

ORDINANCE #2003-1

AN ORDINANCE AMENDING THE PROBATIONARY PAY SCHEDULE FOR  
NEW EMPLOYEES OF DUBOIS COUNTY, INDIANA

WHEREAS, It is recognized that in the case of most new employees of Dubois County that there will be a period of orientation and education as to their job function, during which period the job performance by said new employee will normally not meet that expected from longer-term employees; and

WHEREAS, During said period of orientation and training, it is the belief of the County Executive and Fiscal officers that the compensation schedule of new full-time employees should not be on the same level as those full-time employees having more County experience; and

WHEREAS, The County Executive and Fiscal body have heretofore established a probationary pay schedule for new County employees (Ordinance #99-7), but have subsequently determined that said policy should only apply to new full time employees and should exclude temporary or part time employees, and have also subsequently determined that said probationary period should apply to only the first year of any employment rather than the first two (2) years of employment as established in Ordinance #99-9.

NOW THEREFORE, BE IT ORDAINED, That the compensation provisions, as contained in the Dubois County Employee Policy Handbook (Section III R) and in the wage and salary schedule and scale adopted from time to time and included in the annual Budget of Dubois County, shall be amended to add and shall be administered subject to the following provisions:

"The maximum wage or salary paid to a new full-time employee of the County (excluding those covered by the Appendix to this Handbook), which employee does not have one (1) year prior employment experience with Dubois County, shall be reduced so as to result in a maximum annualized wage or salary equal to the following percentage of normal salary or wage established for the position held by the new full-time employee:

During the first 52 weeks - 90%.

It is recognized that an employee with exceptional prior experience or training may be initially employed by the County because of expertise or experience in the assigned position and the County Executive and County Council is authorized to waive the required reduction for that individual. It is further recognized that the schedules and appropriations of wages and salaries represent maximums, and that any office holder or supervisor may pay an employee a wage or salary less than the maximum."

The foregoing policy and amendment to the Employee Handbook shall become effective upon adoption and shall be applicable to employees first employed subsequent to the effective date hereof.

Adopted by the Board of County Commissioners of Dubois County, Indiana this 3<sup>rd</sup> day of February, 2003.

Lawrence M. Vollmer

James R. Kemper  
John H. Burger

Adopted by the County Council of Dubois County, Indiana this 24<sup>th</sup> day of February, 2003.

Richard Eckerle

Donna L. Schroeder

Mark A. Brescher

Scott Knies

Gregory A. Redall

Faye F. Fick

ATTEST:

Martha A. Weber  
COUNTY AUDITOR

# Proclamation

"CLEAN SWEEP MONTH"

APRIL 1-30, 2003

**Whereas:** Dubois County takes great pride in the scenic beauty of our community from the rolling hills, to the green pastures and woodlands, to the thriving cities, and towns; and

**Whereas:** the accumulation of roadside trash, illegal dumping, and open burning of trash is recognized as a degradation of this beauty, health, and safety for the community; and

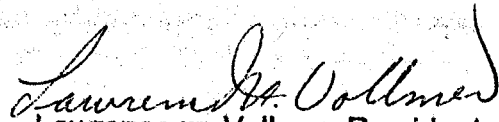
**Whereas:** the awareness of these and other environmental concerns including air, water, and soil is focused upon in the month of April 2003 centering on "Earth Day" April 22, 2003; and

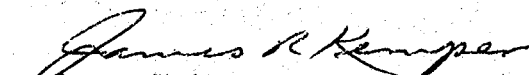
**Whereas:** during this month, the Dubois County Solid Waste Management District is providing a greater awareness towards the affects of roadside trash, illegal dumping, and open burning of trash upon the health of our counties environment:

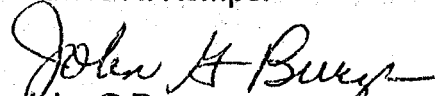
**Now, Therefore,** We the COMMISSIONERS OF DUBOIS COUNTY, do hereby proclaim April 1-30, 2003 as

## Dubois County Clean Sweep Month

in Dubois County, in recognition of the need for all Dubois County Citizens to work together to clean up our county's roadsides and byways, stop illegal dumping, and stop open burning of trash. By this proclamation we encourage all county residents and groups or organizations that feel the community spirit to clean a section of county roadside free from trash and clutter. For all Dubois County Residents to take due note of this observance.

  
Lawrence m. Vollmer, President

  
James R. Kemper

  
John G Burger

ORDINANCE #03-02

AN ORDINANCE ESTABLISHING A COMMUNITY  
CORRECTIONS CENTER COMMISSARY FUND

WHEREAS, Through the joint efforts of the County executive, fiscal and judicial branches there has been established a Dubois County Community Corrections Center; and,

WHEREAS, The operation of said facility necessitates the sale to committed individuals of certain items required for their personal needs, for the purchase of items for inventory, and in some cases the retention by the Center staff of funds belonging to said committed individuals for use in said premises.

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

Section 1. There is hereby established a "Community Corrections Commissary Fund", hereinafter referred to as the "Fund".

Section 2. Said Fund shall be separate from the County's General Fund; funds therein shall not revert to the General Fund; and disbursements from said Fund shall not be the subject of required appropriations.

Section 3. The sole purpose of the Fund shall be for the purpose of purchase of merchandise for resale to individuals committed to the Dubois County Community Corrections Center (hereinafter referred to as "Center").

Section 4. The Fund shall be under the supervision of the Director of the Dubois County Community Corrections Center, who shall cause all receipts from the sale of such merchandise to be deposited into said Fund, which he shall keep in a depository designated under I.C. 5-13-8.

Section 5. The Director or his designee, without appropriation, may distribute money from the Fund to purchase merchandise for inventory for resale to individuals committed to the Center, their visitors or Center staff, and to pay expenses of operating the commissary. Expenditure for any purpose other than described above must be mutually agreed upon by the Dubois County Community Corrections Advisory Board and the County fiscal

body, but shall be supplemental to the principal purpose of the Fund.

Section 6. The Director or his designee shall maintain a record of receipts and disbursements from the Fund on such form as prescribed by the State Board of Accounts. The Director shall submit a copy of said record on a semi annual basis to the Center Advisory Board and to the Dubois County Council.

Section 7. This ordinance shall take effect upon its adoption by the Board of County Commissioners, and its approval by the Dubois County Council.

ADOPTED this 19<sup>th</sup> day of May, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Lawrence H. Vallmer  
James A. Kemper  
John A. Burge

APPROVED:  
DUBOIS COUNTY COUNCIL

BY: Richard Eckerle PRESIDENT  
MAY 19, 2003

ATTEST:  
Martha A. Weber  
AUDITOR OF DUBOIS COUNTY, INDIANA

ORDINANCE NO. 2003-03

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

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

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

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

WHEREAS, The County has been advised by the primary provider of line  
telephone service within the County that the current average monthly  
telephone access line charge is \$21.00.

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

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

Section 2. Beginning October 1, 2003, and each month thereafter, each  
service supplier shall commence to collect a monthly enhanced emergency  
telephone system fee of \$2.10 per telephone access line or other exchange  
access facility.

Section 3. That prior to such date, each service supplier shall  
continue to collect the monthly fee of \$1.89 as heretofore established in  
Ordinance #1995-12, which Ordinance shall be superseded by this Ordinance.

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

PASSED by the County Council of Dubois County, Indiana, on this 11th  
day of August, 2003.

<u>Scott J. Knies</u>	<u>Richard Eckerle</u>
<u>Donna L. Schroeder</u>	<u>Mark A. Brescher</u>
<u>Gregory A. Kudall</u>	<u>Jenny Hunsfeld</u>
<u>Don T. Lock</u>	

ATTEST:

Martha A. Weber  
AUDITOR DUBOIS COUNTY, IN

ORDINANCE 2003-03

AN ORDINANCE ESTABLISHING SPEED  
LIMITS ON A PORTION OF CO. RD. 815  
SOUTH, OLD ROAD 162, HOLLAND ROAD  
EAST, CO. RD. 325 EAST, DUBOIS ROAD  
NORTHWEST, KEMPF AVENUE, MUNDY  
BOULEVARD, HOLLAND ROAD EAST, AND  
CO. RD 500 EAST IN DUBOIS COUNTY,  
INDIANA,

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

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

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

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

1. Motor vehicles operated on Co. Rd. 815 South from S. R. 162 to Holiday Lake Road being a distance of approximately 0.90 miles, shall be restricted to a maximum speed of 45 miles per hour.
2. Motor vehicles operated on Old Road 162 from S. R. 162 to Dead End being a distance of approximately 0.52 miles, shall be restricted to a maximum speed of 35 miles per hour.
3. Motor vehicles operated on Holland Road East from U. S. 231 to Co. Rd. 500 West being a distance of approximately 1.61 miles, shall be restricted to a maximum speed of 45 miles per hour.
4. Motor vehicles operated on Co. Rd. 325 East from S.R. 56 to Dubois Road Northwest being a distance of approximately 0.41 miles, shall be restricted to a maximum speed of 45 miles per hour.
5. Motor vehicles operated on Dubois Road Northwest from Co. Rd. 325 to .40 miles west of Co. Rd. 600 North being a distance of approximately 0.49 miles, shall be restricted to a maximum speed of 45 miles per hour.
6. Motor vehicles operated on Kempf Avenue from Mundy Boulevard to Dead End being a distance of approximately 0.07 miles, shall be restricted to a maximum speed of 25 miles per hour.
7. Motor vehicles operated on Mundy Boulevard from Celestine Road North to Ellsworth Road being a distance of approximately 0.25 miles, shall be restricted to a maximum speed of 30 miles per hour.
8. Motor vehicles operated on Holland Road East from S. R. 161 to Holland Town Limits being a distance of approximately 0.25 miles, shall be restricted to a maximum speed of 30 miles per hour.

9. Motor vehicles operated on Co. Rd. 500 East from Front Street to Co. Rd 650 South being a distance of approximately 1.54 miles, shall be restricted to a maximum speed of 45 miles per hour.
10. Each such public highway shall be posted for such maximum speed limit.
11. Violation of this Ordinance shall be punishable in that manner prescribed by Indiana Statute and by prior Ordinance pertaining to speed limits heretofore adopted by this Board of County Commissioners.
12. This Ordinance shall be effective from and following its passage and proper posting of the described speed limit.

ADOPTED: September 8, 2003

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

James R. Kemper  
John H. Burger

ATTEST:

Martha A. Wehr

Martha A. Wehr, Auditor



**BEFORE THE  
BOARD OF COMMISSIONERS,  
DUBOIS COUNTY, INDIANA**

**ORDINANCE NO. 2003-04**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, VACATING A PORTION OF ST. MARY'S STREET IN THE COMMUNITY OF CELESTINE, INDIANA.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA, AS FOLLOWS:**

**Section 1.** It is the finding of the Commission, after public hearing, that adequate reason exists for the vacation of the following public street located in the community of Celestine, Indiana, to-wit:

**A portion of St. Mary's Street forty (40) feet in width beginning at the southwest corner of Lot No. 85, thence east along the south lines of lots 85, 86 and 87 to the southeast corner of lot 87; thence south forty (40) feet to the northeast corner of lot 106; thence west along the north lines of lots 106, 107 and 108 to the northwest corner of lot 108; thence north forty to the point of beginning as shown on a copy of the plat of the original Town of Celestine attached hereto.**

**Section 2.** The Commission further finds as follows:

- a. Proper notice of the hearing held in this matter has been given by publication and certified mail as required by law;
- b. The described portion of St. Mary's Street in the community of Celestine, Indiana is not developed or used as a public way;
- c. No public benefit is to be derived from the continued existence of said public street;
- d. The sole adjacent property owners have petitioned the vacation of St. Mary's Street;
- e. The vacation of the described portion of St. Mary's Street will not diminish the value of any other real estate located in the vicinity thereof;
- f. No reason exists for the continued existence of the described portion of St. Mary's Street

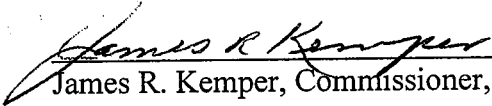
**Section 3.** Legal title in and to the portion of St. Mary's Street above described shall be

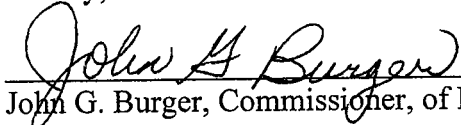
and is hereby vested in and divided equally between each prospective adjacent property owner, to- wit: Ronald J. Knies, Betty J. Knies, husband and wife, Paul E. Setser, Mary Katherine Setser, husband and wife, Olivia Hasenour and Sander Processing, Inc.

**Section 4.** This ordinance shall be in full force and effect from and after its adoption and shall be filed for record in the Offices of Dubois County Recorder and Auditor as required by law.

DULY PASSED AND ADOPTED THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2003.

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Lawrence M Vollmer, Commissioner of  
Dubois County, Indiana

  
\_\_\_\_\_  
James R. Kemper, Commissioner, of Dubois  
County, Indiana

  
\_\_\_\_\_  
John G. Burger, Commissioner, of Dubois  
County, Indiana

ORDINANCE NO. 03-05

AN ORDINANCE TO AMEND ORDINANCE #98-4  
TO REVISE THE DESIGNATED PURCHASING AGENT  
FOR THE DUBOIS COUNTY HEALTH DEPARTMENT

WHEREAS, Ordinance #98-4 designated the Dubois County Health Nurse as the purchasing agent to the Health Department; and,

WHEREAS, The Dubois County Health Board has subsequently placed the daily administration of that Department under the responsibility of an Administrative Director; and,

WHEREAS, It is advisable to revise the list of purchasing agents so as to replace the County Health Nurse with the Health Department Administrative Director as the designated purchasing agent for that Department.

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

Section 1. That Ordinance #98-4 as adopted by this Board on June 15, 1998, is hereby amended in that in Section 2(e) thereof "the County Health Nurse" is hereby deleted as a designated purchasing agent and "the County Health Department Administrative Director" is inserted as the new designated purchasing agent.

Section 2. This Ordinance is effective upon passage and signing by this Board.

Adopted by the Board of Commissioners of Dubois County, Indiana, this 27th day of October, 2003.

BOARD OF COMMISSIONERS,  
DUBOIS COUNTY, INDIANA

Laurence M. Vallone  
PRESIDING OFFICER

James R. Kemper  
MEMBER

John H. Burge  
MEMBER

ATTEST:

Martha A. Wehr  
DUBOIS COUNTY AUDITOR

## ORDINANCE NO. 2003-04

AN ORDINANCE OF THE COUNTY COUNCIL OF DUBOIS  
COUNTY, INDIANA, AUTHORIZING THE LOAN OF FUNDS  
FOR PURCHASE OF ELECTRONIC VOTING EQUIPMENT

WHEREAS, Federal and State laws and regulations are requiring governmental agencies to replace older mechanical voting machines with newer electronic voting systems; and,

WHEREAS, To assist Counties in the financing of such new systems, grants of federal and State funds are available on a reimbursement basis to repay loans used to fund the purchase of such system, which grants will be paid in unknown amounts over a three (3) year period; and,

WHEREAS, It is the finding of this Council that it would be in the best interest of Dubois County and its taxpayers that a loan be made for up to Three Hundred Forty-five Thousand Seven Hundred Fifty Dollars (\$345,750.00) for purpose of financing of purchase of required voting system, pending receipt of federal and State grant funds.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF DUBOIS COUNTY, INDIANA, that Dubois County is hereby authorized to borrow, by the issuance of bond up to Three Hundred Forty-five Thousand Seven Hundred Fifty Dollars (\$345,750.00) for up to five (5) years, or until receipt of all grant funds available, whichever is less, for the sole purchase of a new election system for use within Dubois County, pursuant to I.C. 36-2-6-18 and 19, and direct that funds received from said loan shall be placed in a dedicated account to be used solely for said purchase, without further appropriation, and that the County Auditor publish notice for receipt of bids for such loan.

DULY PASSED AND ADOPTED this 19th day of September, 2003.

COUNTY COUNCIL OF  
DUBOIS COUNTY, INDIANA

Scott J. Knapp  
Donna L. Schroeder  
Dorothy A. Kendall  
Richard Eckert  
Mark A. Brescher  
Jerry Hunsaker  
John F. French

ATTEST:

Martha A. Wehr  
DUBOIS COUNTY AUDITOR

ORDINANCE NO. 2003- 6

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, TO ESTABLISH AN ADVISORY COUNCIL TO PROVIDE ASSISTANCE IN SELECTING POLLING PLACES.

WHEREAS, The Help America Vote Act of 2002 requires the inspection of all voting places to insure accessibility for all voters and the use of a County advisory council to assist in inspection and selection of acceptable polling places.

NOW THEREFORE, There is hereby established an advisory council to assist the Dubois County Board of Commissioners in the inspection of polling places in Dubois County to ascertain the accessibility of each such polling place for all voters at such location; and the Board of County Commissioners shall appoint members of said council, not less than two (2) of which shall represent representatives of the disabilities community and elderly voters of Dubois County. Said council shall periodically inspect each proposed voting place within Dubois County and report to the County Commissioners the accessibility status of each such location.

This Ordinance shall be effective immediately upon passage.

UNANIMOUSLY ADOPTED BY THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA, THIS 17<sup>TH</sup> DAY OF November, 2003.

Lawrence M. Vollmer  
LAWRENCE M. VOLLMER

James R. Kemper  
JAMES R. KEMPER

John G. Burger  
JOHN G. BURGER

BOARD OF COUNTY COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA

ATTEST:

Martha A. Wehr  
MARTHA A. WEHR, COUNTY AUDITOR

ORDINANCE NO #2003-7

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA, ESTABLISHING A FEE TO BE COLLECTED BY THE COUNTY AUDITOR ON EACH DEED SUBMITTED FOR REAL PROPERTY ENDORSEMENT

WHEREAS, Indiana Code 36-2-9-18(d) provides that the County Auditor may be authorized to collect a fee of Five Dollars (\$5.00) for each legal description contained on a deed presented to the Auditor for real property endorsement; and,

WHEREAS, It is in the best interest of the County that said fee should be collected.

NOW THEREFORE BE IT ORDAINED that the Auditor of Dubois County, Indiana shall collect a fee of Five Dollars (\$5.00) for each legal description of each parcel contained in a deed for which said Auditor makes a real property endorsement, which fee shall be in addition to any other fee provided by law, but shall be in place of any other endorsement fee heretofore established or authorized by this Board.

BE IT FURTHER ORDAINED that revenue received from the above established fee shall be placed in a dedicated fund for sole use in maintaining the plat books in said Auditor's Office.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on January 1, 2004.

ADOPTED the <sup>1<sup>ST</sup></sup>~~2<sup>ND</sup>~~ day of December, 2003.

BOARD OF COUNTY COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA

Lawrence M. Vallance  
James R. Kemper  
John L. Burger

ATTEST:

Martha A. Weber  
AUDITOR OF DUBOIS COUNTY

ORDINANCE 2003-8

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, 2004 through April 15, 2004. 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. 34-4-32-4.
3. This Ordinance shall become effective upon publication as required by law.

Laurence H. Oallman

James H. Kasper

John H. Burger

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

ATTEST:

Martha A. Wehr  
Martha A. Wehr, Auditor

ORDINANCE NO. 03-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, VACATING A PORTION OF BONIFACE LANE IN THE TOWN OF CELESTINE, DUBOIS COUNTY INDIANA

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

Section 1. It is the finding of this Commission, after public hearing, that adequate reason exists for the vacation of the following portion of Boniface Lane located in the Original Town of Celestine, of Dubois County, Indiana, to-wit:

Part of the southeast quarter of the southeast quarter of Section 31, Township 1 South, Range 3 West:

Beginning at the southeast corner of Lot #72 in the Original Town of Celestine, Indiana, being the north line of State Road #146, and running thence north 674 feet along the east Lines of Lots 72, 49, 48, 25, 24 and 1 of the Town of Celestine, to the south right-of-way of Ellsworth Road, thence east 20 feet, thence south 674 feet parallel to the east line of said Lots to the north right-of-way of State Road #164, thence west to the place of beginning.

That proper notice has been given of said hearing; that said public way has never been improved or used by the public; no public benefit is to be derived from the continued existence of said public way; that the adjacent property owners have petitioned the vacation of said public way; that the vacation of said public way will not diminish the value of any other real estate located in the vicinity thereof; that no public utilities are known to exist within said easement, but that if any so exist said utility shall remain in place; and that no reason exists of the continued existence of said public way and the same should now be vacated.

Section 2. That said public way as herein described shall be and is hereby vacated, subject however to a continuing perpetual easement as to any public utilities which may now be located within the boundaries thereof.



Section 3. That legal title in and to said real estate shall be and is hereby vested in the property owners, being joint owners, to-wit: Shirley L. Schepers and Judy A. Stemle.

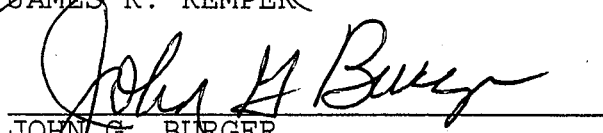
Section 4. This Ordinance shall be in full force and effect from and after its adoption.

DULY PASSED AND ADOPTED THIS 22ND DAY OF DECEMBER, 2003.

COMMISSIONERS OF DUBOIS COUNTY, INDIANA

  
LAWRENCE M. VOLLMER

  
JAMES R. KEMPER

  
JOHN G. BURGER

ATTEST:

  
MARTHA A. WEHR, COUNTY AUDITOR

ORDINANCE #2004-01

AN ORDINANCE OF THE DUBOIS COUNTY COUNCIL  
TO ESTABLISH A RAINY DAY FUND

WHEREAS, Indiana Code 36-1-8-5.1 authorizes Dubois County to establish a "rainy day" fund to receive transfers of certain unused and unencumbered funds and from other sources determined by this Council; and,

WHEREAS, It is the recommendation of the Department of Local Government Finance that counties establish such a fund; and

WHEREAS, It is the determination of this County Council that such establishment would be in the best interest of Dubois County and its taxpayers.

NOW, THEREFORE, BE IT ORDAINED by the Dubois County Council that there is hereby established a Rainy Day Fund, pursuant to Indiana Code 36-1-8-5.1, and that such Fund shall be entitled to hereafter receive a transfer of such funds and from such sources as may be from time-to-time determined by resolution of this Council but any annual transfer to be in an amount not to exceed Ten percent (10%) of Dubois County's annual budget for that fiscal year, and that any expenditure from said Fund, after required appropriation, has been for such purpose and in such amounts as the Council by resolution may from time to time determine.

This Ordinance shall be effective upon its adoption.

ADOPTED by the County Council of Dubois County, Indiana, this 26<sup>th</sup> day of January, 2004.

<u><i>Gary A. Knudell</i></u>	<u><i>Mark A. Brescher</i></u>
<u><i>Richard Eberle</i></u>	<u><i>Jerry Hurnfeldt</i></u>
<u><i>Scott G. Kneea</i></u>	<u><i>Tom Fleck</i></u>

ATTEST:

*Martha A. Wehr*  
COUNTY AUDITOR

ORDINANCE NUMBER 2004- 1

JUNK CONTROL ORDINANCE

SECTION 1. TITLE OF ORDINANCE. This Ordinance shall be known as the Dubois County Highway Junk Control Ordinance.

SECTION 2. For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of the lands bordering public highways, it is hereby declared to be in the public interest, to regulate and restrict the establishment, operation or maintenance of junk and/or junkyard in the areas adjacent to State or County Highways within this County.

SECTION 3. DEFINITIONS. In the use of this Ordinance, the following, terms shall be defined as:

A. JUNK - shall mean old or scrap copper, brass, rope, rags, batteries, paper trash, rubber, debris, refuse, solid or semi-solid waste or household waste, dismantled or wrecked or non-operating motor vehicles in excess of two (2) vehicles, or parts thereof, or scrap iron, steel and other old or ferrous or non-ferrous materials.

B. MOTOR VEHICLE GRAVEYARD - shall mean any establishment, place of business or parcel of real estate which is maintained, used or operated for storing, keeping, at any one time in excess of two (2) non-operating, wrecked, scraped, ruined, or dismantled motor vehicles or motor vehicle parts.

C. JUNKYARD - shall mean an establishment, place of business, or parcel of real estate upon which is maintained or operated or used for storing, keeping, buying or selling junk or for the maintenance or operation of a motor vehicle graveyard and the term shall include trash dumps, garbage dumps and sanitary fills, but shall not include any scrap metal processing facilities.

D. SCRAP METAL PROCESSING FACILITIES - shall mean an establishment having facilities for processing iron, steel, or nonferrous metal and whose principle product is scrap iron, steel or scrap for sale for smelting purposes only.

E. HIGHWAY OR ROAD - shall mean that portion of the State or County public highway or road system so designated on the State or County highway maps, as amended, which are kept by the Indiana Department of Transportation or are kept by the Dubois County Highway Department and on which Dubois County receives money from the State of Indiana.

F. VISIBLE - shall mean capable of being seen by a person of normal visual activity using the highway system.

G. PERSONS - shall mean any individual, firm, partnership, corporation, group, or association.

H. COUNTY COMMISSIONERS - shall mean the Board of County Commissioners of Dubois County, Indiana.

SECTION 4. LOCATION. No person may establish, operate, cause, or maintain a junkyard, motor vehicle graveyard, or scrap metal processing facility or store or allow accumulation of junk on any real estate which is within 500 feet of the nearest edge

of a right-of-way of any Highway or Road, except for the following:

A. Those which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main travel portion of any Highway or Road, or otherwise removed from sight.

B. Those located within areas which are zoned for industrial use under the authority of law of a municipal zoning ordinance.

C. Those located within unzoned industrial areas as determined by the State Planning Agency and approved by the Secretary of the Department of Transportation.

D. Those which are not visible from the main travel portion of any Highway or Road.

SECTION 5. A person who violates this Ordinance or knowingly causes or allows an accumulation of junk, or a junkyard or scrap metal processing facility to be established or maintained on his property in violation of this Ordinance may be fined not more than One Thousand Dollars (\$1,000.00). Whenever the Dubois County Solid Waste District Director is given written notice that a junkyard or scrap metal processing facility is maintained or operated in violation of this Ordinance, said Director, after investigation, may give thirty (30) days notice by certified mail to the owner of the property on which the violation exists. If the owner fails to act within thirty (30) days as required by the notice, or within such extended period as may be determined by said Director or by the county Commissioners based upon unusual circumstances, then each day of the maintenance or operation beginning on the first day following the end of said thirty (30) day period constitutes a separate offense.

SECTION 6. A person who recklessly, knowingly, or intentionally places or leaves junk on a Highway or Road or on the property of another person, except in a container provided for refuse, commits littering, a Class B Infraction, and is in violation of this Ordinance and may be fined not more than One Thousand Dollars (\$1,000.00). Evidence that littering was committed from a moving vehicles other than a public conveyance constitutes prima facie evidence that it was committed by the operator of that vehicle.


SECTION 7. The County Commissioners hereby designate the Dubois County Solid Waste District as the agency which shall enforce the provisions of this Ordinance. When any violation of this discovered or brought to the attention of said District, its Director or his designated District employee, shall study the circumstances and shall determine if this Ordinance has been violated. Whenever said Director or his designated District employee shall determine that a violation exists, the District shall issue that notice described in Section 5 of this Ordinance. Should the owner fail to comply with the requirements of said thirty (30) day notice, the Director or his designated District employee may file with the County Commissioners a Report of said violation, setting out the nature, extent and location of any such violation, and the County Commissioners may thereafter conduct judicial proceedings thereon or may request that the Dubois County Prosecuting Attorney to institute criminal proceedings against any person or persons who are responsible for the establishment, maintenance, use or operation which is a violation of this Ordinance.


SECTION 8. Nothing in this Ordinance shall be construed to affect the provisions of any other lawful Ordinance, regulation or resolution which are more restrictive than the provisions of this Ordinance.

SECTION 9. This Ordinance shall be effective immediately upon passage and publication.

UNANIMOUSLY ADOPTED BY THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA, THIS 1ST DAY OF MARCH, 2004.

  
LAWRENCE M. VOLLMER

  
JAMES R. KEMPER

  
JOHN G. BURGER

BOARD OF COUNTY COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA

ATTEST:

  
MARTHA A. WEHR, COUNTY AUDITOR