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BEFORE THE  
BOARD OF COMMISSIONERS,  
DUBOIS COUNTY, INDIANA

IN THE MATTER OF )  
THE PETITION OF )  
ALLAN J. VOEGERL and )  
PAMELA R. VOEGERL, )  
TO VACATE A PORTION )  
OF COMMON STREET AND )  
ALLEYS IN THE )  
UNINCORPORATED TOWN OF )  
PORTERSVILLE, INDIANA )

ORDINANCE VACATING A PORTION OF COMMON STREET AND ALLEYS

Ordinance No. 1992-8

Allan L. Voegerl and Pamela R. Voegerl, having petitioned the Board of Commissioners, Dubois County, Indiana, to vacate a portion of Common Street and certain alleys in the unincorporated Town of Portersville, Indiana, and the Commissioners being duly advised, find as follows:

1. Notice of the filing and hearing on the petition was published in the Dubois County Herald on the 28th day of August, 1992.
2. All property owners whose property adjoin Common Street and the alleys sought to be vacated have been given due notice of the filing of such petition by Certified, United States Mail, Return Receipt Requested.
3. No remonstrators have appeared opposing the petition to vacate such alley.
4. The portion of Common Street to be vacated is Sixty (60) feet in width, and runs from the north edge of First Street, an improved street, north to the south edge of Second Street, an unimproved street.

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5. Common Street is not presently being used as a means of ingress and egress by anyone.

6. The alleys sought to be vacated are Eight (8) feet in width, and are identified as follows:

a. An alley running east and west a distance of Two Hundred Seventeen (217) feet from the west edge of Main Street to the east edge of Common Street, dividing Lots 42 and 43 from Lots 54 and 55.

b. An alley running north and south a distance of Two Hundred Seventeen (217) feet from the north edge of First Street to the south edge of Second Street, dividing Lots 43 and 54 from Lots 42 and 55.

c. An alley running east and west a distance of Two Hundred Seventeen (217) feet from the west edge of Common Street to the east edge of Walnut Street, dividing Lots 44 and 45 from Lots 52 and 53.

d. An alley running north and south a distance of Two Hundred Seventeen (217) feet from the north edge of First Street to the south edge of Second Street, dividing Lots 45 and 52 from Lots 44 and 53.

5. Such street and alleys are presently not being used as a means of ingress and egress by any person.

THEREFORE, upon motion duly made by Virgil U. Schnaus, seconded by Gilbert H. Fleck, and unanimously carried:

BE IT RESOLVED by the Board of Commissioners for Dubois County, Indiana, that the following described portion of Common Street and alleys in the unincorporated Town of Portersville are hereby vacated:

a. The portion of Common Street Sixty (60) feet in width, which runs from the north edge of First Street, north to the south edge of Second Street.

- b. An alley running east and west a distance of Two Hundred Seventeen (217) feet from the west edge of Main Street to the east edge of Common Street, dividing Lots 42 and 43 from Lots 54 and 55.
- c. An alley running north and south a distance of Two Hundred Seventeen (217) feet from the north edge of First Street to the south edge of Second Street, dividing Lots 43 and 54 from Lots 42 and 55.
- d. An alley running east and west a distance of Two Hundred Seventeen (217) feet from the west edge of Common Street to the east edge of Walnut Street, dividing Lots 44 and 45 from Lots 52 and 53.
- e. An alley running north and south a distance of Two Hundred Seventeen (217) feet from the north edge of First Street to the south edge of Second Street, dividing Lots 45 and 52 from Lots 44 and 53.

DATED this 8th day of September, 1992.

BOARD OF COUNTY COMMISSIONERS,  
DUBOIS COUNTY, INDIANA,

Mary Lou Schnell  
Mary Lou Schnell, President

Virgil U. Schnaus  
Virgil U. Schnaus

Gilbert H. Fleck  
Gilbert H. Fleck

ATTEST:

Mark Brescher  
Mark Brescher, Auditor,  
Dubois County, Indiana

Duty entered for taxation this  
9th day of Sept, 1992  
Mark A. Brescher  
AUDITOR DUBOIS COUNTY  
Fee \$       

Received for Record Sept 9 1992 at 8:30 A  
AMBROSE C. BUECHLEIN, Recorder, Dubois County  
Book 89 Page 484 Fee N.C.

ORDINANCE NO. 92-37

AN ORDINANCE AMENDING ALL ORDINANCES AMENDATORY THEREOF, BEING AN ORDINANCE IMPOSING RESTRICTION UPON VEHICLES OPERATED ON CO. ROAD FERDINAND ROAD NW, 200 WEST, SUNSET DRIVE AND CHERRY STREET IN DUBOIS COUNTY, INDIANA.

WHEREAS, The Board of Commissioners of Dubois County, Indiana, after an engineering and traffic investigation, and having the jurisdiction and responsibility to establish rules and regulations for the operation of vehicles and traffic on the following highways in said County, and ;

WHEREAS, the Board of Commissioners now find that it is in the best interests of the citizens of said County to establish rules and regulations for the operation of vehicles in the use of the streets and highways hereinafter designated.

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

(1) The provisions of this ordinance relate to preferential highway and stop signs on certain highways in Dubois County, Indiana.

(2) The intersection of County Road Ferdinand Road NW, 200 West, Sunset Drive and Cherry Street shall be a 4 way stop and stop signs shall be placed on all intersecting roads.

(3) Violation of this ordinance shall be punishable in that manner prescribed by Indiana statute and by prior Ordinance pertaining to preferential roads heretofore adopted by this Board of County Commissioners.

(4) This Ordinance shall be effective from and following its passage and proper signing of the described intersection.

ADOPTED: OCTOBER 19, 1992

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Mary Lou Schnell  
Virgil Schmans  
Gilbert Fleck

#  
ORDINANCE 92-8

AN ORDINANCE ESTABLISHING A SPEED  
LIMIT ON A PORTION OF MAIN STREET  
IN DUBOIS, INDIANA, SCHNELLVILLE ROAD,  
FERDINAND ROAD NW, AND JASPER-DUBOIS  
ROAD 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 Main Street in Dubois, Indiana from 4th Street to Dead end East of 4th Street being a distance of approximately .14 miles, shall be restricted to a maximum speed of 25 miles per hour.

(2a) Motor vehicles operated on Schnellville Road from S. R. 162 to 1/2 mi. W of Pine Ridge Rd. being a distance of approximately 7.62 miles, shall be restricted to a maximum speed of 45 miles per hour.

(2b) Motor vehicles operated on Schnellville Road from 1/2 mi. W of Pine Ridge Rd. to Schnell Road being a distance of approximately 1.53 miles, shall be restricted to a maximum speed of 30 miles per hour.

(2c) Motor vehicles operated on Schnellville Road from Schnell Road to S. R. 64 being a distance of approximately 2.41 miles, shall be restricted to a maximum speed of 45 miles per hour.

(3) Motor vehicles operated on Ferdinand Road NW from 200 West to the Ferdinand City Limits being a distance of approximately 5.71 miles, shall be restricted to a maximum speed of 45 miles per hour.

(4) Motor vehicles operated on Jasper-Dubois Road from S. R. 545 to S. R. 164 being a distance of approximately 6.77 miles, shall be restricted to a maximum speed of 45 miles per hour.

(5) Said public highway shall be posted for such maximum speed limit.

(6) 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.

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

ADOPTED: OCTOBER 19, 1992

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Mary Lou Schnell

Virgil Schmaus

Gilbert Fleck

ORDINANCE NO. 93-1

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

(1) To prevent damage caused by excess 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, 1993 through April 15, 1993.

(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.

Marylou Schnell  
Eugene A. Kopf  
James R. Kemper

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

ATTEST:

Mark A. Brescher  
Mark A. Brescher, Auditor

ORDINANCE NO. 93-2

AN ORDINANCE AMENDING ALL ORDINANCES  
AMENDATORY THEREOF, BEING AN ORDINANCE  
IMPOSING RESTRICTION UPON VEHICLES OPERATED  
ON CO. ROAD HIGHLAND BOULEVARD IN CELESTINE  
HIGHLAND ESTATES IN DUBOIS COUNTY, INDIANA.

WHEREAS, The Board of Commissioners of Dubois County, Indiana, after an engineering and traffic investigation, and having the jurisdiction and responsibility to establish rules and regulations for the operation of vehicles and traffic on the following highways in said County, and ;

WHEREAS, the Board of Commissioners now find that it is in the best interests of the citizens of said County to establish rules and regulations for the operation of vehicles in the use of the streets and highways hereinafter designated.

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

(1) The provisions of this ordinance relate to preferential highway and stop signs on certain highways in Dubois County, Indiana.

(2) The east bound traffic on Highland Boulevard shall stop at the intersection with Montana Boulevard East in Celestine Highland Estates

(3) Violation of this ordinance shall be punishable in that manner prescribed by Indiana statute and by prior Ordinance pertaining to preferential roads heretofore adopted by this Board of County Commissioners.

(4) This Ordinance shall be effective from and following its passage and proper signing of the described intersection.

ADOPTED: 1/4/93

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Mary Lou Schell  
Eugene A. Hoff  
James R. Kemper

ATTEST:

Mark A. Brescher  
Mark A. Brescher, Auditor



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ORDINANCE 1993-3 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 I, LEVEL II, OR LEVEL III FUNDING; AND

WHEREAS, LEVEL III 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 COUNTY SECURITY CENTER. FUNDS 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. FUNDS 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 NO. 1992-3 ON PASSAGE.

THEREFORE:

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

\_\_\_\_\_  
MARY LOU SCHNELL

\_\_\_\_\_  
EUGENE HOPF

\_\_\_\_\_  
JAMES KEMPER

ORDINANCE NO. 1993-\_\_\_\_\_ DUBOIS COUNTY CORRECTIONS 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 III FUNDING.

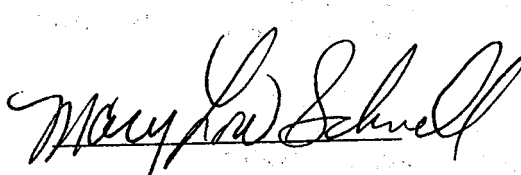
SECTION 3. THERE IS HEREBY CREATED A "COUNTY CORRECTIONS FUND", TO BE ADMINISTERED BY THE COUNTY COUNCIL. THE DEPARTMENT OF CORRECTIONS IN ACCORDANCE WITH I.C.11-12-6; ALSO, DEPOSITS RECEIVED FROM THE DEPARTMENT OF CORRECTIONS FOR DAILY PER-DIEM ON STATE PRISONERS (FELONY) HELD AT THE DUBOIS COUNTY SECURITY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

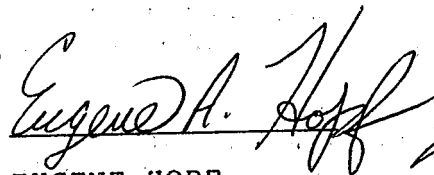
SECTION 4. THE COUNTY CORRECTIONS FUND MAY BE USED ONLY FOR FUNDING THE OPERATION OF THE COUNTY JAIL, JAIL PROGRAMS, OR OTHER LOCAL CORRECTIONAL FACILITIES. ANY MONIES REMAINING IN THE COUNTY CORRECTIONS FUND AT THE END OF THE YEAR, DOES NOT REVERT TO ANY OTHER FUND, BUT REMAINS IN THE COUNTY CORRECTIONS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

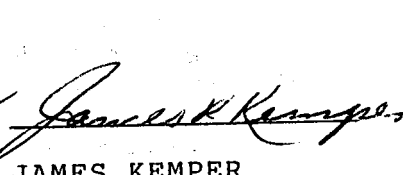
SECTION 5. THIS ORDINANCE WILL REPLACE ORDINANCE NO. 1992-3 ON PASSAGE; AND

SECTION 6. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT UPON PASSAGE \_\_\_\_\_, 1993.

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

  
MARY LOU SCHNELL

  
EUGENE HOPF

  
JAMES KEMPER

ORDINANCE #93-4

AN ORDINANCE ESTABLISHING A SPEED  
LIMIT ON A PORTION OF CO. RD. 700 S,  
CO. RD. 1100 S, HOLLAND ROAD EAST,  
CO. RD. 600 W, CO. RD. 300 NORTH,  
CO. RD. 400 E, KELLERVILLE ROAD,  
CO. RD. 250 N, CO. RD. 150 N,  
OLD ROAD 64, DIVISION ROAD,  
CO. RD. 500 S, DUFF ROAD SE

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. 700 S from S.R. 162 to Co. Rd. 75 E being a distance of approximately 1.08 miles, shall be restricted to a maximum speed of 45 miles per hour.

(2) Motor vehicles operated on Co. Rd. 1100 S from Ferdinand City Limits to Co. Rd. 100 W being a distance of approximately 2.77 miles, shall be restricted to a maximum speed of 45 miles per hour.

(2a) Motor vehicles operated on Co. Rd. 1100 S from Co. Rd. 100 W to .2 mi West of West St. being a distance of approximately .46 miles, shall be restricted to a maximum speed of 30 miles per hour

(2b) Motor vehicles operated on Co. Rd. 1100 S from .2 mi West of West St. to U.S. 231 being a distance of approximately 2.10 miles, shall be restricted to a maximum speed of 45 miles per hour.

(3) Motor vehicles operated on Holland Road E from U.S. 231 to Co. Rd. 500 W being a distance of approximately 1.61 miles, shall be restricted to a maximum speed of 35 miles per hour.

(3a) Motor vehicles operated on Holland Road E from Co. Rd. 500 W to S.R. 161 being a distance of approximately 2.22 miles, shall be restricted to a maximum speed of 45 miles per hour.

(4) Motor vehicles operated on Co. Rd. 600 W from Duff Road SE to Division Road, being a distance of approximately 4.43 miles, shall be restricted to a maximum speed of 45 miles per hour.

(5) Motor vehicles operated on Co. Rd. 300 N from Portersville Road to Co. Rd. 500 W being a distance of approximately 2.73 miles, shall be restricted to a maximum speed of 40 miles per hour.

(6) Motor vehicles operated on Co. Rd. 400 E from Schnellville Road to S.R. 164 being a distance of approximately 1.15 miles, shall be restricted to a maximum speed of 45 miles per hour.

(7) Motor vehicles operated on Kellerville Road from Jasper City Limits to S.R. 56 being a distance of approximately 6.13 miles, shall be restricted to a maximum speed of 45 miles per hour.

(8) Motor vehicles operated on Co. Rd. 250 N from West City Limits of Ireland to Co. Rd. 600 W being a distance of approximately .70 miles, shall be restricted to a maximum speed of 45 miles per hour.

(9) Motor vehicles operated on Co. Rd. 150 N from Co. Rd. 500 W to Co. Rd. 600 W being a distance of approximately 1.04 miles, shall be restricted to a maximum speed of 45 miles per hour.

(10) Motor vehicles operated on Old Road 64 from City Limits of Huntingburg to S.R. 161 being a distance of approximately 4.29 miles, shall be restricted to a maximum speed of 45 miles per hour.

(11) Motor vehicles operated on Division Road from Jasper City Limits to Co. Rd. 400 W being a distance of approximately 1.62 miles, shall be restricted to a maximum speed of 30 miles per hour.

(11a) Motor vehicles operated on Division Road from Co. Rd. 400 W to Co. Rd. 600 W being a distance of approximately 2.12 miles, shall be restricted to a maximum speed of 45 miles per hour.

(12) Motor vehicles operated on Co. Rd. 500 S from Co. Rd. 400 W to Co. Rd. 525 W being a distance of approximately 1.34 miles, shall be restricted to a maximum speed of 45 miles per hour.

(13) Motor vehicles operated on Duff Road SE from Co. Rd. 525 W to Co. Rd. 600 W being a distance of approximately 1.33 miles, shall be restricted to a maximum speed of 45 miles per hour.

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(14) Said public highway shall be posted for such maximum speed limit.

(15) 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.

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

ADOPTED: June 7, 1993

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Mary Lou Schuel  
Eugene A. Hopf  
James R. Kemper

93-  
ORDINANCE NO. 5

AN ORDINANCE AMENDING ALL ORDINANCES AMENDATORY THEREOF, BEING AN ORDINANCE IMPOSING RESTRICTION UPON VEHICLES OPERATED ON COUNTY ROADS AT THE INTERSECTIONS OF CO. RD. 525 W and CO. RD. 500 S and DUFF RD. SE; CO. RD. 600 W and DUFF RD. SE; STEWART RD. and DIVISION RD.; STEWART RD. and CO. RD. 450 W and CO. RD. 490 W; CO. RD. 150 N and CO. RD. 490 W; Co. Rd. 150 N and SHILOH RD. IN DUBOIS COUNTY, INDIANA.

WHEREAS, The Board of Commissioners of Dubois County, Indiana, after an engineering and traffic investigation, and having the jurisdiction and responsibility to establish rules and regulations for the operation of vehicles and traffic on the following highways in said County, and ;

WHEREAS, the Board of Commissioners now find that it is in the best interests of the citizens of said County to establish rules and regulations for the operation of vehicles in the use of the streets and highways hereinafter designated.

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

- (1) The provisions of this ordinance relate to preferential highway and stop signs on certain highways in Dubois County, Indiana.
- (2) Co. Rd. 500 S and Duff Rd. SE shall be the preferential highways where it intersects with Co. Rd. 525 W and a stop sign shall be placed on the north approach of said road with Co. Rd. 500 S and Duff Rd. SE.
- (3) Duff Rd. SE shall be the preferential highway where it intersects with Co. Rd. 600 W and a stop sign shall be placed on the south approach of said road with Duff Rd. SE.
- (4) Division Rd. shall be the preferential highway where it intersects with Stewart Rd. and a stop sign shall be placed on the south approach of said road with Division Rd.
- (5) Stewart Rd. and Co. Rd. 450 W shall be the preferential highways where it intersects with Co. Rd. 490 W. and a stop sign shall be placed on the south approach of said road with Stewart Rd. and Co. Rd. 450 W.
- (6) Co. Rd. 150 N shall be the preferential highway where it intersects with Co. Rd. 490 W. and a stop sign shall be placed on the north approach of said road with Co. Rd. 150 N.
- (7) Shiloh Rd. shall be the preferential highway where it intersects with Co. Rd. 150 N and a stop sign shall be placed on the east approach of said road with Shiloh Rd.

- (8) Violation of this ordinance shall be punishable in that manner prescribed by Indiana statute and by prior Ordinance pertaining to preferential roads heretofore adopted by this Board of County Commissioners.
- (9) This Ordinance shall be effective from and following its passage and proper signing of the described intersection.

ADOPTED: June 21, 1993

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Mary Lou Schnell  
Eugene A. Hoff  
James R. Kemper

ATTEST:

Mark A. Brescher  
Mark A. Brescher, Auditor

copy

ORDINANCE #93- 1

AN ORDINANCE TO APPROVE AND PLACE THE ISSUE OF RIVERBOAT  
GAMBLING ON THE BALLOT FOR VOTERS OF DUBOIS COUNTY

WHEREAS, the General Assembly of the State of Indiana has created legislation which permits conducting gambling games on and during the operation of a riverboat on the Patoka Lake (I.C. 4-33-1); and,

WHEREAS, said legislation permits the licensing of such gambling games in Dubois County only if approved by the voters of Dubois County (I.C. 4-33-6-19); and,

WHEREAS, it is the opinion of the County Council of Dubois County that the voters of this County should be entitled to express their desire that riverboat gambling games should or should not be licensed within Dubois County.

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

Section 1. The County Council of Dubois County, being the fiscal body of said County, pursuant to I.C. 4-33-6-18, does hereby authorize the docking of a riverboat in Dubois County for purpose of conducting gambling games; subject however to the approval of a majority of the voters of this County voting at the next election conducted in this County at which the following local public question may be placed on the ballot:

"Shall licenses be issued to permit riverboat gambling in Dubois County?"

Section 2. A copy of this Ordinance shall be submitted by the Auditor of Dubois County to the Dubois County Election Board to allow inclusion of the above question on the ballot at said election.

This Ordinance examined, duly read, approved and adopted by the County Council of Dubois County, Indiana on the 18th day of October, 1993.

*Jerry Hunsfeld*  
*Richard R. Eckert*  
*Gregory A. Kendall*  
*John L. Bunge*

ATTEST:

*Mark A. Brescher*  
AUDITOR OF DUBOIS COUNTY, INDIANA



ORDINANCE 93- 6

AN ORDINANCE AUTHORIZING DUBOIS COUNTY, INDIANA,  
TO ADOPT THE CABLE TELEVISION RATE REGULATIONS AS  
ESTABLISHED BY THE FEDERAL COMMUNICATIONS COMMISSION

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992 (P. L. 102-385) has set forth a process allowing units of local government to regulate the basic tier of cable services and equipment necessary to provide the basic tier of services to cable subscribers; and,

WHEREAS, the Board of County Commissioners of Dubois County, Indiana, has reviewed the process set forth in the Cable Television Consumer Protection and Competition Act of 1992 and has been advised of the regulations pursuant to the Cable Television Consumer Protection and Competition Act that have been promulgated by the Federal Communications Commission pertaining to regulation of cable television rates; and,

WHEREAS, Dubois County, Indiana, has applied for certification to the Federal Communications Commission to regulate the basic service tier of cable television services and equipment necessary to provide the basic tier of services; and,

WHEREAS, a condition established by the Federal Communications Commission required for certification to regulate the basic service tier of cable television services and equipment necessary to provide said basic service includes the adoption of rules and regulations consistent with those promulgated by the FCC pursuant to Section 623(b) of the Cable Television Consumer Protection and Competition Act of 1992 (47 U.S.C. 543(b)) pertaining to regulation of cable rates; and,

WHEREAS, Dubois County, Indiana, seeks to comply with the requirements set forth by the Federal Communications Commission for certification to regulate said rates and equipment;

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

Section 1: A. That the Board of County Commissioners of Dubois County, Indiana, hereby adopts the rules and regulations set forth by the Federal Communications Commission pursuant to Section 623(b) of the Cable Television Consumer Protection and Competition Act of 1992 (47 U.S.C. 543(b)) for the review of the basic service tier of cable television services and equipment necessary for the provision of such service tier. Such rules and regulations promulgated by the Federal Communications Commission are by reference made a part of this Ordinance.

B. For the purposes of this Ordinance, the basic service tier of cable television services shall mean a separately available service tier to which subscription is required for access to any other tier of service, including as a minimum, but not limited to, all signals of domestic television broadcast stations provided to any subscriber, (except a signal secondarily transmitted by satellite carrier beyond the local service area of such station, regardless of how such signal is ultimately received by the cable system) any public, educational, and governmental programming required by the franchise to be carried on the basic tier, and any additional video programming signals or service added to the basic tier by the cable operator. Equipment necessary to provide said basic tier of service shall be defined as those items of associated equipment

necessary for the reception of basic cable service by a subscriber, including, but not limited to converter boxes, remote control units, additional outlets, and installations.

Section 2: A. The Board of County Commissioners of Dubois County, Indiana, shall provide the grantee of the cable television franchise, the public, and interested parties with an opportunity to be heard at a public hearing before the said Board of County Commissioners upon not less than ten (10) days written notice to the grantee of the cable television franchise of the time and place of the public hearing, provided further that said notice shall indicate that the purpose of the public hearing is to receive the views of the grantee and interested parties on issues pertaining to regulation of the basic service tier of cable television services and equipment necessary to provide said basic tier of service; and provided further that notice of said public hearing shall be published in a local newspaper of general circulation at least ten (10) days before the date of this hearing, and provided further, that an agenda for said public hearing shall be posted in a public place at the Dubois County Courthouse at least ten (10) days prior to said public hearing and that any other notice required by I.C. 5-14-1.5 shall be given.

B. Upon the adoption of this ordinance and the certification of Dubois County, Indiana, by the Federal Communications Commission, Dubois County shall immediately notify the cable operator by certified mail, return receipt requested, that Dubois County intends to regulate subscriber rates charged for the basic service tier and associated equipment as authorized by the Cable Television Consumer Protection and Competition Act of 1992. Upon receipt of said notice from the County, the Cable Operator shall, within thirty (30) days, file with Dubois County its current rates for the basic service tier and associated equipment along with any additional documentation justifying the reasonableness of its rates.

Section 3. A. That Dubois County, Indiana, shall establish that the period for review of rates of the basic service tier of cable television services and the equipment necessary to provide said basic tier of service shall be thirty (30) days from the submission by the grantee of the cable television franchise of Federal Communications Commission Form 393. If the County Commissioners take no action within thirty (30) days from the date the cable operator files its basic cable rates with the County, the proposed rates will continue in effect.

B. In the event that additional time for review of the Federal Communications Commission Form 393 submitted by grantee is necessary, the Board of County Commissioners or its designee shall issue a brief written order prior to the end of the thirty (30) day review period, with a copy of said order to be sent by Certified United States Mail to the grantee, providing for an additional ninety (90) day period for review of rates of the basic service tier and the equipment necessary to provide said basic tier of service. During the extended review period and before taking action on the proposed rate, the Board of County Commissioners shall hold at least one public hearing in which interested citizens may express their views and record objections.

Section 4: A. That Dubois County, Indiana, shall establish that the period for review of the basic service tier of cable television services and the equipment necessary to provide said basic tier of service shall be ninety (90) days from the submission by the grantee of information and forms prescribed by the Federal Communications Commission for a showing of cost-of-service, as defined by the Federal Communications Commission.

B. In the event that additional time for review of the cost-of-service showing submitted by the grantee is necessary, the Board of County Commissioners, or its designee shall issue a brief written order prior to the end of the ninety (90) day review period with a copy of said order to be sent by Certified United States Mail to the grantee, providing for an additional one hundred fifty (150) day period for review of rates of the basic service tier and the equipment necessary to provide said basic tier of service. During the extended review period and before taking action on the proposed rate, the Board of County Commissioners shall hold at least one public hearing in which interested citizens may express their views and record objections.

Section 5: A. Upon completion of its review of the proposed rates for the basic service tier of cable television services and the equipment necessary to provide said basic tier of service, the Board of County Commissioners shall adopt its decision by formal resolution. Said resolution shall indicate the reasons for the decision. Upon passage of the resolution, the Board of County Commissioners shall publish the resolution in pamphlet form.

B. In the event that the cable operator's proposed rates exceed the reasonable rate standard as established by the Federal Communications Commission in its rules and regulations, the Board of County Commissioners may order the rates reduced by rollbacks or refunds to subscribers, in the manner so prescribed by the Federal Communications Commission.

Section 6: In considering information provided by the grantee as a part of review of his rates for the basic service tier of cable television services and the equipment necessary to provide said basic tier of service, the County shall not disclose to the public the content of any records, forms, reports, calculations or other documents as provided which the grantee has indicated as being of a proprietary interest or constituting a trade secret in nature. The County officer responsible for administration of the Indiana Freedom of Information Act shall retain the right to determine the validity of the grantee's claim of proprietary interest or trade secrecy in accordance with the provisions of the Indiana Freedom of Information Act.

Section 7: The County may order the cable operator to refund to subscribers a portion of previously paid rates under the following circumstances:

A. A portion of the previously paid rates have been determined to be in excess of the permitted basic cable service tier charge or above the actual cost of equipment; or

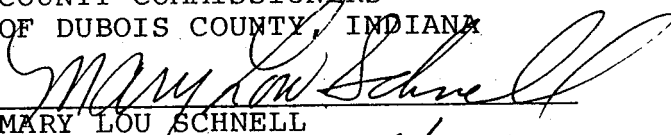
B. The cable operator has failed to comply with a valid rate order issued by Dubois County.

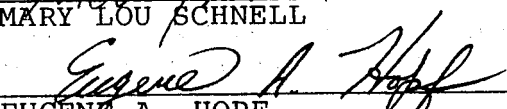
Section 8: Failure by the cable operator to comply with the terms and conditions established by this Ordinance shall constitute a violation of the Dubois County Facility License, and any and all extensions or renewals thereof; and, shall be subject to the penalties provided therein.

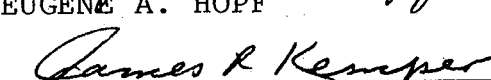
Section 9: This Ordinance shall take effect immediately upon its passage, signing and publication in accordance with the requirements of law.

PASSED AND APPROVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF DUBOIS COUNTY, INDIANA, this 15th day of  
November, 1993.

COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

  
MARY LOU SCHNELL

  
EUGENE A. HOPF

  
JAMES R. KEMPER

ATTEST:

  
MARK A. BRESCHER, AUDITOR

ORDINANCE 93- 7

AN ORDINANCE AUTHORIZING THE AUDITOR OF DUBOIS  
CO. INDIANA, TO ACT ON BEHALF OF DUBOIS COUNTY  
IN MATTERS PERTAINING TO CABLE TELEVISION  
CONSUMER PROTECTION AND COMPETITION ACT OF 1992

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992 (P. L. 102-385) has set forth a process allowing units of local government to regulate the basic tier of cable services and equipment necessary to provide the basic tier of services to cable subscribers; and,

WHEREAS, Dubois County, Indiana, did on October 5, 1993, file its "Certification of Franchising Authority To Regulate Basic Cable Service Rates and Initial Finding of Lack of Effective Competition" (FCC form 328):

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

Section 1: That the Board of County Commissioners of Dubois County, Indiana, approved the filing of FCC Form 328 on October 4, 1993.

Section 2: That the County Commissioners herewith designates the Auditor of Dubois County, Indiana, as the designee of the County to execute all documents and/or correspondence required as necessary to carry out the intentions of the Cable Television Consumer Protection and Competition Act of 1992, and the regulations promulgated by the FCC and the Board of County Commissioners of Dubois County, Indiana, thereunder.

Section 3: That the Auditor may appoint and designate a County employee to receive consumer complaints which may be filed with the County pursuant to the Cable Television Consumer Protection and Competition Act of 1992, or may personally receive said complaints.

Section 4: This Ordinance shall take effect immediately upon its passage, signing and publication in accordance with the requirements of law.

PASSED AND APPROVED BY THE COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, this 15th day of November, 1993.

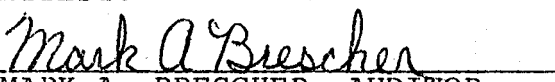
COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

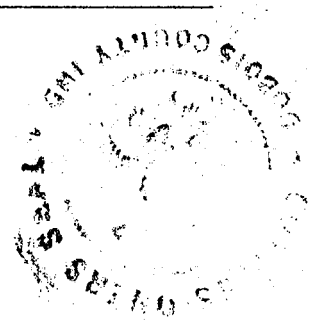
  
MARY LOU SCHNELL

  
EUGENE A. HOPF

  
JAMES R. KEMPER

ATTEST:

  
MARK A. BRESCHER, AUDITOR



ORDINANCE 93-8

AN ORDINANCE REGARDING THE TREATMENT OF ANIMALS,  
TO ESTABLISH RESTRICTIONS ON HARBORING OF  
DOGS, AND UPON CONTROLLING ANIMALS RUNNING AT LARGE

WHEREAS, it is in the best interest of the residents of Dubois County, Indiana that restrictions be placed upon the harboring of dogs, and it is further in the best interest of the health and safety of said residents that animals be prohibited from running at large; and,

WHEREAS, the State of Indiana has heretofore adopted statutes declaring any unlicensed dog to be a public nuisance; and further declaring the owner of any uncollared dog or non-immunized dog to be in violation of law and subject to penalty.

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

Section 1. Definitions. For purpose of this Ordinance, the following meanings shall be assigned to words as used herein:

- (1) "Animal" shall mean a living creature, wild or domestic, but shall not mean or include a human being.
- (2) "Owner" shall mean a person or entity keeping or harboring any animal, including a dog.
- (3) "Harboring" shall mean allowing or permitting any animal to frequent or remain on a person's premises, including within any structure or enclosure thereon.
- (4) "At Large" shall mean not under control of the owner or other person having charge, care or control, either by leash, cord, chain, enclosure or reasonable supervision.
- (5) "Person" shall include any individual, group of individuals, association, corporation or any other legal entity.

Section 2. Identification. Every owner shall cause each dog in owner's keeping or harboring to wear a collar, to which shall be affixed a metallic identification tag on which the name and address of the owner has been clearly printed, engraved or stamped.

Section 3. Removal of Collar. It shall be unlawful and in violation of this Ordinance for any person, other than with owner's consent, to remove the collar or tag from any dog.

Section 4. Cruelty. It shall be unlawful and in violation of this Ordinance for any person to cruelly treat or neglect any domesticated animal, including inhuman beating or maliciously killing, or by underfeeding or abandoning an animal in that person's care or ownership.

Section 5. Enticing Animals From Owners. It shall be unlawful to entice any animal away from the premises of the owner or person in lawful possession of said animal, with the intent of depriving such owner, keeper or person in possession from continued possession of said animal.

Section 6. Vaccination. No owner shall keep, maintain or harbor any dog over six months of age which has not been vaccinated by a licensed veterinary doctor with anti-rabies vaccine on an annual basis.

Section 7. Stray Animals. No person owning or having charge, care or control of any animal shall cause, permit or allow such animal to run at large off of the property or premises of the owner or of the person having charge, care or control of such animal; and any such animal running at large is hereby declared to be a public nuisance.

Any stray animal or animal running at large may be taken under control by any law enforcement officer and, at the officer's discretion, either returned to the owner or impounded at a location approved by the County for temporary maintenance of stray animals for a period of not less than three (3) days, after which 3 day period said animal, if not claimed by its owner, may be sold or destroyed. If said animal is claimed by its owner, all costs of maintaining said animal, including reasonable boarding fee, shall, in addition to any penalty hereinafter set forth, be paid by said owner prior to release of said animal. Provided, however, that nothing herein shall prevent any law enforcement officer from immediately destroying any vicious, uncontrollable or diseased animal.

Section 8. Penalty for Violation. Any person found to be in violation of this Ordinance shall be required to pay the sum of Twenty-five Dollars (\$25.00) as penalty for the first such violation, and shall be required to pay a penalty of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each subsequent violation. The destruction of any impounded animal shall not release the owner thereof from any penalty or costs described in this Ordinance, plus attorney's fees incurred in the collection thereof.

Section 9. Invalidity of Provisions. Should any provision of this Ordinance or the application thereof be held invalid, such invalidity shall not offset any other provision or application of this Ordinance, and to this end the provisions of this Ordinance are declared to be severable.

Section 10. This Ordinance shall take effect from and after its adoption and publication.

ADOPTED this 6TH day of December, 1993.

COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Mary Lou Schnell  
MARY LOU SCHNELL

Eugene A. Hopf  
EUGENE A. HOPF

James R. Kemper  
JAMES R. KEMPER

ATTEST:

Mark A. Brescher  
MARK A. BRESCHER, AUDITOR