

ORDINANCE # 95-10

AN ORDINANCE ESTABLISHING SPEED LIMITS ON A PORTION OF CO. RD. 130 W, ELLSWORTH ROAD, SCHERLE LANE, WHODERVILLE ROAD, BURGER ROAD, BACKBONE LANE, WRIGHT ROAD, ABELL ROAD, AND CO. RD. 225 S IN DUBOIS COUNTY, INDIANA

WHEREAS, Any person operating a motor vehicle on a public highway within Dubois County, Indiana, shall operate the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to traffic, surface and width of roadway, and to other conditions then existing; but,

WHEREAS, It is the determination of the Board of County Commissioners that limits shall be placed upon the maximum speed which shall be allowed when traveling such public highways; and,

WHEREAS, As a result of study conducted and review made of road conditions at the following location, it has been determined that a more restrictive speed limit is required for the safety of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, THAT:

(1) Motor vehicles operated on Co. Rd. 130 W from Co. Rd. 400 S to Co. Rd. 225 S being a distance of approximately 1.81 miles, shall be restricted to a maximum speed of 45 miles per hour.

(2) Motor vehicles operated on Ellsworth Road from Co. Rd. 775 E to State Road 545 being a distance of approximately 2.00 miles, shall be restricted to a maximum speed of 45 miles per hour.

(3) Motor vehicles operated on Scherle Lane from Whoderville Road to Dead End being a distance of approximately .06 miles, shall be restricted to a maximum speed of 25 miles per hour.

(4) Motor vehicles operated on Whoderville Road from State Road 164 to Dead End being a distance of approximately .82 miles, shall be restricted to a maximum speed of 25 miles per hour.

(5) Motor vehicles operated on Burger Road from Whoderville Road to Dead End being a distance of approximately .27 miles, shall be restricted to a maximum speed of 25 miles per hour.

(6) Motor vehicles operated on Backbone Lane from Wright Road to Dead End being a distance of approximately .11 miles, shall be restricted to a maximum speed of 25 miles per hour.

(7) Motor vehicles operated on Wright Road from Whoderville Road to Dead End being a distance of approximately .24 miles, shall be restricted to a maximum speed of 25 miles per hour.

(8) Motor vehicles operated on Abell Road from Whoderville Road to Dead End being a distance of approximately .24 miles, shall be restricted to a maximum speed of 25 miles per hour.

(9) Motor vehicles operated on Co. Rd. 225 S from Co. Rd. 130 W to Witz Road being a distance of approximately .79 miles, shall be restricted to a maximum speed of 45 miles per hour.

(10) Each such public highway shall be posted for such maximum speed limit.

(11) Violation of this Ordinance shall be punishable in that manner prescribed by Indiana statute and by prior Ordinance pertaining to speed limits heretofore adopted by this Board of County Commissioners.

(12) This Ordinance shall be effective from and following its passage and proper posting of the described speed limit.

ADOPTED: AUGUST 1, 1995

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Eugene A. Hoff  
James R. Kemper  
Mary Lou Schuel

ATTEST:

Mark A. Brescher  
Mark A. Brescher, Auditor

AN ORDINANCE ESTABLISHING SPEED  
LIMITS ON A PORTION OF GREENER ROAD,  
CO. RD. 330 EAST, ST. ANTHONY ROAD  
NORTH, UNINCORPORATED COMMUNITIES OF  
HAYSVILLE, SAINT HENRY, AND SCHNELLVILLE  
IN DUBOIS COUNTY INDIANA,

WHEREAS, Any person operating a motor vehicle on a public highway within Dubois County, Indiana, shall operate the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to traffic, surface and width of roadway, and to other conditions then existing; but,

WHEREAS, It is the determination of the Board of County Commissioners that limits shall be placed upon the maximum speed which shall be allowed when traveling such public highways; and,

WHEREAS, As a result of study conducted and review made of road conditions at the following location, it has been determined that a more restrictive speed limit is required for the safety of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, THAT:

(1a) Motor vehicles operated on Greener Road from State Road 164 to .75 miles east of State Road 164 being a distance of approximately .75 miles, shall be restricted to a maximum speed of 35 miles per hour.

(1b) Motor vehicles operated on Greener Road from .75 miles east of State Road 164 to Co. Rd. 330 East being a distance of approximately 1.25 miles, shall be restricted to a maximum speed of 45 miles per hour.

(2) Motor vehicles operated on Co. Rd. 330 East from Greener Road to Schnellville Road being a distance of approximately .29 miles, shall be restricted to a maximum speed of 45 miles per hour.

(3) Motor vehicles operated on St. Anthony Road North from Schnellville Road to Santine Road being a distance of approximately 3.48 miles, shall be restricted to a maximum speed of 45 miles per hour.

THE SPEED LIMITS IN THE UNINCORPORATED COMMUNITY OF HAYSVILLE HAVE BEEN ESTABLISHED AS FOLLOWS:

(4) Motor vehicles operated on Charles Street from Hartsfield Street to U.S. 231 being a distance of approximately .18 miles, shall be restricted to a maximum speed of 25 miles per hour.

(5) Motor vehicles operated on Seitz Street from U.S. 231 to Hartsfield Street being a distance of approximately .18 miles, shall be restricted to a maximum speed of 25 miles per hour.

(6) Motor vehicles operated on Haysville Road West from U.S. 231 to State Road 56 being a distance of approximately .29 miles, shall be restricted to a maximum speed of 25 miles per hour.

(7) Motor vehicles operated on Park Street from U.S. 231 to Haysville Road West being a distance of approximately .36 miles, shall be restricted to a maximum speed of 25 miles per hour.

(8) Motor vehicles operated on Church Street from Haysville Road West to Charles Street being a distance of approximately .13 miles, shall be restricted to a maximum speed of 25 miles per hour.

(9) Motor vehicles operated on Hartsfield Street from Haysville Road West to Charles Street being a distance of approximately .07 miles, shall be restricted to a maximum speed of 25 miles per hour.

THE SPEED LIMITS IN THE UNINCORPORATED COMMUNITY OF SAINT HENRY HAVE BEEN ESTABLISHED AS FOLLOWS:

(10) Motor vehicles operated on Market Street from Co. Rd. 1100 South to Clay Street being a distance of approximately .09 miles, shall be restricted to a maximum speed of 25 miles per hour.

(11) Motor vehicles operated on Clay Street from Market Street to West Street being a distance of approximately .09 miles, shall be restricted to a maximum speed of 25 miles per hour.

(12) Motor vehicles operated on West Street from .09 miles north of Co. Rd. 1100 South to Clay Street being a distance of approximately .18 miles, shall be restricted to a maximum speed of 25 miles per hour.

THE SPEED LIMITS IN THE UNINCORPORATED COMMUNITY OF SCHNELLVILLE HAVE BEEN ESTABLISHED AS FOLLOWS:

(13) Motor vehicles operated on Walnut Street from Schnellville Road to Market Street being a distance of approximately .07 miles, shall be restricted to a maximum speed of 25 miles per hour.

(14) Motor vehicles operated on Elm Street from Schnellville Road to Market Street being a distance of approximately .06 miles, shall be restricted to a maximum speed of 25 miles per hour.

(15) Motor vehicles operated on Market Street from Schnellville Road to Walnut Street being a distance of approximately .37 miles, shall be restricted to a maximum speed of 25 miles per hour.

(16a) Motor vehicles operated on Co. Rd. 800 East from Schnellville Road to .15 miles north of Market Street being a distance of approximately .22 miles, shall be restricted to a maximum speed of 25 miles per hour.

(16b) Motor vehicles operated on Co. Rd. 800 East from .15 miles north of Market Street to .37 miles north of Market Street being a distance of approximately .22 miles, shall be restricted to a maximum speed of 30 miles per hour.

(17) Each such public highway shall be posted for such maximum speed limit.

(18) Violation of this Ordinance shall be punishable in that manner prescribed by Indiana statute and by prior Ordinance pertaining to speed limits heretofore adopted by this Board of County Commissioners.

(19) This Ordinance shall be effective from and following its passage and proper posting of the described speed limit.

ADOPTED: 11/6/95

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Eugene A. Kopf  
James R. Kemper  
Margaret Schnell

ATTEST:

Mark A. Brescher  
Mark A. Brescher, Auditor

ORDINANCE NO. 95-12

AN ORDINANCE TO CHANGE THE ENHANCED EMERGENCY TELEPHONE SYSTEM FEE FOR DUBOIS COUNTY, INDIANA.

WHEREAS, Dubois County, Indiana has heretofore implemented an enhanced emergency telephone system to serve said County; and,

WHEREAS, It has been determined that the fee heretofore established to support said system does not produce adequate revenue to provide for the funding thereof; and,

WHEREAS, That I.C. 36-8-16-7 authorizes that the fee heretofore established may be increased to provide adequate funding for such system.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA, THAT:

Section 1. Ordinance #1989-8 shall be amended solely for the purpose of increasing the enhanced emergency telephone system fee therein established.

Section 2. Beginning 1-1-96 and each month thereafter, each service supplier shall commence to collect a monthly enhanced emergency telephone system fee of \$1.89 per telephone access line or other exchange access facility.

Section 3. That prior to such date, each service supplier shall continue to collect the monthly fee of \$1.25 as heretofore established in Ordinance #1991-11, which Ordinance shall be modified by this Ordinance.

Section 4. That in all respects except as hereinabove described, Ordinance #1989-8 shall remain in full force and effect and shall not by this Ordinance be modified.

PASSED by the Board of Commissioners of Dubois County, Indiana, on this 20 day of Nov, 1995.

Eugene A. Koff  
PRESIDENT  
James R. Kamper  
COMMISSIONER  
Mary Lou Schnell  
COMMISSIONER

ATTEST:

Mark A. Brescher  
AUDITOR OF DUBOIS COUNTY, IN

ORDINANCE NO. 1995 - 13

AN ORDINANCE AMENDING PRIOR ORDINANCE 1995-3  
REQUIRING REGISTRATION OF SOLID WASTE HAULERS  
OPERATING IN DUBOIS COUNTY, INDIANA

WHEREAS, It is in the public interest that haulers of solid waste and commodities associated with recycling in Dubois County, Indiana comply with all environmental laws and regulations, and do not create conditions which are a hazard to public health and to the environment; and,

WHEREAS, By state statute, the Dubois County Solid Waste Management District is required to accumulate data regarding solid waste generated from within Dubois County, Indiana; and,

WHEREAS, The protection of said public interest and the collection of said data requires knowledge as to the number and identity of such haulers of solid wastes, the equipment used thereby, and the types and quantities of wastes being hauled and the disposition thereof.

WHEREAS, This Board of County Commissioners has heretofore enacted Ordinance 1995-3 in order to attain said purposes, but upon subsequent review and recommendation by said District has determined it to be in the best interest of the public and said District that said Ordinance 1995-3 be amended to reflect that procedure required to attain such purposes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA:

Section 1. Ordinance 1995-3, as heretofore adopted by this Board of County Commissioners is hereby amended in total so as to hereinafter read as hereinafter set forth in this Ordinance.

Section 2. It shall be unlawful for any person to haul waste, rubbish, trash or other discarded material originating from or to be disposed of within Dubois County, Indiana without first having completed and filed with the Dubois County Solid Waste Management District the necessary registration procedure and forms, and thereafter file the required reports regarding wastes hauled with the Dubois County Solid Waste Management District.

Section 3. This Ordinance shall not apply to any person hauling or transporting non-industrial waste, rubbish, trash or other discarded materials which originates from the hauler's own property, unless such hauling is by rear loader, front loader, roll-off, roll-off compactor, or transfer-type commercial vehicle; or to any person hauling or transporting construction/demolition materials either to a measurable container provided by a licensed waste hauler or directly to a permitted solid waste landfill or solid fill site, provided that proof of payment for such measurable container or weight tickets from the landfill or solid fill site shall be submitted by said hauler, upon District request, to the Dubois County Solid Waste Management District.

Section 4. The registration required by this Ordinance shall be on form(s) prepared by and submitted to the Dubois County Solid Waste Management District, and shall be subject to review by and approval of said District. Such registration shall state the hauler's name, address, daytime and emergency telephone numbers, the number and kind of vehicle(s) used, and the areas serviced by the hauler. Each applicant shall submit with the registration a fee, payable to the Dubois County Solid Waste Management District, which shall be established from time to time by the District Board and shall be adequate to defray the cost of administration and of record keeping of data required from each hauler. Said registration fee shall be subject to review by the Board of County Commissioners of Dubois County, Indiana. Such fees shall be and are hereby waived as to any vehicle owned by a governmental entity.

Section 5. Registration required by this Ordinance shall be of two types: Annual filed on a calendar year basis; or Limited Term, filed for specific periods of less than one calendar year. Registration fees may differ for each type or term-length thereof.

Section 6. Each hauler shall file, quarterly, written reports with the District, in form acceptable by said District, containing data regarding volume of wastes collected, type of waste, percentage or amount recycled, and location of disposal, and such other information as may be required by the District for implementation of the District Solid Waste Plan and reporting to State agencies.

Section 7. The Board of Directors of the Dubois County Solid Waste Management District may promulgate rules which shall be followed by the District in the implementation of this Ordinance. Such rules shall be open to public inspection.

Section 8. Operators of all vehicles covered by this Ordinance shall cause the contents of such vehicles to be adequately confined during transportation so as to prevent littering. It shall be unlawful for the driver of any waste-hauling vehicle to allow the contents thereof to spill upon any public right-of-way.

Section 9. Operation of any vehicle covered by this Ordinance without proper registration required in Section 1 hereinabove shall be punishable by a fine of not greater than \$500.00 for the first offense and of not greater than \$1,000.00 for each subsequent offense. Operation of each unregistered vehicle shall constitute a separate offense.

Section 10. This Ordinance shall be in full force and effect upon adoption and publication in that manner by law required.

ADOPTED by the Board of County Commissioners of Dubois County, Indiana the 21 day of December, 1995.

BOARD OF COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA

Eugene A. Webb  
COMMISSIONER

James R. Kemper  
COMMISSIONER

Mary Lou Schnell  
COMMISSIONER

ATTEST:

Mark A. Brescher  
AUDITOR OF DUBOIS COUNTY, IN



(TO BE PUBLISHED WEDNESDAY JANUARY 3 AND 10, 1996)

ORDINANCE NO. 96-1

BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS, OF Dubois County, Indiana, THAT:

1. To prevent damage caused by excess weight on County Roads during periods of freeze and thaw, the Commissioners hereby establish a 10 ton gross load (weight) limit on all motor vehicles operated on County Roads within Dubois County, Indiana during the period from January 15, 1996 through April 15, 1996.

2. Operation of a motor vehicle on any County Road in violation of this Ordinance shall be a Class C infraction, as defined by I.C. 34-4-32-4.

3. This Ordinance shall become effective upon publication as required by law.

Eugene A. Hoff  
James R. Kemper  
Mary Ann Schnell

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

ATTEST:

Mark A. Brescher  
Mark A. Brescher, Auditor

ORDINANCE 1996-2 DUBOIS COUNTY CORRECTIONS FUND

WHEREAS, SEA 395, (1986) ADDED 11-12-6 TO THE INDIANA CODE TO PROVIDE FOR THE ESTABLISHMENT AND FUNDING OF A COUNTY CORRECTIONS FUND; AND

WHEREAS, I.C.11-12-6-6 PROVIDES THAT A COUNTY LEGISLATIVE BODY MAY ANNUALLY ADOPT AN ORDINANCE TO ELECT TO RECEIVE DEPOSITS FROM THE STATE DEPARTMENT OF CORRECTIONS AND TO ESTABLISH A COUNTY CORRECTIONS FUND; AND

WHEREAS, THE COUNTY CORRECTIONS FUND MAY BE USED ONLY FOR FUNDING THE OPERATION OF THE COUNTY JAIL, JAIL PROGRAMS, OR OTHER LOCAL CORRECTIONAL FACILITIES; AND

WHEREAS, THE COUNTY LEGISLATIVE BODY MAY ELECT TO RECEIVE DEPOSITS AT EITHER LEVEL 1, LEVEL 2, OR LEVEL 3 FUNDING; AND

WHEREAS, LEVEL 3 IS THE MOST APPROPRIATE LEVEL OF PARTICIPATION FOR DUBOIS COUNTY; AND

WHEREAS, THE LEGISLATIVE BODY ELECTS TO RECEIVE DEPOSITS FROM THE STATE DEPARTMENT OF CORRECTIONS FOR DAILY PER-DIEM ON STATE PRISONERS HELD AT THE DUBOIS SECURITY CENTER; TO BE DEPOSITED IN THE DUBOIS COUNTY CORRECTIONS FUND; AND

WHEREAS, THE LEGISLATIVE BODY ELECTS TO RECEIVE DEPOSITS FROM INDIANA COUNTIES FOR DAILY PER-DIEM ON BOARDING ADULT PRISONERS FROM THEIR RESPECTIVE JURISDICTIONS, AT THE DUBOIS COUNTY SECURITY CENTER; TO BE DEPOSITED IN THE DUBOIS COUNTY CORRECTIONS FUND; AND

WHEREAS, THE COUNTY CORRECTIONS FUND MAY BE USED ONLY FOR FUNDING THE OPERATION OF THE COUNTY JAIL, JAIL PROGRAMS, OR OTHER LOCAL CORRECTIONAL FACILITIES.

WHEREAS, THIS ORDINANCE WILL REPLACE ORDINANCE 1995-1 ON PASSAGE.

THEREFORE: BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS:

*Mary Lou Schnell*

MARY LOU SCHNELL

*Eugene Hoff*

EUGENE HOPF

*James R Kemper*

JAMES KEMPER

ORDINANCE 1996-2 DUBOIS COUNTY CORRECTION FUND

SECTION 1. THE DUBOIS COUNTY COMMISSIONERS HEREBY ELECT TO RECEIVE DEPOSITS FROM THE DEPARTMENT OF CORRECTIONS IN ACCORDANCES WITH I.C.11-12-6.

SECTION 2. THE DUBOIS COUNTY COMMISSIONERS HEREBY ELECT TO RECEIVE SUCH DEPOSITS AT LEVEL 3 FUNDING.

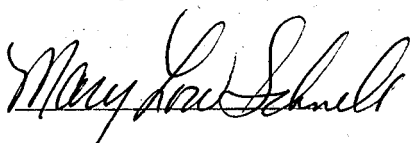
SECTION 3. THERE IS HEREBY CREATED A "COUNTY CORRECTION FUND", TO BE ADMINISTERED BY THE COUNTY COUNCIL. THE FUND SHALL CONSIST OF DEPOSITS RECEIVED FROM THE DEPARTMENT OF CORRECTIONS IN ACCORDANCE WITH I.C.11-12-6; ALSO, DEPOSITS RECEIVED FROM THE DEPARTMENT OF CORRECTIONS FOR DAILY PER-DIEM ON STATE PRISONERS (FELONY) HELD AT THE DUBOIS COUNTY SECURITY CENTER; INDIANA COUNTIES FOR DAILY PER-DIEM ON BOARDING PRISONERS FROM THEIR RESPECTIVE JURISDICTIONS, AT THE DUBOIS COUNTY SECURITY CENTER; TO BE DEPOSITED IN THE SAME DUBOIS COUNTY CORRECTIONS FUND; AND

SECTION 4. THE COUNTY CORRECTIONS FUND MAY BE USED ONLY FOR FUNDING THE OPERATION OF THE COUNTY JAIL, JAIL PROGRAMS, OR OTHER CORRECTIONAL FACILITIES. ANY MONIES REMAINING IN THE COUNTY CORRECTIONS FUND AT THE END OF THE YEAR DOES NOT REVERT TO ANY OTHER FUND, BUT REMAINS IN THE COUNTY CORRECTIONS FUND; AND

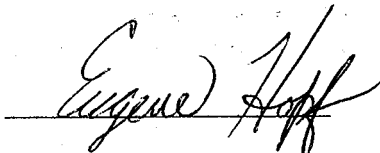
SECTION 5. THIS ORDINANCE WILL REPLACE ORDINANCE 1995-1 ON PASSAGE; AND

SECTION 6. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT UPON PASSAGE January 2<sup>d</sup>, 1996.

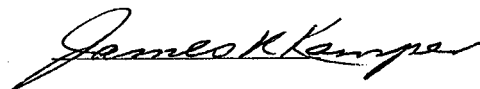
THEREFORE: BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS:



MARY LOU SCHNELL



EUGENE HOPF



JAMES KEMPER

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ORDINANCE OF COUNTY OF DUBOIS

# 96-3

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO TELE-MEDIA COMPANY OF MID-SOUTH.

WHEREAS, the Board of County Commissioner of the County of Dubois, at a regularly scheduled meeting pursuant to a full and public hearing at which the County Commissioners gave consideration to a proposal presented concerning a community antenna television system, and at which the testimony of all interested parties was taken and fully considered, hereby state their approval of the qualifications of Tele-Media Company of Mid-South and on the basis thereof:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE SAME, AS FOLLOWS:

SECTION 1. To the extent that the same may be lawfully given, and subject to the conditions herein set forth, the non-exclusive right be and the same is hereby granted by The County of Dubois of the State of Indiana, to Tele-Media Company of Mid-South, an Indiana Limited Partnership (the "Company"), subject to the condition hereinafter set forth, to construct, operate and maintain transmission and distribution facilities, including, but not limited to, the erection of poles, cables, wires and other appurtenances and additions thereto, but excluding buildings, in, under, over, along, across and upon the streets, lanes, alleys, avenues, sidewalks, bridges, tunnels, highways, parking lots ~~and other public places~~ in the County, and subsequent additions thereto, for the purpose of transmission by cable and distribution of television impulses and television energy for sale to the inhabitants of the County and other purposes, under the terms and conditions hereinafter set forth (the "CATV System").

SECTION 2. The Company shall procure any and all easements, rights of way, covenants, grants, certificates of approval and permits which may be required from any private persons or corporations or from any Federal, state, municipal or other governmental authority and from the utility companies operating in the County for or in connection with the placing, maintaining or using of the attachments and the television cable herein referred to or the granting of this right.

SECTION 3. (A) The Company agrees to maintain and keep in full force and effect at all times during the term of this Ordinance sufficient liability insurance coverage to protect the County against any such claims, suits, judgements, executions or demands in a sum not less than \$1,000,000 per person in any one claim; \$1,000,000 as to any one accident or occurrence; and not less than \$1,000,000 for property damage as to any one accident or occurrence provided, however, that the County shall notify the Company in writing within thirty (30) days after notice or presentation of any claim or demand, either by suit or otherwise, made against the County on account of or arising out of any act or omission connected with the operation of this Ordinance.

(B) The Company shall also maintain in full force and effect throughout the duration of this Ordinance sufficient workmen's compensation insurance coverage to adequately and fully protect its agents and employees as required by law.

SECTION 4. All the Company's attachments and installations shall be made and maintained at the Company's sole expense, in safe condition and thorough repair and in such place and manner as shall be approved by the County. Upon receipt of written notice at any time from the County that said attachments interfere with County property, endanger its employees or the public, or interfere with the primary use and purpose of said County property or highways, the Company shall at its own expense remove, alter, rearrange, improve or repair such attachments in such manner as the County may reasonably direct.

SECTION 5. The Company shall indemnify and save harmless the County at all times during the term of this Ordinance from and against any and all losses resulting from injuries or damage to persons or property including injuries to the employees of the County or damage to the property of the County arising out of negligence from or in any manner by actions or omissions of the Company or its agents in the location or construction of Company facilities or while engaged in the work of constructing, operating or maintaining the CATV System; and such loss shall include but not limited to all payments made by the County to any of its injured employees or to their relatives or representatives, pursuant to any statute or resolution, whether based on negligence on the part of the employer, employee or not. Further, the Company agrees to defend, fully indemnify and save harmless the County from and against any and all claims and demands whatsoever, including any claims or demands from any source whatsoever on account of license or copyright infringements or violations of any transmittal rules and regulations of the Federal Communications Commission (the "FCC") or other governmental regulatory bodies, provided, however, that the County shall notify the Company in writing within thirty (30) days after notice or presentation of any claim or demand, either by suit or otherwise, made against the County on account of or arising out of any act or omission connected with the operation of this Ordinance. The company agrees to pay any costs or expenses including reasonable attorney's fees, incurred in defending any action brought against the County as a result of alleged damages from the company's activities under this agreement.

SECTION 6. Upon the written request of the County, the Company shall furnish free installation and free basic service for one (1) outlet in the County Courthouse or Annex, County Firehouse, Sheriff Department, provided, however, that nothing herein shall require the Company to construct additional distribution facilities to service the said County facilities. Upon the written request of any school in the County, the Company shall furnish free installation and free basic service for one (1) outlet in each school in the County, provided, however, that nothing herein shall require the Company to construct additional distribution facilities to service such school.

SECTION 7. (A) The Company is hereby authorized to extend the distribution facilities within the non-exclusive franchise area to the extent that such extension is or may become economically feasible.

SECTION 8. The Company shall pay to the County a franchise fee of 3% of the Company's gross annual subscriber revenues from basic satellite basic & premium cable television service. All franchise fees to be paid by the Company shall be paid within ninety (90) days after the close of its fiscal year. The Company shall make its books and records pertaining to basic gross subscriber revenues available for inspection at all reasonable times to the County, within 60 days notification.

SECTION 9. In consideration for the foregoing rights and privileges, the Company agrees to the following terms and conditions:

(A) Neither the Company nor any of its agents or employees shall at any time repair, attempt to repair, sell or attempt to sell television or radio sets or parts thereto; nor shall they recommend or solicit business for any television or radio dealers or repairmen, provided, however, that this provision shall not apply to the routine operation and maintenance of the CATV System and service connected therewith.

(B) The Company shall expeditiously investigate and resolve all subscriber complaints concerning the operation of the CATV System, normally within twenty-four (24) hours but not later than forty-eight (48) hours, except in cases of emergencies. A record shall be made of all complaints received showing the name of the complaining party, the complaint and the action taken to rectify the complaint. Said record shall be kept for a minimum of two (2) years.

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(C) After having received reasonable notice of at least seventy-two (72) hours prior to the move, the Company shall comply with all moving permits issued by the County by temporarily raising or lowering its wires to permit the moving of structures or high loads. The cost to the Company of complying with the moving permit shall be borne by the entity that obtained the moving permit, and the Company shall have the right to request payment in advance.

(D) The Company shall abide by all provisions set forth in local County Ordinances and shall abide by all regulations of the FCC and other governmental regulatory bodies, as now enacted or as subsequently amended, and the same are incorporated herein by reference.

(E) Subscribers to the Company's services shall not be required to assure the Company that they will subscribe to the Company's service for any length of time and subscribers may terminate service at any time.

(F) All poles, ducts and other facilities of the Company shall be erected, constructed and maintained so as not to interfere with the traffic over public highways and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any public highway. The Company shall have reasonable authority to trim trees upon, abutting and overhanging all streets, alleys, easements, sidewalks, and other areas where the CATV System may from time to time be located in public places of the County so as to prevent the branches of such trees from coming into contact with or otherwise interfering with the facilities and service of the Company.

(G) The County shall have the right to approve the location of any poles, lines or underground cable line required to be erected or installed by the Company. Prior to any new construction or relocation activities on County right-of-way, Company shall obtain the prior written approval of the County Highway Department.

(H) If, at any time, the County shall elect to alter or change the grade of any street, sidewalk, alley or other public way, the Company shall remove, relay and relocate its poles, wires, cable, underground conduits, manholes and other fixtures at the Company's sole cost and expense, upon receiving adequate notice from the County.

(I) The Company shall grant to the County, free of charge, the joint use of any and all poles owned by the Company for any proper County use so long as such use by the County does not interfere with the operation and maintenance of the CATV System.

(J) The Company, during the installation, maintenance and operation of its television transmission and distribution system, must guard and protect any opening or obstruction in the streets or other public places by placing adequate barriers, fences or boarding, the bounds of which shall be clearly designated by warning lights during periods of dusk and darkness.

(K) The Company agrees to restore to as good a condition as before entry, any pavement, sidewalk or other improvement of any street, avenue, alley or other public place disturbed by the Company. Pavement may be cut only with the prior written consent of the Highway Department.

SECTION 10. The County shall give written notice to the Company of any alleged violation of any covenant in this Ordinance specifying the nature of the violation and the specific section or sections of this Ordinance which have allegedly been violated. The County shall allow the Company at least ~~sixty~~ <sup>thirty</sup> days to remedy the condition complained of prior to cancellation by the County of this franchise for breach of any covenant hereunder, provided that such

cancellation or forfeiture shall first be declared by a court of competent jurisdiction after a hearing and upon appropriate full and final findings of fact pursuant to law.

SECTION 11. The County shall not permit any individual or company to provide services similar to those of the Company without first having secured a franchise from the County. The County shall not grant a franchise to individuals or companies offering or furnishing services similar to those of the Company on terms and conditions more favorable to such individuals or companies than those contained herein, unless this Ordinance is amended to provide for such favorable terms and conditions.

SECTION 12. Upon continuing full and complete performance by the Company of each and every term of this Resolution, the right herein granted shall continue for a term of ten (10) years from the date this Ordinance was adopted. Renewal of this franchise shall be in compliance with any federal or state laws which may be presently enacted, or enacted at a later date, which may apply to franchise renewal. All of the terms, conditions and provisions herein shall continue to apply in any such extension period or during the aforementioned court proceeding.

SECTION 13. All notices and other communications hereunder shall be in writing and shall be deemed to have been given on the date of actual delivery if mailed, first class, registered or certified mail, return receipt requested, postage prepaid to the following respective addresses:

To the County:

Dubois County Commissioner  
Dubois County Auditor  
c/o Courthouse  
Jasper, IN 47546

To the Company:

Tele-Media Company of Mid-South  
P.O. Box 09768  
Columbus, Ohio 43209

Any party to this Ordinance may change the address to which all communications and notices may be sent by addressing notices of such change in the manner provided hereunder.

SECTION 14. Any and all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed.

SECTION 15. The Company shall assume the cost of publication of this Ordinance, if such publication is required by law.

SECTION 16. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The County hereby declare that they would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional. The invalidity of any portion of this Ordinance shall not abate, reduce or otherwise affect any consideration or other obligation required of the Company.

SECTION 17. This Ordinance is hereby declared to be a measure in the interest of public peace, health, welfare and safety, and shall therefore go into immediate effect upon the passage and adoption of this Ordinance, and within thirty (30) days from the effective date the Company shall file its written acceptance, at which time this Ordinance shall constitute a contract between the Company and the County.

This Ordinance has been passed by the County Commissioners of, Dubois County, Indiana on the 16 day of FEBRUARY, 1996.

County Commissioners:

Edward A. Hoff  
James R. Humber  
May Lou Schell

Mark A. Brescher  
Clerk



ORDINANCE

Ordinance No. 96-4

"AN ORDINANCE VACATING A PART OF A  
PLATTED UTILITY AND DRAINAGE EASEMENT"

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF DUBOIS  
COUNTY, INDIANA, that:

Section 1. The part of the twelve (12) foot platted public  
utility and drainage easement running north and south through the  
real estate described as follows:

A part of Commercial Tract "A" in the Northwood Village  
Subdivision, Part I, a subdivision to the City of Jasper, as  
platted upon a part of the Southwest Quarter of Section Fifteen  
(15), Township One (1) South, Range Five (5) West, in Bainbridge  
Township, Dubois County, Indiana, more particularly described as  
follows:

Commencing at the southwest corner of the southwest  
quarter of the northeast quarter of section 15-1-5;  
thence South 89° 58' 30" East a distance of 25.00 feet;  
thence North 0° 49' 30" East a distance of 35.00 feet  
to the point of beginning of the herein described  
tract, said point being the southwest corner of  
commercial tract "A" in the Northwood Village  
Subdivision, Part One, a subdivision to the City of  
Jasper; thence South 89° 58' 30" East along the south  
line of said tract a distance of 404.40 feet to the  
west line of a 2.00 acre tract (SW IN. District Church  
of the Nazarene) as described in Deed Book 165 Page 329  
in the Office of the Dubois County Recorder; thence  
North 0° 01' 24" East along said west line and the  
extension thereof, a distance of 624.40 feet; thence  
North 89° 59' 14" West a distance of 395.19 feet to the  
west line of said Tract "A"; thence South 0° 49' 30"  
West along said west line a distance of 624.37 feet to  
the point of beginning, containing 5.73 acres, more or  
less.

BE AND THE SAME IS HEREBY VACATED.

Section 2. A copy of this ordinance shall be recorded in  
the office of the Recorder of Dubois County, Indiana.

Section 3. This ordinance shall take effect immediately upon its passage by the Board of Commissioners of Dubois County, Indiana and the signature of the President and Secretary of the Board of Commissioners of Dubois County, Indiana.

PASSED AND ADOPTED by the Board of Commissioners of Dubois County, Indiana, this 16 day of FEB, 1996.

Eugene A. Hopf  
Eugene A. Hopf  
President

ATTEST:  
Mark A Brescher



## Dubois County Emergency Management/C.D.

602 Main St. Jasper, IN 47546 • (812) 482-2202  
Mary A. Miller, Director • Dave Nugent, Dep. Dir

### PROCLAMATION

#### "SEVERE WEATHER AWARENESS WEEK"

MARCH 17 - 23, 1996

- WHEREAS:** The months of March through June present the highest risk for severe thunderstorms and tornadoes to strike Dubois County; and
- WHEREAS:** DUBOIS COUNTY is located within the nation's "Tornado Belt", becoming a prime target of devastating tornado outbreaks and other types of severe weather and;
- WHEREAS:** A statewide tornado warning exercise will be held on March 20, 1996 for the purpose of testing communications systems, equipment and procedures; and
- WHEREAS:** During this week, the DUBOIS COUNTY EMERGENCY MANAGEMENT/CIVIL DEFENSE is emphasizing its safety procedures involving tornado activity:

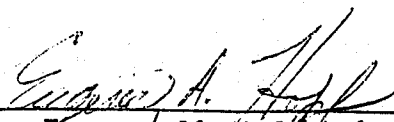
**NOW, THEREFORE,**

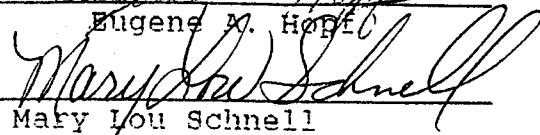
We, the COMMISSIONERS OF DUBOIS COUNTY, do hereby proclaim March 17-23, 1996 as

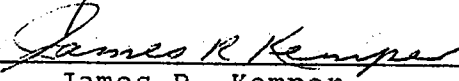
#### "SEVERE WEATHER AWARENESS WEEK"

in Dubois County and encourage all citizens to become aware of tornado danger signs, and to learn how to safeguard the lives of our families, friends, and citizenry in the event of severe weather activity in our area.

March 4, 1996

  
Eugene N. Hoff

  
Mary Lou Schnell

  
James R. Kemper

# 1996 FAMILY WEEK PROCLAMATION

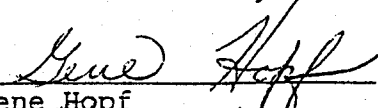
Whereas, families are the basic building block of society;


Whereas, families provide life, love, unity and security;

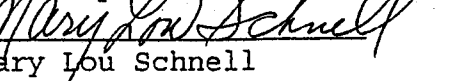
Whereas, a family's well-being is vital to the strength and success of our county;

Whereas, as we reflect and celebrate our own family life during Dubois County Family Week, let us reaffirm our commitment as individuals and as a county to establish policies and programs that help parents, children and all individuals.

Now, therefore, The Board of County Commisioners of Dubois County, Indiana, do hereby proclaim April 14th to the 20th as Dubois County Family Week and call upon all citizens, government agencies, public and private Institutions, and businesses to observe this week and appropriate ceremonies and programs in appreciation of our county's families.

  
Gene Hopf

  
Jim Kemper

  
Mary Lou Schnell

Board of County Commissioners  
of Dubois County, Indiana

ORDINANCE 1996-5

AN ORDINANCE ESTABLISHING SPEED LIMITS  
ON A PORTION OF NORTH CHERRY STREET  
IN DUBOIS COUNTY, INDIANA,

WHEREAS, any person operating a motor vehicle on a public highway within Dubois County, Indiana, shall operate the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to traffic, surface and width of roadway, and to other conditions then existing; but,

WHEREAS, It is the determination of the Board of County Commissioners that limits shall be placed upon the maximum speed which shall be allowed when traveling such public highways; and,

WHEREAS, As a result of study conducted and review made of road conditions at the following location, it has been determined that a more restrictive speed limit is required for the safety of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, THAT:

- (1.) Motor vehicles operated on North Cherry Street from State Road 64 to 10<sup>th</sup> Street being a distance of approximately .56 miles, shall be restricted to a maximum speed of 25 miles per hour.
- (2.) Each such public highway shall be posted for such maximum speed limit.
- (3.) Violation of this Ordinance shall be punishable in that manner prescribed by Indiana Statute and by prior Ordinance pertaining to speed limits heretofore adopted by this Board of County Commissioners.
- (4.) This Ordinance shall be effective from and following its passage and proper posting of the described speed limit.

ADOPTED: 3/18/96

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Eugene A. Hoff

James C. Kemper

Mary Lou Schulz

ATTEST:

Mark A. Brescher  
Mark A. Brescher, Auditor

EMERGENCY PROCLAMATION

WHEREAS, Dubois County, Indiana experienced heavy rains during the week of April 21-27, 1996, and unusually heavy rains on April 21 and 22, 1996, resulting in flooding conditions within the County following such dates; and,

WHEREAS, As a result of said flooding, numerous public highways within the County have been covered with water; and,

WHEREAS, The foundation of many such highways, and bridges and culverts thereon, have been damaged by such flood waters, causing such public highways to be unsafe for travel; and,

WHEREAS, Public utilities within the County have also been damaged and, in some cases, rendered inoperable; and,

WHEREAS, Certain residential and business properties have requested and will require public assistance to prevent damage and/or remain usable; and,

WHEREAS, the health and safety of the public is currently at risk; and,

WHEREAS, I, being the President of the Dubois County Commissioners have determined that the following response and protective measures are necessary to protect public health, life, and property:

1. Drivers are requested to remove, not use and keep motor vehicles off public streets and roads which are or have been the subject of flooding.

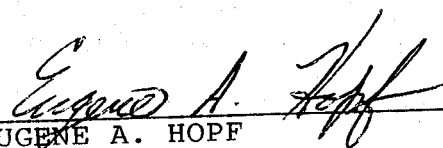
2. Public assistance shall be rendered to those properties and persons who or which are the subject of flooding.

3. All actions shall be taken as soon as possible to inspect public highways which have been flooded to determine usability, and necessary repairs made.

4. That request be made of the appropriate state and federal agencies for assistance.

WHEREAS, I.C. 10-4-1-23, requires an emergency proclamation by the principle executive officer before such measures may be enacted;

NOW, THEREFORE, BE IT RESOLVED, that I, Eugene A. Hopf, being the President of the Dubois County Commissioners do hereby proclaim that an emergency exists as of April 29, 1996 at 4:00 p.m. to be effective for a period of 24 hours unless previously terminated or extended.

  
EUGENE A. HOPF