

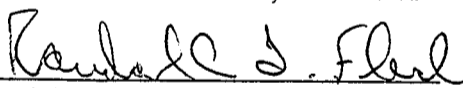
ORDINANCE NO. 2010-6

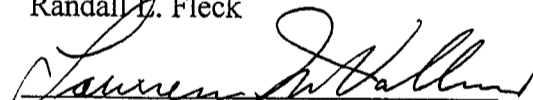
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS,  
OF DUBOIS COUNTY, INDIANA, THAT:

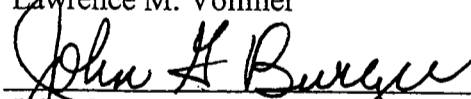
1. To prevent damage caused by excess weight on County Roads during periods of freeze and thaw, the Commissioners hereby establish a 10 ton gross load (weight) limit on all motor vehicles operated on County Roads within Dubois County, Indiana during the period from January 15, 2011 through April 15, 2011. Jasper 3<sup>rd</sup> Avenue from Jasper city limits south to S.R. 162 is exempt from this Ordinance.
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. 34-6-2-85 and I.C. 34-28-5-4.
3. This Ordinance shall become effective upon publication as required by law.

ADOPTED: December 20, 2010.

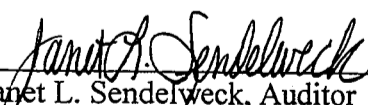
BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

  
\_\_\_\_\_  
Randall L. Fleck

  
\_\_\_\_\_  
Lawrence M. Vollmer

  
\_\_\_\_\_  
John G. Burger

ATTEST:

  
\_\_\_\_\_  
Janet L. Sendelweck, Auditor

ORDINANCE NO. 2011-1

AN ORDINANCE REGULATING THE DESIGN, CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF PRIVATE SEWAGE DISPOSAL SYSTEMS IN DUBOIS COUNTY, INDIANA; REQUIRING A PERMIT TO INSTALL, REPAIR OR ALTER ANY PRIVATE SEWAGE DISPOSAL SYSTEM AND ESTABLISHING REGULATIONS WITH REGARD TO THE INSTALLATION THEREOF; REQUIRING THE REGISTRATION AND BONDING OF INSTALLERS OF SUCH SYSTEMS; AND FIXING FEES FOR SUCH PERMITS AND REGISTRATIONS AND PENALTIES FOR VIOLATIONS THEREOF.

Section 1. This ordinance shall be administered by the Dubois County Health Department through the Health Officer and his or her authorized representatives. Minimum requirements shall be specified by the Indiana State Department of Health as now provided in its Residential Sewage Disposal Systems Rule 410 IAC 6-8.2 or as the same may be hereafter changed or amended.

Section 2. 410 IAC 6-8.2-50 General sewage disposal requirements. Part (k). Wherever a public sanitary sewer becomes available and is within 200 feet from the residential or business property line served by a private sewage disposal system or privy, situated in Dubois County, Indiana, a direct connection shall be made to the said sewer. Any septic tank, seepage pits, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner.

Section 3. 410 IAC 6-8.2-56 Separation distances. The following provisions shall apply in Dubois County:

Minimum distance in feet from	Septic tank, Dosing tank,	Upslope from absorption field	Down slope from absorption field
Front, side or rear lot lines	10	10	10

Section 4. 410 IAC 6-8.2-72 Subsurface gravity feed trickle flow systems; construction requirements. Part (h) the following provision shall apply in Dubois County: There shall be a minimum separation of ten (10) feet, on center, between absorption field trenches.

Section 5. Permits to install, registering and bonding of installers, permit and registration fees and inspections.

- A. Before commencement of construction of any business building or private residence where a private sewage disposal system or privy is to be installed or where any alterations, repair or addition of an existing private sewage disposal system is planned, the owner or agent of the owner shall first obtain a written permit signed by the Health Officer. The application for such permit shall be made on a form provided by the Dubois County Health Department which application shall be supplemented by any plans. Specifications and other information as are deemed necessary by the Health Officer. The application for a permit shall be completed after a site review is conducted by the Dubois County Health Department. The site review shall investigate the following:
- a. Location of proposed sewage disposal system or changes to existing one.
  - b. Location of any existing or proposed source of water supply and water lines on property

- c. Location of water supply sources, water service lines, and sewage disposal systems within 100 feet of the proposed system.
  - d. Completed soil survey evaluation, conducted by a soil scientist, containing any information the soil scientist feels is pertinent to the site.
- B. No person shall construct, install, connect, alter or extend a private sewage disposal system within Dubois County, Indiana without first having filed a written application as set forth in this ordinance and having a written permit from the Health Officer.
  - C. A fee of seventy five (\$75.00) dollars shall be paid with each application for permits filed with the Dubois County Health Department.
  - D. A separate permit shall be obtained for sewage disposal work on each dwelling.
  - E. If the sewage disposal system has not been constructed, installed, altered or extended before the rule governing it changes, the permit shall automatically expire.
  - F. The Health Officer shall deny a permit if the information on the application is incomplete, inaccurate or indicates that the provisions of this ordinance cannot be met.
  - G. The issuance of a permit does not constitute assumption by the Dubois County Health Department or its employees of liability for the failure of any sewage disposal system.
  - H. The Health Officer shall maintain a register of all person engaged in or intending to engage in the installation of sewage disposal devices or equipment within Dubois County, Indiana.
  - I. Any individual, firm, association or corporation engaged in or intending to engage in the installation of sewage disposal devices or equipment shall make application to the Health Officer to have his name placed on the register for those engaged in the installation of sewage disposal devices or equipment. The applicant shall submit an application fee of fifty (\$50.00) dollars per calendar year or part thereof. The application form shall contain the name and address of the person making application and the address of the firm or place of business he is associated with, and such information as the Health Officer determines will reasonably aid in the administration and enforcement of this ordinance.
  - J. Upon acceptance of prospective applicant's registration, registrant shall post a surety bond with the Board of Health, Dubois County, State of Indiana, in the penal sum of not less than one thousand (\$1,000.00) dollar in favor of the Board of Health , conditioned upon registrant's faithful compliance with Rule 410 IAC 6-8.2 and Dubois County Ordinance 2011-
  - K. Upon recommendation to the Health Officer, the Board may remove the name of any individual, partnership, firm, association or corporation from the register or persons engaged in the installation of sewage disposal devices or equipment who have demonstrated inability or unwillingness to comply with the regulations. Such person may have his name reinstated on the register of persons engaged in the installation of sewage disposal devices or equipment by the Board of Health after satisfactory demonstration of ability or willingness to comply with the regulations.
  - L. All fees collected under the terms of this ordinance shall be receipted monthly into the Dubois County Treasury and credited to the Dubois County Health Fund for services rendered in enforcing this ordinance.

- M. The provisions of the permit for the construction of a private sewage disposal system or privy shall not be considered fulfilled until the installation is completed to the satisfaction of the Health Officer or his agent. The permittee shall notify the Health Officer at least two (2) working days prior to completion of the system for final backfill inspection. Such final inspection is required before any underground portions are covered.
- N. The Health Officer or his agent shall be permitted to enter upon all properties at the proper time for purposes of inspection, observation and testing necessary to carry out the provisions of this ordinance.

#### Section 6. Enforcement Procedures

- A. Any person found to be violating any provisions of this regulation may be served by the Health Officer with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof.
- B. After receiving an order in writing from the Health Officer, the owner, agent of the owner, the occupant or agent of the occupant of the property shall comply with the provisions of this ordinance as set forth in said order and within the time limit included therein. Said order shall be served on the owner or agent of the owner or the occupant or the agent of the occupant, but may be served on any person who, by contact with the owner, has assumed the duty of complying with the provisions of an order.

#### Section 7. Penalties

- A. Any person found to be violating any provisions of this ordinance shall be guilty of a misdemeanor. On conviction, the violator shall be punished for the first offense by a fine of not more than five hundred (\$500.00) dollars; for the second offense by the fine of not more than one thousand (\$1,000.00) dollars; and for the third and each subsequent offense by a fine of not more than one thousand (\$1,000.00) dollars to which may be added imprisonment for any determined period not exceeding ninety (90) days, and each day after the expiration of the time limit for abating insanitary conditions and conditions as ordered by the Health Officer or his agent, shall constitute a distinct and separate offense.

#### Section 8. Appeals Procedure

- A. If an applicant is refused a permit, the administrative authority shall, upon request, afford the applicant a fair hearing in accordance with provisions of IC 4-21.5-3.
- B. The Administrative authority may, after reasonable notice and opportunity for a fair hearing, in accordance with the provisions of IC 4-21.5-3, revoke a permit if it finds that the holder of the permit has failed to comply with any provisions of this ordinance.

#### Section 9. Validity

- A. If any section, paragraph, sentence, clause, phrase or work of this ordinance, or any part thereof be declared invalid for any reason, the remainder of said ordinance shall not be affected thereby and shall remain in full force and effect.
- B. Adoption of this ordinance shall serve to supersede Dubois County Board of Health Ordinance 1992-6.

Section 10. Date of effect

- A. This ordinance shall be in full force and effect on the 7<sup>th</sup> day of February, 2011, upon its adoption and its publication as provided by law.

Signed By: Dubois County Commissioners

Larry Vollmer Larry Vollmer

Doug Uebelhor Doug M Uebelhor

Randy Fleck Randy Fleck

## Local Disaster Emergency Declaration

Dubois County, Indiana

Whereas, Dubois County, Indiana has been impacted by or is immediately threatened as the result of a tornado which touched down in Dubois County on the morning of February 28, 2011.

Now, therefore, we, the Dubois County Board of Commissioners, declare that a local disaster emergency exists in the County and that we hereby invoke and declare those portions of the Indiana Code which are applicable to the conditions and have caused the issuance of this proclamation, to be in full force and effect in the County for the exercise of all necessary emergency authority for protection of the lives and property of the people of this County.

Reference is hereby made to all appropriate laws, statutes, ordinances, and resolutions and particularly to Indiana Code 10-14-3-29 (formerly Indiana Code 10-4-1-23).

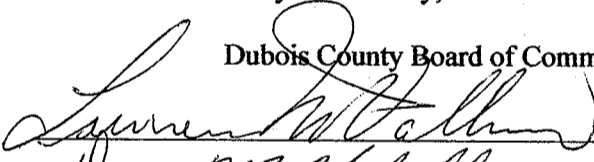
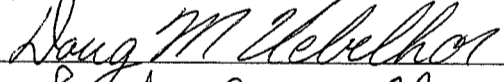

All public offices and employees of Dubois County are hereby directed to exercise the utmost diligence in the discharge of duties required of them for the duration of the emergency and in execution of laws, regulations, and directives—state and local.

All citizens are called upon and directed to comply with necessary emergency measures, to cooperative with public officials and disaster services forces in executing emergency operations plans, and to obey and comply with the lawful directions of properly identified officers.

All operating forces will direct their communications and requests for assistance and operations directly to the Dubois County Emergency Operating Center.

In witness, whereof, we have hereunto set our hand as of the 28th day of February, 2011.

Dubois County Board of Commissioners

	President
	Member
	Member

Attest:   
Dubois County Auditor

# Proclamation

WHEREAS, National days of prayer have been part of our country's tradition since 1775 and, in 1988, Congress unanimously designated the first Thursday of every May as a National Day of Prayer; and,

WHEREAS, This time has been set aside as a time to give thanks for the many blessings our country has received and to recognize the need for a renewal of moral values and heavenly guidance for community leaders; and,

WHEREAS, it is also fitting that we focus on the need for a healing and a reconciliation within our nation;

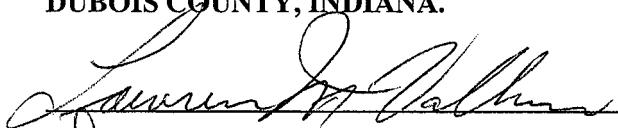
NOW THEREFORE, The Board of Commissioners of Dubois County, Indiana, does hereby proclaim Thursday, May 5, 2011 as a

## DAY OF PRAYER

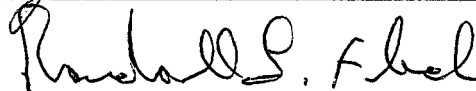
in Dubois County, and urge all citizens to join in the hope that peace and unity will soon be alive and dwell in the hearts of all mankind.

ADOPTED, this 21st day of March, 2011.

BOARD OF COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA.

  
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ATTEST:

  
\_\_\_\_\_

AUDITOR OF DUBOIS COUNTY, INDIANA

ORDINANCE NO #2011-2

AN ORDINANCE AUTHORIZING FUNDING TO THE  
DUBOIS COUNTY POLICE PENSION FUND

WHEREAS, This Board of Commissioners of Dubois County have previously indicated that funds received by the Dubois County Sheriff's Department for Out-of-State and In-State Civil Process fees may be deposited monthly into the Dubois County Police Pension Fund; and further,

WHEREAS, This Board of Commissioners of Dubois County also previously indicated that funds received by the Dubois County Sheriff's Department for Civil Process and Sheriff's fees related to Sheriff's Sales of Foreclosed Property may be deposited monthly into the Dubois County Police Pension Fund; and further,

WHEREAS, This Board of Commissioners of Dubois County have also previously indicated that funds received by the Dubois County Sheriff's Department for Indiana State Tax Warrants, such as, Collection Fees or Sheriff's Fees, may be deposited monthly into the Dubois County Police Pension Fund; and,

WHEREAS, This Board of Commissioners have been advised that the Dubois County Council has indicated to the Sheriff's Department that the Council would have no objection to the allocation of said fees to the Dubois County Police Pension Fund.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Dubois County, Indiana, that Civil Process fees, fees related to Sheriff sales of foreclosed property and funds received from collections of Indiana Tax Warrant, all as collected by the Dubois County Sheriff's Department shall hereafter be paid and distributed to the Dubois County Police Pension Fund.

ALL OF WHICH IS ORDAINED by the Board of Commissioners of Dubois County, Indiana, this 4TH day of April, 2011.

BOARD OF COUNTY COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA

*Lawrence J. Vallin*  
*David M. Uebelhor*  
*Ronald J. Fiedel*

ATTEST:

*Katherine M. Hays*  
AUDITOR OF DUBOIS COUNTY, INDIANA



ORDINANCE

AN ORDINANCE AUTHORIZING THE DUBOIS COUNTY HEALTH DEPARTMENT TO PLACE REVENUE FROM THE DEPARTMENT'S IMMUNIZATION PROGRAM INTO COUNTY HEALTH FUND.

WHEREAS, I.C. 16-20-1-27 provides that the Board of each Health Department may, with the approval of the county executive, establish and collect fees, not exceeding the cost of services provided, for specific services and records established by local ordinances and state law; and,

WHEREAS, the Dubois County Board of Health has established fees for services rendered to clients of the Department; and,

WHEREAS, it is the intent of the Health Board to allocate monies received by the Health Department into the Health Department's separate fund to be applied against the cost of providing such and future health services, including the Department's immunization programs.

NOW, THEREFORE, be it ordained by the Board of Commissioners of Dubois County, Indiana, that:

1. All fees collected by the Dubois County Health Department for services rendered by that Department shall be accounted for in detail for each program service area; and,

2. That revenue collected from the rendering of such services shall be allocated and transferred to the Dubois County Health Fund or such other dedicated Department fund as may be determined by the Health Board for use in providing such services or further services.

3. This Ordinance shall be effective upon its adoption.

Adopted this 15th day of August, 2011.

BOARD OF COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

BY: Lauren J. Galbreath

BY: Doug M. Uebelhor

BY: Randall S. Fless

ATTEST:

Kathleen M. Hoff  
AUDITOR OF DUBOIS COUNTY, INDIANA


ORDINANCE NO. 2011-4


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

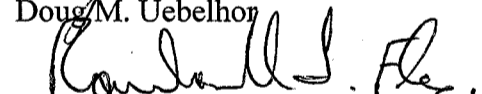
1. To prevent damage caused by excess weight on County Roads during periods of freeze and thaw, the Commissioners hereby establish a 10 ton gross load (weight) limit on all motor vehicles operated on County Roads within Dubois County, Indiana during the period from January 15, 2012 through April 15, 2012. Jasper 3<sup>rd</sup> Avenue from Jasper city limits south to S.R. 162 is exempt from this Ordinance.
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. 34-6-2-85 and I.C. 34-28-5-4.
3. This Ordinance shall become effective upon publication as required by law.

ADOPTED: December 19, 2011

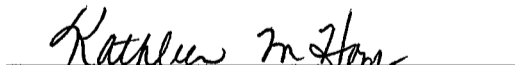
BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

  
Lawrence M. Vollmer

  
Doug M. Uebelhor

  
Randall L. Fleck

ATTEST:

  
Kathleen M. Hopf, Auditor

ORDINANCE NO. 2011-5

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, VACATING EXISTING STREETS AND LOTS IN THE TOWN OF MALTERSVILLE, DUBOIS COUNTY, INDIANA

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

Section 1. It is the finding of this Board, after public hearing, that adequate reason exists for the vacation of the following described street and lots in the town of Maltersville, Bainbridge Township, Dubois County, Indiana. That proper notice has been given of said hearing; that part of said property has been heretofore dedicated but never developed and that no public benefit is to be derived from the continued existing of said streets and lots; that all adjacent property owners, being sole person who would be served by said public streets and private lots, has been notified by certified letter of a vacation of said streets and lots; that said vacation of said streets and lots will not diminish the value of any other real estate located in the vicinity thereof; and that no reason exists of the continued existence of said streets and lots and the same shall be vacated:

**That portion of streets and lots lying in the Town of Maltersville.**


1. The specific portion of Main Street which the petitioners seek to vacate is that portion of an existing street North of the State of Indiana Highway 162 Right-a-way and North of County Road 230 South Right-of-way and between the Lots of 34, 35, 36, 37, 38, 39, 40, 41, and 42; all in the Town of Maltersville. The street sought to be vacated is 40 feet in width and approximately 273 feet in length, and is approximately .25 acres.
2. The specific portion of 5<sup>th</sup> Street which the petitioners seek to vacate is that portion of an existing street East of the State of Indiana Highway 162 Right-a-way, North of Lot 41, 42 and North end of Main Street Right-a-way; all in the Town of Maltersville. The street sought to be vacated is 40 feet in width and approximately 323 feet in length and is approximately .30 acres.
3. The specific portion of Lot 34 which the petitioners seek to vacate is the portion of an existing lot North of the State of Indiana Highway 162 Right-a-way, North of County Road 230 South Right-of-way and East of Main Street Right-a-way; all in the Town of Maltersville. The lot size is approximately 12.9 square feet.
4. The specific portion of Lot 35 which the petitioners seek to vacate is the portion of an existing lot North of the State of Indiana Highway 162 Right-a-way, North of County Road 230 South Right-of-way and East of Main Street Right-a-way; all in the Town of Maltersville. The lot size is approximately .12 acres.
5. The specific portion of Lot 36 which the petitioners seek to vacate is the portion of an existing lot Northeast of the State of Indiana Highway 162 Right-a-way, Northeast of County Road 230 South Right-of-way and West of Main Street Right-a-way; all in the Town of Maltersville. The lot size is approximately .06 acres.


6. The specific portion of Lot 37 which the petitioners seek to vacate is the portion of an existing lot East of the State of Indiana Highway 162 Right-a-way and West of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .10 acres.
7. The specific portion of Lot 38 which the petitioners seek to vacate is the portion of an existing lot North of County Road 230 South Right-of-way and East of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .24 acres.
8. The specific portion of Lot 39 which the petitioners seek to vacate is the portion of an existing lot North of County Road 230 South Right-of-way and East of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .25 acres.
9. The specific portion of Lot 40 which the petitioners seek to vacate is the portion of an existing lot East of the State of Indiana Highway 162 Right-a-way and West of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .13 acres.
10. The specific portion of Lot 41 which the petitioners seek to vacate is the portion of an existing lot East of the State of Indiana Highway 162 Right-a-way, South of 5<sup>th</sup> Street Right-of-way and West of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .17 acres.
11. The specific portion of Lot 42 which the petitioners seek to vacate is the portion of an existing lot South of 5<sup>th</sup> Street Right-of-way and East of Main Street Right-a-way; all in the Town of Malpersville. The lot size is approximately .27 acres.

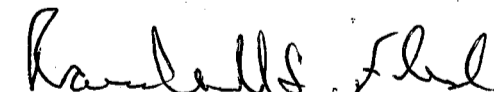
Section 2. That said portion of streets and lots as herein described shall be and is hereby vacated, subject however to a perpetual easement as to any public utility now located within the boundaries thereof.

Section 3. This Ordinance shall be in full force and effect from and after adoption.

DULY PASSED AND ADOPTED THIS 19 DAY OF Dec., 2011.

  
Doug M. Uebelhor

  
Lawrence M. Vollmer

  
Randall L. Fleck

DUBOIS COUNTY

ORDINANCE ESTABLISHING COUNTY COMMISSIONER  
AND COUNTY COUNCIL DISTRICTS  
ORDINANCE NO. 2011-6

WHEREAS, The Dubois County Commissioners are required to establish County Commissioner Districts in 2011 pursuant to I.C. 36-2-2-4; and,

WHEREAS, The Dubois County Commissioners are required to establish County Council Districts in 2011 pursuant to I.C. 36-2-3-4; and,

WHEREAS, The purpose of this ordinance is to establish County Commissioner and County Council election districts in Dubois County.

NOW THEREFORE BE IT ORDAINED as follows:

Section 1: Dubois County is divided into three (3) County Commissioner election districts designated numerically as follows:

District #1: This District shall consist of all of Boone, Columbia, Harbison, Madison and Patoka Townships.

District #2: This District shall consist of all of Bainbridge Township.

District #3: This District shall consist of all of Cass, Ferdinand, Hall, Jackson, Jefferson and Marion Townships.

Section 2: Dubois County is divided into four (4) County Council election districts designated numerically as follows:

District #1: This District shall consist of all of Boone, Harbison and Madison Townships and the following Precincts in Bainbridge Township: 3W, 5N, 6N and 7.

District #2: This District shall consist of the following Precincts in Bainbridge Township: 2E, 2W, 3E, 4N, 4S, 5S and 6S.

District #3: This District shall consist of all of Columbia, Hall, Ferdinand, Jackson, Jefferson and Marion Townships.

District #4: This District shall consist of all of Cass and Patoka Townships and Precinct #1 in Bainbridge Township.

Section 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance is hereby repealed.

Section 4: If any section, provision, or any part of this ordinance is adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid.

Passed the 19th day of December, 2011.

BOARD OF COUNTY COMMISSIONERS OF  
DUBOIS COUNTY INDIANA

*Lawrence M. Vollmer*  
\_\_\_\_\_  
LAWRENCE M. VOLLMER

*Randall L. Fleck*  
\_\_\_\_\_  
RANDALL L. FLECK

*Doug M. Uebelhor*  
\_\_\_\_\_  
DOUG M. UEBELHOR

ATTEST:

*Kathleen M. Hopf*  
\_\_\_\_\_  
KATHLEEN M. HOPF, COUNTY AUDITOR



## Proclamation

WHEREAS, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law; and

WHEREAS, Community Action Agencies have a 48 year history of promoting self-sufficiency for limited income individuals; and

WHEREAS, **Dubois Pike Warrick Economic Opportunity Committee, Inc. d/b/a TRI-CAP**, our local Community Action Agency, has been improving the lives of local citizens since 1966; and

WHEREAS, Community Action Agencies have made an essential contribution to individuals and families in America by providing them with innovative and cost-effective services; and

WHEREAS, limited income individuals continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and


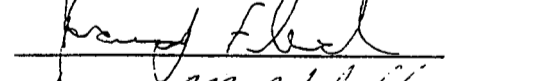
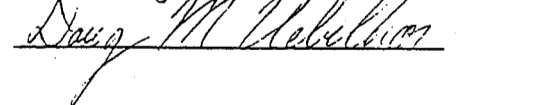
WHEREAS, **Dubois County** and the entire United States must continue to wage war on poverty by providing support and opportunities for all citizens in need of assistance;

NOW, THEREFORE, we do hereby proclaim May 2012 as

## COMMUNITY ACTION MONTH

in **Dubois County**, Indiana in recognition of the hard work and dedication of TRI-CAP.

IN TESTIMONY WHEREOF, we have hereunto set our hand and caused to be affixed the Great Seal of **Dubois County** at the County Commissioner's Room in Jasper, Indiana on this 5th day of March 2012.

affix seal here

# Proclamation

WHEREAS, National days of prayer have been part of our country's tradition since 1775 and, in 1988, Congress unanimously designated the first Thursday of every May as a National Day of Prayer; and,

WHEREAS, This time has been set aside as a time to give thanks for the many blessings our country has received and to recognize the need for a renewal of moral values and heavenly guidance for community leaders; and,

WHEREAS, it is also fitting that we focus on the need for a healing and a reconciliation within our nation;

NOW THEREFORE, The Board of Commissioners of Dubois County, Indiana, does hereby proclaim Thursday, May 3, 2012 as a

## DAY OF PRAYER

in Dubois County, and urge all citizens to join in the hope that peace and unity will soon be alive and dwell in the hearts of all mankind.

ADOPTED, this 19th day of March, 2012.

BOARD OF COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA.

*Lawrence W. Hallum*  
\_\_\_\_\_  
*Ronald D. Fland*  
\_\_\_\_\_  
*Doug M. Hebelton*  
\_\_\_\_\_

ATTEST: *Kathleen M. Zimm*  
\_\_\_\_\_  
AUDITOR OF DUBOIS COUNTY, INDIANA



ORDINANCE NO. 2012 – 01

AN ORDINANCE OF THE COUNTY COUNCIL OF DUBOIS COUNTY, INDIANA

APPROVING TAX ABATEMENT PROCEDURES

WHEREAS, the County Council of Dubois County, Indiana has determined that economic revitalization and the attraction of capital investment and the attraction and/or retention of good paying jobs is beneficial to the economic welfare of its citizens; and

WHEREAS, said County Council of Dubois County, Indiana is permitted and has the power pursuant to the provisions of Indiana Law to promote economic revitalization by offering certain financial incentives within the non-incorporated areas of Dubois County, Indiana, for the purpose of attracting new capital investment and attracting and/or retaining good paying jobs; and

WHEREAS, this Ordinance provides a mechanism to objectively evaluate requests for tax phase – in and such procedures are set forth to promote and assist economic development within Dubois County, Indiana; and

WHEREAS, this Ordinance is in the best interest of Dubois County, Indiana and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF DUBOIS COUNTY, INDIANA, AS FOLLOWS:

Section 1. PROPERTY TAX ABATEMENT AVAILABLE. There shall be available within the jurisdictional limits of Dubois County, Indiana, a program of property tax abatements in accordance with Indiana Code 6-1.1-12.1, as amended from time to time, for the redevelopment and/or rehabilitation of commercial and industrial property, and for the acquisition and installation of new manufacturing equipment in areas within the jurisdiction of Dubois County authority which is hereafter designated by the County Council as "economic revitalization areas." The terms "economic revitalization areas," "new manufacturing equipment," "property," "redevelopment" and "rehabilitation," as used herein, shall have the same meaning as said terms are defined by I.C. 6-1.1-12.1-1 and as provided for in I.C. 6-1.1-12.1-2.

SECTION 2. APPLICATIONS FOR DESIGNATION/ABATEMENT. Dubois County shall prepare printed forms and require all applicants applying for designation/abatement to complete and submit such forms. Applicants shall submit separate forms for real property abatement and personal property abatement. The applications shall include, but not be limited to, the following information: description of the real estate, proposed use of the real estate, proposed type and costs of redevelopment, rehabilitation, and/or new manufacturing equipment and/or research and development equipment, description of the proposed operation and number of jobs to be created, wages for jobs to be created, and projected date of completion for the proposed improvements.

SECTION 3. FILING FEE. Upon filing its application and any other forms required by Dubois County for real property tax abatement, the applicant shall pay a non-refundable filing fee in the sum of Two Hundred Fifty Dollars (\$250.00), made payable to Dubois County, Indiana. Upon filing its application and any other forms required by Dubois County for personal property tax abatement, the applicant shall pay a non – refundable filing fee in the sum of Two Hundred Fifty Dollars (\$250.00), made payable to Dubois County, Indiana. If applicant files for both real property and personal property abatement, applicant shall pay total non – refundable fees of Five Hundred Dollars (\$500.00).

SECTION 4. APPLICATION PROCEDURE. The original completed application, fee and other forms required by Dubois County shall be submitted to the Auditor of Dubois County, Indiana. Said information shall be forwarded to a committee composed of the County Auditor, the President of the County Council of Dubois County, Indiana, and the President of the Board of County Commissioners of Dubois County, Indiana for review and to make written recommendations to the County Council regarding the desirability of designating the area described in the application as an economic revitalization area and may recommend the period of time during which the area shall be so designated and the type of abatement/incentives that should be allowed, in accordance with I.C. 6-1.1-12.1 and any other Indiana law, and after following the procedures set forth in Exhibit A attached hereto. The committee designated above may consult with such other individuals or entities as members of the committee determine advisable in review of the application to provide information necessary, in the sole opinion of the committee, to form a recommendation regarding the effect of granting the application. The County Council shall consider the application and recommendation and make the determination as to whether or not to grant economic revitalization area status in accordance with I.C. 6-1.1-12.1 and amounts of tax abatement in accordance with Exhibit A attached hereto. Pursuant to I.C. 6-1.1-12.1-17, the County Council of Dubois County hereby adopts as a guideline the alternative abatement schedule set forth in Exhibit A attached hereto, which considers the total amount of the applicants investment in real and personal property, the number of new full – time equivalent jobs created, the average wage of the new employees compared to the state minimum wage and the infrastructure requirements for the applicant's investment.

SECTION 5. EXPIRATION – REAPPLICATION. If the improvements proposed in the application for economic revitalization area status are not commenced (defined as obtaining a building permit and actual start of construction) within one year of the date of designation, the economic revitalization area designation for the real estate may be voided at the discretion of the County Council.

**SECTION 6. REVIEW AND DETERMINATION OF COMPLIANCE.** Property owners receiving tax abatement must annually file all documents as required by Indiana law, including the Compliance with Statement of Benefits Form (CF - 1). Said forms shall be reviewed by the County to determine compliance, and if the property owner is not in compliance, the County Council may act to rescind the remaining term of abatement and enforce penalties for paying back previously granted tax abatement as allowed by state law or by any agreement between the County and property owner.

**SECTION 7. TAX ABATEMENT LIMITED BY STATE LAW.** This Ordinance shall not give any applicant any rights to tax abatement for a longer period of time, or greater amount, than as provided by the laws of the state of Indiana.

**SECTION 8.** That any ordinance and/or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 9. Separability.** If any section, sub - section, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

**SECTION 10. Effective Date.** This Ordinance shall be in full force and effect from and after its passage by the County Council, and completion of any other legal requirements, all in the manner as provided by law.

PASSED AND ADOPTED by the County Council of Dubois County, Indiana, this 23rd day of April, 2012.

Martha A. Wehr  
Martha A. Wehr

Bonnie J. Luebbehusen  
Bonnie J. Luebbehusen

Mark A. Brescher  
Mark A. Brescher

Gregory A. Kendall  
Gregory A. Kendall

Jerry R. Hunefeld  
Jerry R. Hunefeld

Shane M. Lindauer  
Shane M. Lindauer

Barbara J. Mathies  
Barbara J. Mathies

Attest: Kathy Hopf  
Kathy Hopf, Auditor

EXHIBIT "A"  
TO  
ORDINANCE 2012 – 01  
DUBOIS COUNTY, INDIANA  
TAX PHASE – IN (ABATEMENT) PROGRAM OVERVIEW  
AND GUIDELINE SCORING SYSTEM

Property tax abatement in Indiana is authorized under Indiana Code 6-1.1-12.1 in the form of deductions from assessed valuation. Property owners in a locally – designated Economic Revitalization Area (ERA) who make improvement to the real property or installs eligible new or used personal property (such as manufacturing equipment and certain research and development equipment) are eligible for property tax abatement. The County Council of Dubois County, Indiana decides whether or not to designate areas located within the jurisdiction of the County Council as Economic Revitalization Areas, in compliance with Indiana state law. Land does not qualify for abatement.

Ineligible Projects

Any applicant who commences construction on a proposed project or acquires new manufacturing equipment prior to filing the appropriate tax phase – in (abatment) applications may not be eligible for tax phase – in (abatment). This is because the decision of the County Council to designate the Economic Revitalization Area must be passed on the finding that the area is "undesirable for normal development."

Pursuant to I.C. 6-1.1-12.1-3 (e) Tax abatement for the redevelopment or rehabilitation of real property may not be approved for the following facilities:

- (1) Private or commercial golf course.
- (2) Country club.
- (3) Massage parlor.
- (4) Tennis club.
- (5) Skating facility (including roller skating, skateboarding, or ice skating).
- (6) Racquet sport facility (including any handball or racquetball court).
- (7) Hot tub facility.
- (8) Suntan facility.
- (9) Racetrack.
- (10) Any facility the primary purpose of which is:
  - a. Retail food and beverage service;
  - b. Automobile sales or service; or
  - c. Other retail;

Unless the facility is located in an economic development target area established under Indiana law.

- (11) Residential.
- (12) A package liquor store that holds a liquor dealer's permit under I.C. 7.1-3-10 or any other entity that is required to operate under a license issued under I.C.7.1. This subdivision does not apply to an applicant that:
  - a. Was eligible for tax abatement before July 1, 1995;
  - b. Is described in I.C. 7.1-5-7-11; or
  - c. Operates a facility under:
    - i. A beer wholesaler's permit under I.C. 7.1-3-3;
    - ii. A liquor wholesaler's permit under I.C. 7.1-3-8; or
    - iii. A wine wholesaler's permit under I.C. 7.1-3-13 for which the applicant claims a deduction under this chapter.

The County Council will not generally consider granting Economic Revitalization Area designation for "Speculative Developments" for which no major tenant has been identified. The County Council may consider granting an ERA designation if exceptional circumstances, in the discretion of the County Council, exist.

Applications

The applicant must provide reasons why the project site qualifies as an Economic Revitalization Area as defined under State Law, i.e. lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors that have impaired values or prevent a normal development of property or use of property.

The application shall include information as to the total amount of investment to be made in real and personal property, the number of new Full – Time Equivalent Jobs being created, the average wage of the new employees compared to the state minimum wage and the infrastructure requirements for the taxpayer's investment.

Scoring System

The County Council utilizes a scoring system as a GUIDE for determining the appropriate length of time (one of ten time periods are set forth in the guidelines) of the property tax abatement(s) being sought for a proposed project. The County Council may deviate from these guidelines and grant more or less tax abatement for longer or shorter periods of time (but not to exceed 10 years) on a case-by-case basis as

long as all requirements of Indiana law are met. The County Council may, in its sole discretion, determine that certain projects should not receive any tax abatement, no matter what the outcome using the schedules in these guidelines.

Real Property

A property's assessed value is the basis for property taxes. Annually, local assessing officials assess the value of real property on March 1 based on market value. Property owners can estimate the property taxes for new construction by adding the cost of the land and improvements together and multiplying by the tax rate. For real property tax abatement calculation purposes, the cost of the improvements (the land itself cannot be abated) would be utilized as the real property assessed value. This real property assessment value could then be phased-in.

Personal Property

Personal property values are assessed March 1 of every year and are self reported by property owners to the Assessor using prescribed state forms. Generally speaking, personal property taxes are levied against all tangible property other than real property. Numerous deductions can be applied to personal property. Of course, the value of personal property over time will be subject to depreciation, therefore, applicants are advised to seek the counsel of a financial advisor.

To determine the eligibility of your specific type of personal property and for additional information on the State of Indiana's property tax assessment system, check the Indiana Department of Local Government Finance website at [www.in.gov/dlcf](http://www.in.gov/dlcf).

Other Requirements

The applicant for tax abatement or an authorized representative must attend all meetings of the County Council that deal with the application for tax abatement.

Property owners receiving tax abatement are required to file forms pursuant to State law on an annual basis by the dates required by State law with the County Auditor for each year during which tax abatement is received. The Auditor will send a notice of the information required by February 1st, and it shall include copies of forms required for filing with the County Auditor. The Auditor will verify the information prior to presenting the annual report to the County Council.

Real and Personal Property Tax Abatement Guideline Scoring Criteria

Project Evaluation Criteria for NEW Business Within Jurisdiction of the Dubois County Council.

Category	Points
<b>New Investment in property &amp; equipment</b>	
\$25,000 to \$99,999. . . . .	5
\$100,000 to \$249,999. . . . .	10
\$250,000 to \$499,999. . . . .	15
\$500,000 to \$749,999. . . . .	20
\$750,000 to \$999,999. . . . .	23
\$1,000,000 to \$1,999,999. . . . .	26
\$2,000,000 to \$3,999,999. . . . .	28
Over \$4,000,000. . . . .	30
<b>New employment: number of new full-time equivalent (FTE) jobs:</b>	
3 to 5 new FTE. . . . .	5
6 to 10 new FTE. . . . .	10
11 to 15 new FTE. . . . .	15
16 to 25 new FTE. . . . .	20
26 to 50 new FTE. . . . .	23
51 to 74 new FTE. . . . .	26
75 to 99 new FTE. . . . .	28
100 or more FTE. . . . .	30
<b>New employment wage level: % above state minimum wage *(\$7.25 in 2011)</b>	
140% of state minimum wage (\$10.15). . . . .	5
160% of state minimum wage (\$11.60). . . . .	10
180% of state minimum wage (\$13.05). . . . .	15
200% of state minimum wage (\$14.50). . . . .	20
225% of state minimum wage (\$16.31). . . . .	23
250% of state minimum wage (\$18.25). . . . .	26
300% of state minimum wage (\$21.75). . . . .	30

\*Wage calculation based on average of all new positions.

Infrastructure requirements already in place:	
Adequate road.	2
Water.	2
Wastewater.	2
Electric Service.	2
Gas..	2
Points possible based on specific evaluation criteria.	100
Targeted business bonus points*.	5
Use of existing vacant structure.	2-8
(points will be awarded based on actual vacant structure to be used)	
Offers Employer-sponsored health and wellness benefits.	2
Offers Employer-sponsored retirement plan.	2
Community Involvement.	1
Use of local suppliers and contractors in construction/operation of project.	1
Offers mentoring/internship program.	1
Total points possible with bonus points.	120

\*Targeted business include those in Measuring, Testing and Navigational Instrument Manufacturing, Specialty Food Manufacturing, Durable Goods/Wholesaling/Distribution, Specialty Manufacturers such as medical and game, toy and children's vehicle manufacturing, and Crane Naval Surface Warfare Center Vendors.

Project Evaluation Criteria for Expanding EXISTING Business Within Jurisdiction of Dubois County Council

Category	Points
New Investment in property & equipment	
\$25,000 to \$99,999.	10
\$100,000 to \$249,999.	16
\$250,000 to \$499,999.	21
\$500,000 to \$749,999.	24
\$750,000 to \$999,999.	26
\$1,000,000 to \$1,999,999.	28
\$2,000,000 to \$3,999,999.	29
Over \$4,000,000.	30
New employment: number of new full-time equivalent (FTE) jobs	
3 to 5 new FTE.	10
6 to 10 new FTE.	16
11 to 15 new FTE.	21
16 to 25 new FTE.	24
26 to 50 new FTE.	26
51 to 74 new FTE.	28
75 to 99 new FTE.	29
100 or more FTE.	30
New employment wage level: % above state minimum wage *(\$7.25 in 2011)	
140% of state minimum wage (\$10.15).	10
160% of state minimum wage (\$11.60).	16
180% of state minimum wage (\$13.05).	21
200% of state minimum wage (\$14.50).	24
225% of state minimum wage (\$16.31).	26
250% of state minimum wage (\$18.25).	28
300% of state minimum wage (\$21.75).	30
*Wage calculation based on average of all new positions.	

Infrastructure requirements already in place:	
Adequate road.	1
Water.	1
Wastewater.	1
Electric Service..	1
Gas.	1

Years the applicant has operated in Dubois County:	
1 to 2 years.	1
3 to 4 years.	2
5 to 6 years.	3
7 to 8 years.	4
9 or more years.	5

Points possible based on specific evaluation criteria.	100
Targeted business bonus points*.	5
Use of existing vacant structure.	2-8
(points will be awarded based on actual vacant structure to be used)	

Offers Employer-sponsored health and wellness benefits.	2
Offers Employer-sponsored retirement plan.	2
Community Involvement.	1
Use of local suppliers and contractors in construction/operation of project.	1
Offers mentoring/internship program.	1
Total points possible with bonus points.	120

\*Targeted businesses include those in Measuring, Testing & Navigational Instrument Manufacturing, Specialty Food Manufacturing, Durable Goods/Wholesaling/Distribution, Specialty Manufacturers such as medical and game, toy and children's vehicle manufacturing, and Crane Naval Surface Warfare Center Vendors.

Guideline for Real and Personal Property Tax Incentives Schedule of Abatement

Total Score	Property Tax Phase-In
1-9 points	100% Year 1
10-19 points	100% Year 1 75% Year 2
20-29 points	100% Year 1 75% Year 2 50% Year 3
30-39 points	100% Year 1 75% Year 2 50% Year 3 25% Year 4
40-49 points	100% Year 1 100% Year 2 75% Year 3 50% Year 4 25% Year 5
50-59 points	100% Year 1 100% Year 2 100% Year 3 75% Year 4 50% Year 5 25% Year 6
60-69 points	100% Year 1 100% Year 2 100% Year 3 100% Year 4 75% Year 5 50% Year 6 25% Year 7
70-79 points	100% Year 1 100% Year 2 100% Year 3 100% Year 4 100% Year 5 75% Year 6 50% Year 7 25% Year 8
80-89 points	100% Year 1 100% Year 2 100% Year 3 100% Year 4 100% Year 5 100% Year 6 75% Year 7 50% Year 8 25% Year 9
90+ points	100% Year 1 100% Year 2 100% Year 3 100% Year 4 100% Year 5

100% Year 6  
100% Year 7  
75% Year 8  
50% Year 9  
25% Year 10

100+ points

100% Year 1  
100% Year 2  
100% Year 3  
100% Year 4  
100% Year 5  
100% Year 6  
100% Year 7  
100% Year 8  
75% Year 9  
50% Year 10

Revocation of Tax Abatement by County Council

The County Council believes that the granting of a request for real and/or personal property tax abatement under the terms and conditions established results in a contractual arrangement between the County and the owners granted abatement.

- (A) An applicant who fails to file its annual report with the County Council as required may have the tax abatement revoked by the County Council.
- (B) An applicant who complies with the annual report requirement, but does not substantially comply with the estimates set forth in the documents used by the Council when granting the abatement, unless the failure to do so was due to factors beyond the applicant's control, may have the tax abatement revoked by the County Council.