMARY ADDRESS NUMBER or CITY-TYPE ADDRESS. The numeric or alphanumeric component of a city-type address which precedes the street name.

PRIVATE ROAD. A road which has three or more addressable structures and is not a county maintained road.

STRIP MALL. A commercial structure which has multiple tenants.

STRUCTURE. A residential home, apartment building, business or commercial building, industrial or manufacturing building, bridge or publicly owned building which fronts onto a public street or road. (Ord. 10-27-97, passed 10-27-97)

(C) Existing county road/street names will be retained where feasible. Some names will have to be changed to correct duplications, multiple names of the same road or other factors causing confusion. Road names will be used to delineate an assumed distance

§ 150.41 NUMBERING SYSTEM.

(A) Advantages of a property address numbering system a street numbering system and corresponding property addresses provide individual structures with an exact geographic location in the county. City-type street/road addresses are necessary in order to provide a structure with a specific and more accurate identification for efficient mail delivery; to provide an easily identified geographic reference point for quick dispatch of police, fire and emergency rescue equipment; to provide utility companies with a permanent address record for billing and service calls tied to a specific structure; and to provide ease of location identification for friends, service vehicles or other individuals trying to locate a specific structure or a county road. A number should make it easy for anyone to find the location of a county road or residential property in a short period of time and allow for this subchapter. A systematic expansion of address numbers as community growth occurs.

(B) The grid coordinate system will structure the naming of its road system and the issuance of property addresses based on the "Lyman/Purdue Street Numbering System." The system is better known as the grid coordinate system. The system utilizes two base lines which run at approximate right angles to each other to divide the county into quadrants. Most of the county roads are numbered based on their distance from the north/south and east/west base lines.

from the base line. For example, County Road 250 south delineates that the road runs east/west at a distance of two and one-half miles south of the center of the county. Private roads will be numbered or named as prescribed above and will be identified in the form "PR XXX." The County Commissioners will give final approval of all road names to be used and a map of the road names of the county will be maintained.

for assigning individual apartment numbers.

(D) (1) Street addresses are assigned in increasing order from each base and grid line. There are approximately 50 address numbers that will be available for each side of the road within each tenth of a mile. All of those available numbers will probably not be needed, depending on the density of development along the street/road.

(2) Therefore, addresses occur at each 10.56 foot interval. A specific street/road address is determined by measuring the number of 10.56 foot intervals between the grid line to the front entrance of the structure.

(3) Crooked roads and roads running at angles will be addressed with names not numbers.
(Ord. 10-27-97, passed 10-27-97)

§ 150.42 PROPERTY ADDRESSING.

(A) (1) All residences, commercial, industrial and public structures located in the county shall be assigned a permanent city-type street address.

(2) Structures located on the north side of an east/west road and those located on the west side of a north/south road shall have an even numbered property address. Structures located on the south side of an east/west road and those located on the east side of a north/south road shall have an odd number.

(3) Apartment buildings will be assigned one street address and the owner will be responsible

(4) Strip malls will be assigned one street address for the structure and the owner will be responsible for providing suite numbers for individual tenants.

(5) Mobile home parks will be provided a street address for the main park entrance and the park owner will be responsible for providing lot numbers for individual units.

(6) In all situations, the Planning Department shall make the final determination of which street/road will be used for an address. The criteria for this determination will be based on the layout of the property, layout of the structure and other factors that may affect emergency services and mail delivery. Street addresses are to be assigned based on measurement of the distance from the grid line to a line perpendicular to the address road/street that intersects the structure or the entrance to the property that contains the structure.

(B) An official street address shall contain no more than five digits with the first or the first two digits if the structure is located ten miles or more from a baseline, indicating the milepost or distance from the baseline. The third digit from the right shall indicate the block number which change every 528 lineal feet. The last two digits indicate the number of 10.56 foot intervals from the structure to the nearest block or grid line.

(C) (1) Once a property address has been assigned by the county plug department to a specific structure, it shall be the responsibility of the property owner to prove visible and current address numbers on both the structure and on the mailbox.

(2) The letters and numbers on the mailbox shall be in compliance with U.S. postal

regulations and recommendations. The lettering shall be at least two and one-half inches in height. The lettering shall be of the reflective type. The address shall be placed on both sides of the mailbox. In cases where an

address is considered an "out-of-bounds" address, the address name of the road/street shall also be placed on both sides of the mailbox.

(B) The Plan Commission shall have final approval in the naming of streets in platted

(3) The letters and numbers placed on structures shall be at least three inches in height. The letters and numbers shall be placed on the mail level in a location which faces the street upon which it is addressed and near a main entry way and placed higher than the height of the entry way. The lettering shall be of the reflective type. If side or back entry ways open to a street, road or alley different from the address, the side of the structure shall also have the full address, including address road/street name, properly displayed. In situations where the mailbox is not located at the entrance to the property and address numbers on the structure are not easily visible from the road/street. A sign displaying the address with at least two and one-half inch lettering shall be placed at the entrance to the property. The lettering shall be of the reflective type. The sign, if private residence, can be numbering on a post permanently placed in the ground at a specified distance from the road/street as designated by the Highway Department.

(Ord. 10-27-97, passed 10-27-97)

§ 150.43 RESPONSIBILITY.

(A) In the unincorporated areas of the county, the responsibility for the issuance of street addresses shall be assigned to the staff of the Plan Commission or Department. I.C. 36-7-4-405 grants the Plan Commission the power to prescribe a numbering system, assign street names and approve the naming of all streets in platted subdivisions. The Plan Commission shall issue and keep a permanent record of all issued property addresses with local postal authorities and E-911 personnel. Determination of county road and highway names or changes in the names shall be the sole responsibility of the County Commissioners.

subdivisions, mobile home parks, commercial or industrial business parks and the like under its jurisdiction. Local incorporated communities shall have final approval in the naming of roads and subdivision streets located within their corporate boundaries.

(Ord. 10-27-97, passed 10-27-97)

eliminated and city-type addresses shall be assigned to all structures and shall follow the existing address system now in place in the community or develop a logical system which utilizes similar north/south and east/west base lines, as described in § 150.41.

(Ord. 10-27-97, passed 10-27-97)

§ 150.44 REQUIREMENTS.

A person or business who submits an application to build a new structure in the county shall submit a plat or site plan as is normally required to obtain a building permit. Prior to issuance of a building permit, the Plan Commission staff shall issue an official permanent street/road address for the structure. It is the official address that will be forwarded to postal officials, E-911, the County Auditor and local utilities. No other address shall be used for identification of the structure. In no case shall an individual or business be permitted to assign an address to their property or a structure on the property.

(Ord. 10-27-97, passed 10-27-97)

§ 150.45 INCORPORATED CITIES AND TOWNS.

The Plan Commission and the County Commissioners do not have jurisdiction over the implementation of numbering systems within the incorporated cities and towns in the county. Numbering in these areas shall be the responsibility of the local plan commission, town board or city council. The County Commissioners can require city-type property addresses in those incorporated communities. The rural route and box system now in place in some incorporated communities shall be

§ 150.46 ENFORCEMENT.

The readdressing project is designed to replace all rural route addresses within the county's jurisdiction with new addresses described in this subchapter. Upon completion of the readdressing project, all properties within the jurisdiction of the county shall be required to be in full compliance of this subchapter within 90 days of the completion of the entire project even if not assigned a new address. (Ord. 10-27-97, passed 10-27-97)

***CONSTRUCTION REGISTRATION
AND PERFORMANCE PROCEDURES***

§ 150.55 DEFINITIONS.

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

CONTRACTOR. Any and all persons engaging for remuneration in the building construction business of new construction, repair, alteration, remodeling or HVAC.

(Ord. 3-14-05, passed 3-14-05)

§ 150.56 REGISTRATION.

(A) All building/service trade contractors or subcontractors shall be required to register annually with the Building Commissioner's office and obtain a contractor registration permit prior to commencing any site preparations, construction, alteration, repair or maintenance of buildings or structures within the county.

(B) Each and every contractor, as defined in § 150.55, shall pay an annual contractor registration fee to be established by ordinance of the Board of Commissioners.

(Ord. 3-14-05, passed 3-14-05)

§ 150.57 REGISTRY.

The Building Commissioner shall maintain a registry of all persons, partnerships or corporations which apply for contractor registration permits and all persons, partnerships or corporations which receive permits.

(Ord. 3-14-05, passed 3-14-05)

business organization has not had any other agent of said partnership, corporation or business organization issued a permit pursuant to this subchapter suspended or revoked within the 12 months preceding the date of application.

(Ord. 3-14-05, passed 3-14-05)

§ 150.58 EXCEPTIONS.

Any and all public utilities companies which perform work exclusively for a local government entity or public utilities shall be exempt from the requirements of this subchapter.

(Ord. 3-14-05, passed 3-14-05)

§ 150.59 ELIGIBILITY.

All persons, partnerships, corporations and other legal entities shall be entitled to receive a contractor registration permit upon meeting the following criteria:

(A) Having filed an application for permit form, including the name, address, phone number and legal business organization of the contractor and/or entity performing the work;

(B) Having provided proof of workmen's compensation insurance coverage in the amount of at least \$100,000 per employee per incident;

(C) The person, partnership, corporation and/or business organization has not had a contractor registration suspended or revoked within the 12 months preceding the date of application; and

(D) The person, partnership, corporation or

§ 150.60 PERMIT ISSUANCE.

(A) The contractor registration permit shall be issued by the Building Commissioner.

(B) All contractor registration permits shall be in effect for and during the year of application.

(C) No contractor registration permits issued pursuant to this subchapter shall be assigned or transferable.

(Ord. 3-14-05, passed 3-14-05)

§ 150.61 SUSPENSION OR REVOCATION.

The Building Commissioner may suspend or revoke any contractor registration permit issued pursuant to this subchapter upon finding any of the following:

(A) The applicant made any materially false or fraudulent statement of fact on the permit application or registration;

(B) The person, partnership, corporation and/or business organization have been found, after inspection, to have repeatedly failed to comply with the County Building Code and/or any provisions of state law;

(C) The registration holder fails to correct a violation of the County Building Code and/or state law after receipt of notice of violation and/or revocation of a permit or stop-work order issued pursuant to this subchapter;

(D) Upon a finding by the County Building Commissioner of consistent failure to timely file certificates of completion and compliance as required by this subchapter and/or the County Building Code;

(E) The contractor, partnership, corporation and/or business organization failed to obtain all inspections required by the County Building Code along with this subchapter;

(F) Any knowing violation of a stop-work order issued by the County Building Commissioner pursuant to this subchapter or the County Building Code; or

(G) Any other violation of this subchapter or the County Building Code.
(Ord. 3-14-05, passed 3-14-05)

installed at each registered site in which a permit has been issued in conjunction with the initial grading of the site; and

(D) Each construction site must contain a restroom facility within 400 feet of each construction site.
(Ord. 3-14-05, passed 3-14-05)

§ 150.62 FEES.

A schedule of fees shall be established by separate ordinance of the Board of Commissioners upon recommendation of the County Building Commission. The separate schedule of fees, once established, shall be used in conjunction with and be considered a part of this subchapter.
(Ord. 3-14-05, passed 3-14-05; Am. Ord. 7-1-2005, passed - -)

§ 150.63 CONSTRUCTION PROCEDURES.

All registered contractors performing work within the county shall apply for a building permit prior to initiating any construction and shall follow the following procedures when applying for and obtaining a building permit:

(A) Submit two copies of all construction and site plans along with two sets of blueprints to the Building Commissioner's office;

(B) All building permits issued by the County Building Commission shall be posted in a conspicuous place visible from the road on the premises and shall remain posted during the entire period of construction;

(C) A temporary construction entrance must be

§ 150.64 INSPECTIONS.

The following inspections shall be conducted and approved by the Building Commissioner at each construction site prior to issuance of a certificate of occupancy:

(A) All footings must be inspected prior to each pour;

(B) The foundation must be inspected prior to each pour; and

(C) The under slab must be inspected after back fill and prior to pour.
(Ord. 3-14-05, passed 3-14-05)

§ 150.65 STRUCTURAL.

(A) The HVAC, plumbing and electrical must be inspected prior to installation of insulation or drywall.

(B) The final inspections shall include grading and sidewalk inspection prior to issuance of the certificate of occupancy.

(C) No structure shall be occupied until such time as all inspections have been made and a certificate of occupancy has been issued by the County Building Commissioners.
(Ord. 3-14-05, passed 3-14-05)

§ 150.66 PENALTIES.

Any person found to be in violation of any provision of this subchapter may be punished by a fine not to exceed \$2,500, unless noted in each specific section of this subchapter, and if such violation is continued, each day's violation shall be considered a separate offense. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this subchapter.
(Ord. 3-14-05, passed 3-14-05)

§ 150.67 APPEALS.

(A) Any person aggrieved by an order issued pursuant to this subchapter shall have the right to petition for review to the Building Commission upon filing a petition for appeal pursuant to I.C. 36-7-8-9.

(B) A person aggrieved by decision of the County Building Commission may appeal as in any other civil action.

(C) The appellant must, by registered mail, give the county executive a 15-day written notice of intention of appeal. This notice must concisely state

the appellant's grievance.

(D) The initial appeal shall be to the County Building Commission; any decision of the County Building Commission may be appealed to a court of competent jurisdiction via judicial review of the order.

(Ord. 3-14-05, passed 3-14-05)

CHAPTER 151: FLOOD DAMAGE PREVENTION

Section

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Cross-reference:

Emergency Management, see Chapter 33

Planning, see Chapter 152

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GENERAL PROVISIONS

B

§ 151.01 STATUTORY AUTHORIZATION.

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The Indiana Legislature has in I.C. 36-7-4 and I.C. 14-28-4 granted the power to local government units of government to control land use within their jurisdictions. Therefore, the Miami County Commissioners do hereby adopt the following floodplain management regulations. (Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.02 FINDINGS OF FACT.

(A) The flood hazard areas of Miami County are subject to periodic inundation which results in loss of

life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage.
(Ord. 09-17-12, passed 09-17-12)

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

§ 151.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

(D) Control filing, grading, dredging, and other development which may increase erosion or flood damage.

(F) Make federally subsidized flood insurance available for structures and their contents in the county by fulfilling the requirements of the National Flood Insurance Program.
(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.04 OBJECTIVES.

The objectives of this chapter are:

(A) To protect human life and health.

(B) To minimize expenditure of public money for costly flood control projects.

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(D) To minimize prolonged business interruptions.

(E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.

(F) To help maintain a stable tax base by provided for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

(G) To ensure that potential homebuyers are notified that property is in a flood area.
(Ord. 09-17-12, passed 9-17-12)

§ 151.05 DEFINITIONS.

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

A ZONE. Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In **A ZONES**, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as **ZONE A, ZONE AE, ZONES AI-A30, ZONE AO, ZONE AH, ZONE AR** and **ZONE A99** on a FIRM or FHBM. The definitions are presented below:

(1) **ZONE A.** Areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

(2) **ZONE AE** and **AI-A30.** Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (**ZONE AE** is on new and revised maps in place of **ZONES AI-A30.**)

(3) **ZONE AO.** Areas subject to inundation by 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply,

(4) **ZONE AH.** Areas subject to inundation by 1% annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

(5) **ZONE AR.** Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

(6) **ZONE A99.** Areas subject to inundation by the 1% annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. **ZONE A99** may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. **ACCESSORY STRUCTURES** should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of **ACCESSORY STRUCTURES** are detached garages, carports,

storage sheds, pole barns, and hay sheds.

ADDITION (TO AN EXISTING STRUCTURE). Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING. A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD ELEVATION (BFE). The elevation of the 1% annual chance flood.

BASEMENT. That portion of a structure having its floor sub-grade (below ground level) on all sides.

BUILDING. See **STRUCTURE**.

COMMUNITY. A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

COMMUNITY RATING SYSTEM (CRS). A program developed by the Federal Insurance Administration to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great. **CRITICAL FACILITIES** include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including but not limited to:

(1) Construction, reconstruction, or placement of a structure or any addition to a structure;

(2) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;

(3) Installing utilities, erection of walls and fences, construction of roads, or similar projects;

(4) Construction of flood control structures such as levees, dikes, dams, channel improvements, and the like;

- (5) Mining, dredging, filling, grading, excavation, or drilling operations;
- (6) Construction and/or reconstruction of bridges or culverts;
- (7) Storage of materials; or
- (8) Any other activity that might change the direction, height, or velocity of flood or surface waters.

DEVELOPMENT. Does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

ELEVATED STRUCTURE. A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

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EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community’s first floodplain ordinance.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites

ELEVATION CERTIFICATE. A certified statement that verifies a structure’s elevation information.

EMERGENCY PROGRAM. The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

ENCROACHMENT. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING CONSTRUCTION. Any structure for which the “start of construction” commenced before the effective date of the community’s first floodplain ordinance.

by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. The Federal Emergency Management Agency.

FIVE-HUNDRED YEAR FLOOD (500-YEAR FLOOD). The flood that has a 0.2% chance of being equaled or exceeded in any year.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS). The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

FLOOD PRONE AREA. Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See **FLOOD.**)

FLOOD PROTECTION GRADE (FPG). The elevation of the regulatory flood plus two feet at any given location in the SFHA. (See **FREEBOARD.**)

FLOODPLAIN. The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The **FLOODPLAIN** includes both the floodway and the fringe districts.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. **FLOODPLAIN MANAGEMENT REGULATIONS** are also referred to as **FLOODPLAIN REGULATIONS, FLOODPLAIN ORDINANCE, FLOOD DAMAGE PREVENTION ORDINANCE,** and **FLOODPLAIN MANAGEMENT**

REQUIREMENTS.

FLOODPROOFING (DRY FLOODPROOFING). A method of protecting a

structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight

to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

FLOODPROOFING CERTIFICATE. A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a registered professional engineer or architect.

FLOODWAY. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

FREEBOARD. A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

FRINGE. Those portions of the floodplain lying outside the floodway.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

HARDSHIP. (As related to variances of this chapter) means the exceptional hardship that would result from a failure to grant the requested variance.

The Miami County Commissioners requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal

preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

INCREASED COST OF COMPLIANCE (ICC). The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage

prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

LETTER OF MAP AMENDMENT (LOMA). An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A **LOMA** is only issued by FEMA.

LETTER OF MAP REVISION (LOMR). An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F). An official revision by letter to an effective NFIP map. A **LOMR-F** provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

LOWEST ADJACENT GRADE. The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include a “recreational vehicle.”

LOWEST FLOOR. The lowest of the following:

- (1) The top of the lowest level of the structure;
- (2) The top of the basement floor;
- (3) The top of the garage floor, if the garage is the lowest level of the structure;
- (4) The top of the first floor of a structure elevated on pilings or pillars;
- (5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - (a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
 - (b) Such enclosed space shall be usable solely for the parking of vehicles and building access.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MAP AMENDMENT. A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

MAP PANEL NUMBER. The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.)

MARKET VALUE. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real

estate market will bear. **MARKET VALUE** can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

MITIGATION. Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of **MITIGATION** is two fold:

- (1) To protect people and structures; and
- (2) To minimize the cost of disaster response and recovery,

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929. As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION. Any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community’s first floodplain ordinance.

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). As adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain,

OBSTRUCTION. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ONE-HUNDRED YEAR FLOOD (100-YEAR FLOOD). The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1%

annual chance flood. See ***REGULATORY FLOOD.***

ONE-PERCENT (1%) ANNUAL CHANCE FLOOD. The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1% annual chance flood. See ***REGULATORY FLOOD.***

PARTICIPATING COMMUNITY. Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

PHYSICAL MAP REVISION (PMR). An official republication of a community's FEMA map to effect changes to base (1% annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

POST-FIRM CONSTRUCTION. Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

PRE-FIRM CONSTRUCTION. Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

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(4) Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

REGULAR PROGRAM. The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

REGULATORY FLOOD. The flood having a 1% chance of being equaled or exceeded in any given

PROBATION. A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations,

PUBLIC SAFETY AND NUISANCE. Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and

year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in § 151.07. The **REGULATORY FLOOD** is also known by the term **BASE FLOOD, 1% ANNUAL CHANCE FLOOD**, and **100-YEAR FLOOD**.

REPETITIVE LOSS. Flood-related damages sustained by a structure on two separate occasions during a ten-year period ending on the date of the event for which the second claim is made, in which

the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

SECTION 1316. That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood prone areas.

SPECIAL FLOOD HAZARD AREA (SFHA). Those lands within the jurisdictions of the Miami County subject to inundation by the regulatory flood. The *SFHAs* of the county are generally identified as

such on the Miami County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated September 28, 2012. (These areas are shown on a FHBM or FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The **ACTUAL START** means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market

value of the structure before the damage occurred.

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SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage” regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a “historic structure,” provided that the alteration will not preclude the structures continued designation as a “historic structure.”

SUSPENSION. The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

VARIANCE. A grant of relief from the requirements of this chapter, which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

VIOLATION. The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically.

WATERCOURSE includes specifically designated areas in which substantial flood damage may occur.

WATER SURFACE ELEVATION. The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

X ZONE. The area where the flood hazard is less than that in the SFHA. **SHADED X ZONES** shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% chance of being equaled or exceeded (the 500-year flood). **UNSHADED X ZONES** (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2%.

ZONE. A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

ZONE A. (See definition for **A ZONE**.)

ZONE B, C, AND X. Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.) (Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03,

passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.06 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all SFHAs and known flood prone areas within the jurisdiction of Miami County.

(Ord. 09-17-12, passed 9-17-12)

§ 151.07 BASIS FOR ESTABLISHING REGULATORY FLOOD DATA.

This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana

Department of Natural Resources for review and approval.

(A) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Miami County shall be as delineated on the 1% annual chance flood profiles in the Flood Insurance Study of Miami County, Indiana and Incorporated Areas dated September 28, 2012 and the corresponding Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated.

(B) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Miami County, delineated as an “A Zone” on the Miami County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated September 28, 2012, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(C) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community’s known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard.

(Ord. 09-17-12, passed 9-17-12)

§ 151.08 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

§ 151.09 COMPLIANCE.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. 09-17-12, passed 9-17-12)

§ 151.10 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.11 DISCREPANCY BETWEEN MAPPED FLOODPLAIN AND ACTUAL GROUND ELEVATIONS.

(A) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(B) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(C) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

(Ord. 09-17-12, passed 9-17-12)

§ 151.12 INTERPRETATION.

In the interpretation and application of this chapter all provisions shall be:

(A) Considered as minimum requirements.

(B) Liberally construed in favor of the governing body.

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 09-17-12, passed 9-17-12)

occasions during a ten-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

(Ord. 09-17-12, passed 9-17-12)

§ 151.13 WARNING; DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of Miami County, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.14 INCREASED COST OF COMPLIANCE.

In order for buildings to qualify for a claim payment under ICC coverage as a “repetitive loss structure,” the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two

ADMINISTRATION

§ 151.25 DESIGNATION OF ADMINISTRATOR.

The Miami County Board of Commissioners hereby appoints the Miami County Zoning Administrator to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.26 PERMIT PROCEDURES.

Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or

proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(A) Application stage.

(1) A description of the proposed development.

(2) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.

(3) A legal description of the property site.

(4) A site development plan showing existing and proposed development locations and existing and proposed land grades.

(5) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.

(6) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.

(7) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(B) *Construction stage.* Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project, (Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

with its spirit and purpose.

(B) Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

§ 151.27 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

(A) The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this chapter. The Administrator is further authorized to render interpretations of this chapter, which are consistent

(1) Review all floodplain development permits to assure that the permit requirements of this chapter have been satisfied.

(2) Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.

(3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to §§ 151.44 and 151.46(A), and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment).

(4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit.

(5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of

such notifications to FEMA.

(6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this chapter.

(7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

(8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 151.26.

(10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with § 151.26.

(11) Review certified plans and specifications for compliance.

(12) Stop work orders.

(a) Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease.

(b) Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(13) Revocation of permits.

(a) The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was

issued is in violation of, or not in conformity with, the provisions of this chapter.

(14) Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and

after construction. Authorized county officials shall have the right to enter and inspect properties located in the SFHA.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

***PROVISIONS FOR FLOOD
HAZARD REDUCTION***

§ 151.40 GENERAL STANDARDS.

In all SFHAs and known flood prone areas the following provisions are required:

(A) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground

anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(C) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.

(D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(E) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(I) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this chapter shall meet the requirements of “new construction” as contained in this chapter.

(J) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this chapter, shall be undertaken only if said non-conformity is not further extended, or replaced.

(K) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of one to one) due to the fill or structure.

(1) The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.

(2) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated

volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.

(3) The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.

(4) The fill or structure shall not obstruct a drainage way leading to the floodplain.

(5) The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.

(6) The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.

(7) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the

excavation and fill sites demonstrating the fill and excavation comply with this subchapter.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.41 SPECIFIC STANDARDS.

In all SFHAs, the following provisions are required:

(A) In addition to the requirements of § 151.40, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

(1) Construction or placement of any new structure having a floor area greater than 400 square feet.

(2) Addition or improvement made to any existing structure:

(a) Where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).

(b) With a previous addition or improvement constructed since the community's first floodplain ordinance.

(3) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.

(4) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

(5) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.

(6) Reconstruction or repairs made to a repetitive loss structure.

(B) *Residential construction.* New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division (D) below.

(C) *Non-residential construction.* New

construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid

foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division (D) below. Structures located in all “A Zones” may be floodproofed in lieu of being elevated if done in accordance with the following:

(1) A registered professional engineer or architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in § 151.27(B)(10).

(2) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(D) *Elevated structures.*

(1) New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

(2) Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

(a) Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

(b) The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(d) Openings are to be not less than three inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.

(e) Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(f) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(g) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.

(h) Where elevation requirements exceed six feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final certificate of occupancy.

(E) *Structures constructed on fill.* A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

(1) The fill shall be placed in layers no greater than one foot deep before compacting to 95%

of the maximum density obtainable with either the Standard or Modified Proctor Test method.

(2) The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.

(3) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.

(4) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(5) The top of the lowest floor including basements shall be at or above the FPG.

(F) *Standards for manufactured homes and recreational vehicles.* Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

(1) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all

manufactured homes to be placed on a site:

(a) Outside a manufactured home park or subdivision;

(b) In a new manufactured home park or subdivision;

(c) In an expansion to an existing manufactured home park or subdivision; or

(d) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.

(2) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist

flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

(3) Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in division (D) above.

(4) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(5) Recreational vehicles placed on a site shall either:

(a) Be on site for less than 180 days;

and

(b) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(c) Meet the requirements for “manufactured homes” as stated earlier in this section. (Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

(A) All subdivision proposals shall be consistent with the need to minimize flood damage.

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

§ 151.42 STANDARDS FOR SUBDIVISION PROPOSALS.

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(D) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.

(E) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

(F) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.43 CRITICAL FACILITY.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be

permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.44 STANDARDS FOR IDENTIFIED FLOODWAYS.

(A) Located within SFHAs, established in § 151.07 are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator

shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of I.C. 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving, and the like, undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (I.C. 14-28-1-26 allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources.) Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

(B) No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in this subchapter have been met. The floodplain development permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

(C) No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot.

(D) For all projects involving channel modifications or fill (including levees) the county shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.45 STANDARDS FOR IDENTIFIED FRINGE.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local floodplain development permit provided the provisions contained in this subchapter have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.46 STANDARDS FOR SFHAS WITHOUT ESTABLISHED BASE FLOOD ELEVATION

AND/OR FLOODWAYS/FRINGES.

(A) *Drainage area upstream of the site is greater than one square mile.*

(1) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

(2) No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the 1% annual chance flood elevation and the recommended flood protection grade has been received from the Indiana Department of Natural Resources.

(3) Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a floodplain development permit may be issued provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this subchapter have been met.

(B) *Drainage area upstream of the site is less than one square mile.*

(1) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and 1% annual chance flood elevation for the site.

(2) Upon receipt, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in this subchapter have been met.

(C) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per this subchapter.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.47 STANDARDS FOR FLOOD PRONE AREAS.

VARIANCE PROCEDURES

§ 151.60 DESIGNATION OF VARIANCE AND APPEALS BOARD.

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this chapter.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.61 DUTIES OF VARIANCE AND APPEALS BOARD.

The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this chapter. Any person aggrieved by the decision of the Board may appeal such decision to the Miami County Circuit Court.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.62 VARIANCE PROCEDURES.

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and;

(A) The danger of life and property due to flooding or erosion damage.

(B) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(C) The importance of the services provided by the proposed facility to the community.

(D) The necessity to the facility of a waterfront location, where applicable.

(E) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

(F) The compatibility of the proposed use with existing and anticipated development,

(G) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

(H) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(I) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.

(J) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(B) No variance for a residential use within a floodway subject to § 151.44 or 151.46(A) may be granted.

§ 151.63 CONDITIONS FOR VARIANCES.

(A) Variances shall only be issued when there is:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary

(C) Any variance granted in a floodway subject to § 151.44 or 151.46 will require a permit from the Indiana Department of Natural Resource.

(D) Variances to the provisions for flood hazard reduction of § 151.41 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(E) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(F) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

(G) Any application to whom a variance is granted shall be given written notice specifying the

difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (see § 151.64).

(H) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (see § 151.64).
(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-04; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.64 VARIANCE NOTIFICATION.

(A) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(B) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.
(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

further the purposes of this chapter.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.65 HISTORIC STRUCTURE.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

(Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

§ 151.66 SPECIAL CONDITIONS.

Upon the consideration of the factors listed in this subchapter, and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to

§ 151.99 PENALTY.

Failure to obtain a floodplain development permit in the SFHA or failure to comply with the requirements of a floodplain development permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Miami County. All violations shall be punishable by a fine not exceeding \$2,500.

(A) A separate offense shall be deemed to occur for each day the violation continues to exist.

(B) The Miami County Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

(C) Nothing herein shall prevent the county from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible. (Ord. 2-27-95, passed 2-27-95; Am. Ord. 2-24-03, passed 2-24-03; Am. Ord. 09-17-12, passed 9-17-12)

CHAPTER 152: PLANNING

Section

152.01 Adoption of regulations

§ 152.01 ADOPTION OF REGULATIONS.

The county's planning regulations and rules are hereby adopted by reference and incorporated as if fully set out herein.

CHAPTER 153: ZONING

Section

153.01 Adoption of regulations

The county's zoning regulations and rules are hereby adopted by reference and incorporated as if set out fully herein.

(Am. Ord. 4-21-09D, passed 4-21-09; Am. Ord. 8-1-2011, passed 8-1-11)

§ 153.01 ADOPTION OF REGULATIONS.

2014 S-3

TABLE OF SPECIAL ORDINANCES

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TABLE I: ZONING MAP CHANGES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Z-878	7-12-78	Rezoning a part of the southeast quarter of Section 13, Township 27 North, Range 3 East, Peru Township from Industrial to A-3 Agriculture
Z-978	9-13-78	Rezoning a part of the northwest quarter of Section 25, Township 26 North, Range 3 East from A-1 Agriculture to G-B General Business
2-20-90	2-20-90	Rezoning a part of the southeast quarter of Section 25, Township 25 North, Range 3 East from A-1 Agriculture to GB General Business
2-26-90	2-26-90	Rezoning certain property from Farm, Confinement Feeding to Farm Confinement Feeding A-1, A-2, and A-3
9-9-91	9-9-91	Rezoning the east half of the southeast quarter of Section 8, Township 27 North, Range 4 East in Jefferson Township, Agriculture to Industrial 2
5-26-92	5-26-92	Rezoning part of the northeast quarter and part of the northwest quarter of Section 12, Township 26 North, Range 4 East, Washington Township from A-1 Agriculture to General Business
52-11-23	11-23-92	Rezoning certain property lots in the 1100 block of West 5th Street between Chicago and Pasadena Streets in West Peru from Residential 1 to General Business
10-18-93	10-18-93	Rezoning a part of the southwest fractional quarter of Section nine (9), Township twenty-six (26) North, Range five (5) East in Butler Township from Agriculture to General Business.

Miami County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
8-15-94	8-15-94	Rezoning part of the west half of the southwest quarter of Section 12, Township 28, Range 3 in Union Township from Agriculture-1 to Industrial-1
10-24-94B	10-24-94	Rezoning part of the northeast quarter of Section 20, Township 26, Range 5E, Butler Township from Agriculture to General Business
10-24-94C	10-24-94	Rezoning part of the west half of the southwest quarter of Section 1, Township 26, Range 3E, Pipe Creek Township from Agriculture-3 to General Business
8-14-95	8-14-95	Rezoning a part of lot 4 in block 3 in the Harrison Grimes addition to the town of Denver from Residential-3 to General Business
2-20-96	2-20-96	Rezoning part of the west half of the southeast quarter of Section 12, Township 26 North, Range 4E, Washington Township from Agriculture-1 to Industrial
5-20-96	5-20-96	Rezoning part of the northwest quarter of the northeast quarter of Section 12, Township 26, Range 4 East, in Washington Township from A-1 Agriculture to G-B General Business
6-24-96	6-24-96	Rezoning part of the northwest quarter of Section 3, Township 25, Range 4E, Clay Township from A-1 Agriculture to GB General Business
10-14-96A	10-24-96	Rezoning certain property in Pipe Creek Township from No Zoning to R-3 Multi-Family Residential
10-14-96B	10-14-96	Rezoning part of the east half of the southeast quarter in Section 24, Township 25, Range 3 East, from A-1 Agriculture to GB General Business

Zoning Map Changes

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3-24-97	3-24-97	Rezoning part of the south half of the southwest quarter in Section 32, Township 28, Range 4 East in Jefferson Township from A-1 Agriculture to GB General Business
1-26-98B	1-26-98	Rezoning certain property in Section 12, Township 26, Range 4E in Washington Township from General Business to Industrial One
6-1-98B	6-1-98	Rezoning certain property extending the two miles jurisdiction for the town of Bunker Hill and to change the zoning maps for Pipe Creek Township
7-20-98	7-20-98	Rezoning part of the northeast quarter of Section 21, Township 27 North, Range 4 East, Peru Township from A1 Agriculture to GB General Business
8-24-98	8-24-98	Rezoning a part of the northeast quarter of Section 1, Township 25, Range 3E, Deer Creek Township from A-1 Agriculture to GB General Business
10-26-98	10-26-98	Rezoning a part of the northeast quarter of Section 1, Township 25, Range 3E, Deer Creek Township, from A-1 Agriculture to GB General Business
12-21-98	12-21-98	Rezoning a part of the northeast quarter of Section 25, Township 25, Range 3E, Deer Creek Township, from A-1 Agriculture to GB General Business
1-25-99A	1-25-99	Rezoning a fractional north half of the southwest quarter in Section 6, Township 26, Range 4 East, from A-1 Agriculture to General Business
1-25-99B	1-25-99	Rezoning a part of land in Pipe Creek Township located on County Road 250 South and between 300 West and 400 West from A-3 Agriculture to R-1 Residential

Miami County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1-25-99C	1-25-99	Rezoning a part of south half of northeast quarter of Section 25, Township 25 North, Range 3 East, Deer Creek Township from L-1 Industrial to GB General Business
2-22-99A	2-22-99	Rezoning a part of the south half of the northeast quarter of Section 25, Township 25 North, Range 3 East, Deer Creek Township from L-1 Industrial to GB General Business
2-22-99B	2-22-99	Rezoning a part of the northeast quarter of Section 25, Township 25, Range 3E, Deer Creek Township from A-1 Agriculture to GB General Business
5-24-99B	5-24-99	Rezoning a part of the east half of the southwest quarter of Section 17, Township 25 North, Range 4 East, Deer Creek Township from General Business to Industrial 1
7-26-99	7-26-99	Rezoning part of the northwest quarter of the southeast quarter in Section 35, Township 29N, Range 3E in Union Township from A-1 Agriculture to GB General Business
10-18-99	10-18-99	Rezoning certain property running along SR 218 and 400 W from A-1 Agriculture to General Business
12-20-99	12-20-99	Rezoning a part of the northeast quarter of Section 25, Township 25, Range 3E, Deer Creek Township from A-1 Agriculture to L-1 Industrial
R. 1-18-00	1-18-00	Resolution granting the Town of Converse, the Town of Bunker Hill, and the City of Peru jurisdiction power and enforcement of all land outside of the corporate boundaries that has been recorded
3-20-00A	3-20-00	Rezoning the Pleasant Hill Road and 100 West from A-1 Agriculture to A-3 Agriculture

Zoning Map Changes

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3-20-00B	3-20-00	Rezoning part of northwest quarter in Section 16, Township 29, Range 5 East, Perry Township from A-1 Agriculture to GB General Business
5-30-00	5-30-00	Rezoning certain property in Pipe Creek Township from No Zoning to Heavy Industrial
10-16-00	10-16-00	Rezoning a fractional part of the southwest quarter of Section 18, Township 25, Range 4 East, Deer Creek Township from A-1 Agriculture to GB General Business
8-26-02	8-26-02	Rezoning part of the northeast quarter of Section 13, Township 27 North, Range 3 East, Jefferson Township from A-1 Agriculture to I-1 Industrial
4-7-03	4-7-03	Rezoning a part of the southwest quarter in Section 9, Township 26 North, Range 4 East, Washington Township from A-1 Agricultural to Light Industrial
8-28-06	8-28-06	Rezoning 5 acres in the Southwest Quarter of Section 13, Township 28, Range 4 East, Jefferson Township from A-3 Agriculture to R-1 Residential
6-20-11	6-20-11	Rezoning 3.114 acres and 1.113 acres in the Southeast Quarter of Section 36, Township 28 North, Range 3 East from A-1 Agriculture to B-3

TABLE II: ECONOMIC REVITALIZATION AREAS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R. 8-20-91B	8-20-91	Confirmatory resolution designating Phase II of Industrial Park Pt SE quarter 15-27N-4E as an economic revitalization area
R. 11-19-91	11-19-91	Confirmatory resolution designating as an economic revitalization area the east half of the southeast quarter of Section 8, Township 27 North, Range 4 East
R. 8-17-93	8-17-93	Declaratory resolution designating the Kiddie Korral Daycare Center as an economic revitalization area
R. 2, 1995	6-28-95	Confirmatory resolution designating part of J.B. Richardville, Jr. Reserve, Township 27 North, Range 4 East, City of Peru, as an economic revitalization area
R. 7-18-95A	7-18-95	Declaratory resolution designating property located at U.S. 24 East, R.R. #6, Peru as an economic revitalization area
R. 7-18-95B	7--18-95	Confirmatory resolution designating property located at U.S. 24 East, R.R. #6, Peru as an economic revitalization area
R. 12-19-95	12-19-95	Declaratory resolution designating the property located at State Road 19 South in Washington Township as an economic revitalization area
R. 1-16, 1996B	1-16-96	Confirmatory resolution designating the property located at State Road 19 South in Washington Township as an economic revitalization area
R. 12-15-98	12-15-98	Declaratory Resolution declaring buildings 190, 21, 48, and 49 located at the Grissom Aeroplex on Hoosier Boulevard in Pipe Creek Township as an economic revitalization area

Miami County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R. 1-19-1999A	1-19-99	Confirmatory Resolution designating buildings 190, 21, 48, and 49 located at the Grissom Aeroplex on Hoosier Boulevard in Pipe Creek Township an economic revitalization area
R. 5-18-99	5-18-99	Declaratory resolution designating North Miami Industrial Park as an economic revitalization area
R. 6-15-99	6-15-99	Confirmatory resolution designating North Miami Industrial Park as an economic revitalization area
R. 9-8-99	9-8-99	Declaratory Resolution designating a part of the east half of the southeast quarter of Section 13, Township 27 North, Range 3 East (Parcel numbers 015-00000-90 and 015-00000-70) as an economic revitalization area
R. 10-19-99A	10-19-99	Confirmatory Resolution designating a part of the east half of the southeast quarter of Section 13, Township 27 North, Range 3 East (Parcel numbers 015-00000-90 and 015-00000-70) as an economic revitalization area
R. 10-19-99B	10-19-99	Resolution amendment designating that Timberland RV Company be granted property tax abatement
R. 8-16, 2005	8-16-05	Declaratory Resolution designating Parcel numbers 015-11200-90, 015-11202-50 and 015-08000-70 as an economic revitalization area
R. 11-15, 2005	11-15-05	Confirmatory Resolution designating Parcel numbers 015-11200-90, 015-11202-50 and 015-08000-70 as an economic revitalization area
R. 71508D	7-15-08	Declaratory Resolution designating the Oldfather Planned Unit Development as an economic revitalization area
R. 3-16-10B	3-16-10	Declaratory Resolution designating property known as 11502 South US 31, Bunker Hill, IN 46914 as an economic revitalization area

Economic Revitalization Areas

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R. 11-29, 2011	11-29-11	Declaratory Resolution designating part of the west half of the southeast quarter of Section 12, Township 28 North, Range 3 East, containing 80 acres, more or less, as an economic revitalization area
R. 12-20, 2011	12-20-11	Confirmatory Resolution designating the property known as West 800 North as an economic revitalization area

TABLE III: VACATIONS AND CLOSINGS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
9-23	9-23-85	Vacating the portion of Howard Street lying east of Main Street located in Waupecong
R. 12-19-88	12-19-88	Vacating the 16 foot alley located between Lots 21, 34, and 35 in the Humrickhouse addition to the town of Bennett Switch
12-26-90V	12-26-90	Vacating a public alley in the Shinn's addition to the town of Converse, IN
2-19-91	2-19-91	Vacating a portion of Monroe Avenue and adjacent alleys in the addition of Bloomfield, IN
2-8-93	2-8-93	Vacating Garfield Street in the town of Denver, IN
1-19-93	1-19-93	Vacating a portion of a public road on lot 858 of part 1 of addition 8 of Wabash River Estates Part II
10-24-94A	10-24-94	Vacating a public alley between lots 21, 22, 39, and 40 in the town of Waupecong, Clay Township
5-15-95	5-15-95	Vacating Constant Street in Railroad addition to the town of Mexico, Jefferson Township
7-17-95	7-17-95	Vacating an easement in addition No. 6, Wabash River Estates, Miami County
12-18-95	12-18-95	Vacating a public alley lying between lots 287 and 218 in Bloomfield addition, Miami County
7-21-97	7-21-97	Vacating a public alley running east and west between lost 24 and 29 in the plat to the town of Santa Fe

Miami County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
3-23-98	3-23-98	Vacating a public alley and certain lots in the town of Birmingham
1-26-98A	1-26-98	Vacating a public alley on Walnut Street in the town of Santa Fe
10-21-98A	10-21-98	Closing portions of CR 210 West and Eel River Cemetery Road
12-14-98	12-14-98	Amending ordinance closing portions of CR 210 West and Eel River Cemetery Road
1-25-99D	1-25-99	Vacating a public alley described as the south part of SE quarter of Section 32, Township 29, Range 4 in Union Township
3-22-99	3-22-99	Vacating a public alley running east to west between Mckee Street and Columbia Street in the town of Macy
4-26-99	4-26-99	Vacating a public alley in the Wilkinson and Powell addition to the town of Macy
5-24-99A	5-24-99	Vacating a public alley in the Railroad addition to the town of Mexico, IN
11-8-99	11-8-99	Vacating Walnut Street running between lots 52 and 53 on the north and 54 and 55 on the south in Isaac Herrell's addition to the town of Miami
12-27-99	12-27-99	Vacating a public alley between lots 181 through 189 to the north and Norfolk Southern Railroad to the south in the city of Peru
5-6-02	5-6-02	Vacating Hammond Street running between lots 9 and 10 on the west and lot 11 on the east in the Hammond addition to Mexico, IN
8-5-02	8-5-02	Vacating a public alley between lots 13 and 14 to the west and lot 15 to the east in the town of Santa Fe

Vacations and Closings

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
7-26-04A	7-26-04	Vacating a 13.2 by 145.2 foot unimproved north-south alley bound on the west by lots 17 and 18, and on the east by lot 19, and also vacating a 13.2 by 277.2 foot unimproved east-west alley bound on the north by lots 17, 19 and 20, all in the original plat of the Town of Waupecong, Clay Township
32-04	9-7-04	Vacating an alley ten feet in width running general north and south between lot 66 and lot 3 in the Sternes subdivision
11-22-04	11-22-04	Vacating an unimproved 15 by 132 foot north-south alley which is bound on the west by lot 69 and on the east by lot 70 in the original plat of the Town of Miami, Deer Creek Township
6-20-05	6-20-05	Vacating an unimproved portion of Fulton Streett, two N-S alleys, and one E-W alley, all in the Highland & Petty Addition in the Town of Waupecong, Clay Township
4-17-06	4-17-06	Vacating a 15' x 132' alley between lots 69 and 70 in the Second Addition to the Town of Miami
8-28-06B	8-28-06	Vacating a 12' x 132' alley bounded on the north by Lot 3 and on the south by Lot 6 in Cowlaws Addition in the Town of North Grove
11-28-11	11-28-11	Vacating four N-S alleys, a part of Carvey Street, and one E-W alley in Carveys Addition to the Town of Macy, Allen Township
11-28-11(A)	11-28-11	Vacating one N-S and one E-W alley in the Town of Santa Fe in Butler Township
2-27-12	2-27-12	Vacating a part of platted unimproved Center Street, bounded on the north by Lot 18, on the south by Lots 24 and 25, on the east by a N-S alley and on the west by South West Street in the Town of Bennets Switch
5-20-13C	5-20-13	Vacating an E-W alley bounded on the north by Lots 214-216, on the south by the north half of Lots 205-207, on the east by North Washington Street, and on the west by a N-S alley in the Town of Deedsville

Miami County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
11-25-13	11-25-13	Vacating part of an unimproved platted 12' wide alley bounded on the north by State Road 19, on the south by Santa Fe Pike, on the east by Lots 1-10 in the Town of Santa Fe, and on the west by part of the Northwest Quarter of Section 29, Township 26, Range 5 East, in Butler Township

TABLE IV: INTERLOCAL AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
--	--	Agreement for interlocal loans; Peru and Miami County loan agreement with All Season Industries, Inc.
5-28-1991	5-28-91	Ordinance establishing a county solid waste management district to be known as the Miami County Solid Waste District
R. 11-15-93	11-15-93	Agreement to participate in Wabash River Heritage Corridor Commission and appoint a member to the Commission
R. 11-27-95	11-27-95	Agreement to participate in Wabash River Heritage Corridor Commission and appoint Ken Einselen as its appointed member
R. 11-24-97	11-24-97	Agreement to participate in Wabash River Heritage Corridor Commission and re-appoint Ken Einselen as its appointed member
R. 2-12-96	2-12-96	Resolution for the "Board of Works" to administer, enforce and handle the control of dogs
R. 1-01	1-4-01	Resolution agreed that Bridge 1481 on County Road 1100 East is in need of replacement
R. 11-10-03	11-10-03	Confirming participation in the Wabash River Heritage Corridor Commission and reappoint Kenneth L. Einselen as its appointed member
R. 1-10-05	1-10-05	Confirming participation in the Wabash River Heritage Corridor Commission and reappoint Kenneth L. Einselen as its appointed member
R. 3-20, 2006	3-20-06	Agreement with Peru Utilities regarding sale of copiers.
R. 1-7-08	1-7-08	Confirming participation in the Wabash River Heritage Corridor Commission and reappoint Kenneth Einselen as its appointed member

Miami County - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R. 10-19-09	10-19-09	Confirming participation in the Wabash River Heritage Corridor Commission and reappoint Kenneth Einselen as its appointed member
R. 3-1-10	3-1-10	Adopting Miami County Multi-Hazard Mitigation Plan
R. 01-07-13	1-7-13	Confirming participation in Wabash River Heritage Corridor Commission and re-appoint Kenneth Einselen as its appointed member
R. 11-12-13	11-12-13	Confirming participation in Wabash River Heritage Corridor Commission and re-appoint Kenneth Einselen as its appointed member

TABLE V: REAL ESTATE TRANSACTIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
12-1-92	11-23-92	Real estate lease of four buildings to American Ready Mix Service, Inc.
R. 0214-94M	2-14-94	Real estate purchase agreement with Addendum previously tendered by Heraeus-Electro Nite Company is accepted
4-19-94	4-19-94	Real estate transfer of part J. B. Richardsville Reserve Parcel numbers 021-92010-20, 021-92010-10, and 021-92010-00 to Miami County Redevelopment Commission
R. 7-23-12	7- -12	Real estate transfer of part of Lot 56 to Salvation Army
R. 12/3, 2012	12-3-12	Sale of part of Northwest Quarter of Section 5, Township 26 North, Range 4 East in Pipe Creek Township adjacent to Business 31 South and Airport Road to abutting landowner

TABLE VI: FRANCHISE AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
7, 1982	9-7-82	Granting a franchise agreement to TeleCable of Kokomo
03-1983	5-3-83	Proposing a cable television franchise agreement to Century Teleview of Indiana, Inc.
6-6-94	6-6-94	Renewing franchise agreement for 15 years with TeleCable of Kokomo

TABLE VII: ENTERPRISE ZONES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R. 1-2-1995	1-27-96	Declaring an enterprise zone consisting of that portion of the former Grissom Air Force Base known as the Grissom Aeroplex, in its entirety
R. 1-16, 1996	1-16-96	Declaring an enterprise zone consisting of that portion of the former Grissom Air Force Base known as the Grissom Aeroplex, in its entirety
R. 11-28-05	11-28-05	Declaring an enterprise zone consisting of that portion of the former Grissom Air Force Base known as the Grissom Aeroplex, in its entirety

TABLE VIII: CONTRACTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R. 5-19-98	5-19-98	Resolution, contract, and agreement entered into by and between the Miami County Council and Prime Products, Inc. providing for interest rate buydown funds
R. 10-21-03	10-21-03	Resolution, contract and agreement entered into by and between the Miami County Council and L & M Metal Stamp, Inc. providing for interest rate buydown funds
R. 10-5-09A	10-5-09	Miami County economic development income tax agreement with Riverside Travel Trailer, Inc.

TABLE IX: EMPOWERMENT ZONES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
R. 9-9-98	9-9-98	Supporting the efforts to secure the Empowerment Zone Designation from the U.S. Department of Agriculture

TABLE X: ANNEXATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
47, 1986	10-6-86	Annexing part of the south half of Section 23 and a part of the north half of Section 26, Township 27 North, Range 4 East

PARALLEL REFERENCES

References to Indiana Code

References to 1982 Code

References to Resolutions

References to Ordinances

REFERENCES TO INDIANA CODE

<i>I.C. Cite</i>	<i>Code Section</i>
1-1-1-5	10.04
1-1-1-7	10.12
1-1-1-8	10.06
1-1-4-5	10.05
1-1-5-1	10.11
1-1-6-1	10.08
4-4-6.1-2	35.03
4-21.5	50.23
5-1-1	37.12
5-3-1	31.02, 37.12
5-13-9-5.7	34.09
5-14-1.5	31.02
5-14-1.5-5	31.02
5-14-1.5-5(d)	33.38
5-14-3-8	35.01
5-14-3-8.3	35.09
5-22	37.01
5-22-22	37.15
5-22-22 <i>et seq.</i>	37.15
5-22-22-6	37.15
5-22-22-7	37.15
5-22-22-10	37.15
5-22-22-45	37.15
6-1.1-12-41	35.41
6-1.1-17	31.02
6-2.5	35.43
6-3.5-6-27	35.42
6-3.5-6-32	35.42
6-3.5-7-25	35.41
6-3.5-7-25(e)	35.41
6-9-18	35.43
6-9-18-6	36.07
6-19-3	113.22
6-20-2-16	113.20
8-6-13	35.44
9-21-1-3	72.01
9-21-5-6	71.02
9-21-13	70.04

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<i>I.C. Cite</i>	<i>Code Section</i>
10-4-1-5(j)	33.17
10-4-1-7	33.35, 33.37
10-4-1-10	33.15, 33.40
10-4-1-10(b)	33.15
10-4-1-10(d)	33.16
10-4-1-15(b)	33.40
10-4-1-17	33.40
10-4-1-23	33.02
10-4-1-23(a)	33.35, 33.37
10-4-1-25	33.40
10-9-1	33.17
10-14-3-29	34.04
11-8-8-21	35.11
13-11-2-77	111.01
13-11-2-81	35.05
13-11-2-180	111.01
13-11-2-205	35.05, 111.01
Title 14, Art. 16, Ch. 1	71.01
14-16-1-1—14-16-1-29	71.01
14-16-1-3	71.01
14-28-1	151.44
14-28-1-26	151.44
14-28-4	151.01
15-5-9-1—15-5-9-7	90.11
15-5-9-1—15-5-9-17	90.12, 90.99
16-37-1-9(d)	35.12
16-42-1—16-42-4	113.01
22-9.5-1 <i>et seq.</i>	92.01
22-9.5-2-1—22-9.5-2-13	92.02
22-9.5-3-1—22-9.5-3-6	92.04
22-9.5-4-8	92.05
22-9.5-5-1—22-9.5-5-8	92.03
22-9.5-6	92.05
33-19-6-20	35.10
34-19-1-1	90.02
35-7-12-7	36.03
35-50-5-4	34.03
36-1-3	35.02, 90.01, 91.01, 130.01
36-1-3-8(a)(10)	10.99
36-2-2-3	31.01
36-2-2-8(a)	33.38
36-2-5-3(a)	33.15

36-2-7-10	35.04
36-2-7-10(b)(5)	35.04
36-2-7-10(b)(6)	35.04

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<i>I.C. Cite</i>	<i>Code Section</i>
36-2-7-10(b)(9)	35.04
36-2-7-10(c)	35.04
36-2-9-18(d)	35.06
36-2-11-14	35.07
36-2-13-15	34.03
36-7-4	36.03, 151.01
36-7-4-308(a)	36.03
36-7-4-311	36.03
36-7-4-401	36.03
36-7-4-405	150.43
36-7-4-918.1	36.03
36-7-4-918.2	36.03
36-7-8-9	150.67
36-7-9	36.03, 150.24
36-7-9 <i>et seq.</i>	36.03, 150.24
36-7-9-2	36.03
36-7-9-3	36.03 36-7-9-4 150.19
36-7-9-5	150.22
36-7-9-18 through 36-7-9-22	36.03
36-7-9-28	36.03
36-7-9-25	150.22
36-7-9-5(a)(2)	150.20
36-7-14.5-12.5	36.04
36-9-27-1 <i>et seq.</i>	36.01

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REFERENCES TO 1982 CODE

<i>1982 Code Section</i>	<i>2001 Code Section</i>
1-2-1	11.01
1-3-1	30.01
1-3-2	30.02
1-3-3	30.03
1-5-1	36.01
1-5-2	36.01
1-5-3	36.01
1-5-4	36.01
1-5-5	36.01
1-5-6	36.01
1-5-7	36.01
1-5-8	36.01
1-5-9	36.01
1-6-1	31.01
1-6-2	31.02
1-8-1	32.01
1-8-2	32.02
1-8-3	32.03
1-8-4	32.04
1-8-5	32.05
1-8-6	32.06
1-8-7	32.06—32.10
1-11-1	34.07
1-11-2	34.07
2-21-1	110.01
2-21-2	110.02
2-21-3	110.03
2-21-4	110.04
2-21-5	110.05
2-21-6	110.06
2-21-7	110.07
2-21-8	110.08
2-21-9	110.09
3-43-1	51.01

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<i>1982 Code Section</i>	<i>2001 Code Section</i>
3-43-2	51.02
3-43-3	51.03
3-43-4	51.15
3-43-5	51.16—51.29
3-43-6	51.04
3-44-1	150.15
3-44-2	150.16
3-44-3	150.17
3-44-4	150.18
3-44-5	150.19
3-44-6	150.20
3-44-7	150.21
3-44-9	150.22
3-44-10	150.23
5-81-1-1	70.01
5-81-1-2	70.02
5-81-1-3	70.03
5-81-1-4	70.04
5-81-2-1	70.05
5-81-2-2	70.05
5-81-2-3	70.05
5-81-2-4	70.05
5-81-3-1	70.06
5-81-3-2	70.06
5-81-3-3	70.06
5-81-3-4	70.06
5-81-3-5	70.06
5-81-4-1	71.02
5-81-4-3	71.02
5-81-5-1	72.01
5-81-5-2	72.01
5-81-6-1	70.07
5-81-6-2	70.08
5-81-6-3	70.09

REFERENCES TO RESOLUTIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
12-19-88	12-19-88	T.S.O. III
8-20-91B	8-20-91	T.S.O. II
11-19-91	11-19-91	T.S.O. II
8-17-93	8-17-93	T.S.O. II
11-9-93	11-9-93	111.01—111.04
11-15-93	11-15-93	T.S.O. IV
0214-94M	2-14-94	T.S.O. V
2, 1995	6-28-95	T.S.O. II
7-18-95A	7-18-95	T.S.O. II
7-18-95B	7-18-95	T.S.O. II
11-27-95	11-27-95	T.S.O. IV
12-19-95	12-19-95	T.S.O. II
1-16, 1996	1-16-96	T.S.O. VII
1-16, 1996B	1-16-96	T.S.O. II
1-2-1995	1-27-96	T.S.O. VII
2-12-96	2-12-96	T.S.O. IV
8-20-96	8-20-96	35.03
11-24-97	11-24-97	T.S.O. IV
5-19-98	5-19-98	T.S.O. VIII
9-9-98	9-9-98	T.S.O. IX
12-15-98	12-15-98	T.S.O. II
1-19-1999A	1-19-99	T.S.O. II
5-18-99	5-18-99	T.S.O. II
6-15-99	6-15-99	T.S.O. II
9-8-99	9-8-99	T.S.O. II
9-27-99c	9-27-99	34.05
10-19-99A	10-19-99	T.S.O. II
10-19-99B	10-19-99	T.S.O. II
1-18-00	1-18-00	T.S.O. I
1-01	1-4-01	T.S.O. IV
3-17-03	3-17-03	36.05
10-21-03	10-21-03	T.S.O. VIII
11-10-03	11-10-03	T.S.O. IV
0504	5-17-04	36.04
1-10-05	1-10-05	T.S.O. IV
5-17, 2005	5-17-05	36.04
8-16, 2005	8-16-05	T.S.O. II
11-15, 2005	11-15-05	T.S.O. II

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<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1-17-06	1-17-06	33.60
3-20, 2006	3-20-06	T.S.O. IV
5-14-07	5-14-07	33.70—33.74
1-7-08	1-7-08	T.S.O. IV
6-16-2008	6-16-08	36.07
71508D	7-15-08	T.S.O. II
1-2008	7-18-08	35.42
10-5-09A	10-5-09	T.S.O. VIII
10-19-09	10-19-09	T.S.O. IV
3-1-10	3-1-10	T.S.O. IV
3-16-10B	3-16-10	T.S.O. II
11-29, 2011	11-29-11	T.S.O. II
12-20, 2011	12-20-11	T.S.O. II
6-18-2012	6- -12	34.08
7-23-127- -12	T.S.O. V	
08-21-2012A	8-21-12	34.09
10-15-12	10-15-12	34.10
12/3, 2012	12-3-12	T.S.O. V
01-07-13	1-7-13	T.S.O. IV
11-12-13	11-12-13	T.S.O. IV

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REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
7-17-75	7-17-75	33.19
2, 1977	4-4-77	Ch. 73, Sched. I
4-77	4-18-77	Ch. 73, Sched. IV
3, 1977	5-2-77	Ch. 73, Sched. V
Z-878	7-12-78	T.S.O. I
Z-978	9-13-78	T.S.O. I
101-79-H	9-17-79	Ch. 73, Sched. I
7, 1982	9-7-82	T.S.O. VI
03-1983	5-3-83	T.S.O. VI
—	3-19-85	35.42
4-1-85	4-1-85	39.01—39.05
7-22-85	7-22-85	Ch. 73, Sched. V
9-23	9-23-85	T.S.O. III
11-12-85	11-12-85	Ch. 73, Sched. I
4D-15-86	4-15-86	110.05
6-16-86B	6-16-86	Ch. 73, Sched. V
6-30-86	6-30-86	Ch. 73, Sched. V
47, 1986	10-6-86	T.S.O.
5-81-4-2.5	10-6-86	Ch. 73, Sched. IV
1-5-B	1-5-87	30.03
1-11-88	1-11-88	35.40
2-8-88	2-8-88	Ch. 73, Sched. V
10-10-88	10-10-88	33.01—33.03, 33.15—33.18, 33.20— 33.22, 33.35—33.47
—	10-17-88	Ch. 73, Sched. V
98-1	1-9-89	Ch. 73, Sched. V
2-20-90	2-20-90	T.S.O. I
2-26-90	2-26-90	T.S.O. I
7-30-90	7-30-90	35.05
12-26-90	12-26-90	Ch. 73, Sched. V
12-26-90V	12-26-90	T.S.O. III
2-19-91	2-19-91	T.S.O. III
4-8-91A	4-8-91	Ch. 73, Sched. III
4-8-91B	4-8-91	Ch. 73, Sched. II

5-13-91	5-13-91	72.01
5-28-1991	5-28-91	T.S.O. IV
6-17-91	6-17-91	Ch. 73, Sched. V
7-1-91	7-1-91	Ch. 73, Sched. V

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
9-9-91	9-9-91	T.S.O. I
1-6-92	1-6-92	Ch. 73, Sched. V
5-26-92	5-26-92	T.S.O. I
6-22-92H.D.	6-22-92	Ch. 73, Sched. V
6-22-92S.P.	6-22-92	Ch. 73, Sched. V
6-22-92-31N	6-22-92	Ch. 73, Sched. V
7-6-92	7-6-92	Ch. 73, Sched. I
7-27-92	7-27-92	Ch. 73, Sched. I
8-31-92	8-31-92	Ch. 73, Sched. V
12-1-92	11-23-92	T.S.O. V
52-11-23	11-23-92	T.S.O. I
1-19-93	1-19-93	T.S.O. III
2-1-93	2-1-93	92.01—92.05
2-8-93	2-8-93	T.S.O. III
3-1-93	3-1-93	150.01
5-10-93	5-10-93	36.04
6-21-93	6-21-93	36.04
10-18-93	10-18-93	T.S.O. I
11-16-93	11-16-93	34.02
1-31-94	1-31-94	Ch. 73, Sched. I, Ch. 73, Sched. V
4-19-94	4-19-94	T.S.O. V
6-6-94	6-6-94	T.S.O. VI
6-26-94	6-26-94	Ch. 73, Sched. I
8-1-94	8-1-94	Ch. 73, Sched. V
8-15-94	8-15-94	T.S.O. I
10-24-94A	10-24-94	T.S.O. III
10-24-94B	10-24-94	T.S.O. I
10-24-94C	10-24-94	T.S.O. I
1-1-95	1-1-95	34.06
2-13-95	2-13-95	Ch. 73, Sched. I
2-27-95	2-27-95	151.01, 151.03, 151.05, 151.07, 151.10, 151.13, 151.25—151.27, 151.40— 151.47, 151.60—151.66, 151.99
5-15-95	5-15-95	T.S.O. III
7-17-95	7-17-95	T.S.O. III
8-14-95	8-14-95	T.S.O. I
8-21-95	8-21-95	34.01
8-28-95	8-28-95	Ch. 73, Sched. V
9-19-95	9-19-95	34.02

10-12-95	10-12-95	36.04
11-6-95	11-6-95	Ch. 73, Sched. V
11-20-95	11-20-95	Ch. 73, Sched. I
12- -95	12- -95	38.01—38.03, 38.15—38.29
12-4-95	12-4-95	34.02

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
12-18-95	12-18-95	T.S.O. III
2-20-96	2-20-96	T.S.O. I
5-13-96	5-13-96	Ch. 73, Sched. V
5-20-96	5-20-96	T.S.O. I
6-24-96	6-24-96	T.S.O. I
9-23-96	9-23-96	70.10
10-14-96A	10-24-96	T.S.O. I
10-14-96B	10-14-96	T.S.O. I
10-28-96	10-28-96	71.01
11-12-96	11-12-96	35.04
3-24-97	3-24-97	T.S.O. I
5-27-97A	5-27-97	Ch. 73, Sched. V
7-21-97	7-21-97	T.S.O. III
8-25-97	8-25-97	150.16
10-14-97	10-14-97	36.04
10-27-97	10-27-97	150.35—150.46
1-26-98A	1-26-98	T.S.O. III
1-26-98B	1-26-98	T.S.O. I
3-23-98	3-23-98	T.S.O. III
5-11-98	5-11-98	Ch. 73, Sched. V
5-11-98A	5-11-98	Ch. 73, Sched. V
5-26-98	5-26-98	Ch. 73, Sched. V
6-1-98B	6-1-98	T.S.O. I
7-20-98	7-20-98	T.S.O. I
8-24-98	8-24-98	T.S.O. I
9-21-98	9-21-98	34.03
9-21-98B	9-21-98	37.01
9-21-98C	9-21-98	37.02—37.11
9-21-98D	9-21-98	37.12—37.14
10-20-98	10-20-98	34.03
10-21-98A	10-21-98	T.S.O. III
10-21-98B	10-21-98	Ch. 73, Sched. V
10-26-98	10-26-98	T.S.O. I
12-14-98	12-14-98	T.S.O. III
12-21-98	12-21-98	T.S.O. I
1-5-99	1-5-99	34.04
1-25-99	1-25-99	36.02
1-25-99A	1-25-99	T.S.O. I
1-25-99B	1-25-99	T.S.O. I

1-25-99C	1-25-99	T.S.O. I
1-25-99D	1-25-99	T.S.O. III
2-22-99A	2-22-99	T.S.O. I
2-22-99B	2-22-99	T.S.O. I
3-22-99	3-22-99	T.S.O. III
4-19-99A	4-19-99	Ch. 73, Sched. III

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4-26-99	4-26-99	T.S.O. III
5-24-99A	5-24-99	T.S.O. III
5-24-99B	5-24-99	T.S.O. I
7-26-99	7-26-99	T.S.O. I
9-27-99A	9-27-99	Ch. 73, Sched. I
9-27-99B	9-27-99	Ch. 73, Sched. I
10-18-99	10-18-99	T.S.O. I
11-1-99A	11-1-99	112.01—112.07
11-1-99B	11-1-99	150.24
11-8-99	11-8-99	T.S.O. III
12-20-99	12-20-99	T.S.O. I
12-27-99	12-27-99	T.S.O. III
1-3-00	1-3-00	35.01
3-20-00A	3-20-00	T.S.O. I
3-20-00B	3-20-00	T.S.O. I
3-20-00C	3-20-00	Ch. 73, Sched. I
3-20-00D	3-20-00	Ch. 73, Sched. I
4-25-00	4-25-00	36.03
5-8-00	5-8-00	35.02
5-22-00	5-22-00	Ch. 73, Sched. II
5-30-00	5-30-00	T.S.O. I
6-5-00A	6-5-00	130.01
6-5-00B	6-5-00	90.01—90.07
7-17-00A	7-17-00	113.01—113.08
7-17-00B	7-17-00	91.01—91.05
7-24, 2000	7-24-00	35.44
10-9-00	10-9-00	50.01—50.06, 50.20—50.23, 50.35— 50.40
10-9-00A	4-18-05	50.01—50.06, 50.20—50.23, 50.35— 50.40
10-16-00	10-16-00	T.S.O. I
5-6-02	5-6-02	T.S.O. III
6-24-02	6-24-02	Ch. 73, Sched. V
7-8-02	7-8-02	Ch. 73, Sched. V
7-15-02A	7-15-02	Ch. 73, Sched. V
7-15-02B	7-15-02	Ch. 73, Sched. V
8-5-02	8-5-02	T.S.O. III
8-12-02	8-12-02	Ch. 73, Sched. I
8-12-02A	8-12-02	Ch. 73, Sched. V

8-26-02	8-26-02	T.S.O. I
8-26-02B	8-26-02	Ch. 73, Sched. I
8-26-02C	8-26-02	Ch. 73, Sched. I
9-23-02	9-23-02	Ch. 73, Sched. I
11-4-02	10-7-02	130.02
11-4-02A	11-4-02	Ch. 73, Sched. V

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References to Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
11-4-02B	11-4-02	Ch. 73, Sched. V
12-17-02	12-17-02	35.41
12-23-02A	12-23-02	32.04
1-21-03	1-21-03	35.07
1-27-03	1-27-03	Ch. 73, Sched. V
2-24-03	2-24-03	151.01, 151.03, 151.05, 151.07, 151.10, 151.13, 151.25—151.27, 151.40— 151.47, 151.60—151.66, 151.99
4-7-03	4-7-03	T.S.O. I
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