



Dubois County Emergency Management/C.D.

602 Main St. Jasper, IN 47546 • (812) 482-2202 FAX (812) 481-7032
Mary A. Miller, Director

PROCLAMATION

"SEVERE WEATHER AWARENESS WEEK"

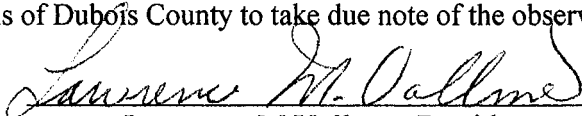
MARCH 14 – 20, 2004


- WHEREAS: The months of March through June present the highest risk for severe thunderstorms and tornadoes to strike Dubois County; and
- WHEREAS, Dubois County is located within the nation's "Tornado Belt", becoming a prime target of devastating tornado outbreaks and other types of severe weather and;
- WHEREAS, A statewide tornado warning exercise will be held on March 17, 2004 for the purpose of testing communications systems, equipment and procedures; and
- WHEREAS, During this week, the Dubois County Emergency Management Agency is emphasizing its safety procedures involving tornado activity:
- NOW, THEREFORE,

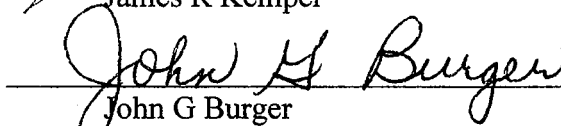
We the **COMMISSIONERS OF DUBOIS COUNTY**, do hereby proclaim March 14 – 20, 2004 as

"SEVERE WEATHER AWARENESS WEEK"

in Dubois County, in recognition of the need for all citizens to learn safety rules and make plans on how to survive the devastating power of tornadoes and severe thunderstorms, and encourage all citizens of Dubois County to take due note of the observance.


Lawrence M Vollmer, President


James R Kemper


John G Burger

March 1, 2004

Proclamation

"CLEAN SWEEP MONTH"

APRIL 1-30, 2004

Whereas: Dubois County takes great pride in the scenic beauty of the land bordering its public highways, from the rolling hills and green pastures, to the bountiful fields and woodlands; and

Whereas: the accumulation of junk, the roadside dumping and open burning of trash is recognized as a degradation of this beauty, public safety and health, and enjoyment of public travel; and

Whereas: the awareness of these and other environmental concerns including air, water, and soil is focused upon in the month of April 2004 centering on "Earth Day" April 22, 2004; and

Whereas: during this month, the Dubois County Solid Waste Management District is providing a greater awareness towards the affects of the accumulation of junk, the roadside dumping and open burning of trash upon the health of our county's environment:

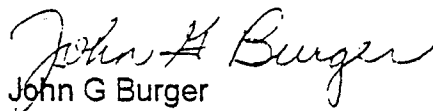
Now, Therefore, We the COMMISSIONERS OF DUBOIS COUNTY, do hereby proclaim April 1-30, 2004 as

Dubois County Clean Sweep Month

in the public interest and to preserve and enhance the scenic beauty of the lands bordering public highways to stop the accumulations of junk, stop illegal dumping, and stop open burning of trash. By this proclamation we encourage all county residents in the best interest of our community to keep their property adjacent to a public roadsides free from junk and clutter. For all Dubois County Residents to take due note of this observance.


Lawrence M. Vollmer, President


James R. Kemper


John G Burger

RETAIL FOOD ESTABLISHMENT AND/OR BED AND BREAKFAST
ESTABLISHMENT ORDINANCE
ORDINANCE NO. 2004-02

In Dubois County, Indiana

The purpose of this ordinance is to safeguard public health and assure that food provided to consumers is safe, unadulterated, and honestly presented. It establishes definitions; sets standards for management and personnel; food operations, and equipment and facilities; and provides for Retail Food Establishment and/or Bed and Breakfast Establishment plan reviews, permits, inspections, and employee restrictions.

This ordinance defines Bed and Breakfast Establishment, Conflict of Interest, Dubois County Health Department, Dubois County Official, Hazard Analysis Critical Control Point, Health Officer, Hearing Officer, Imminent Health Hazard, Inspection Report, Operator, Order, Permit, Person, Retail Food Establishment; and Temporary Food Establishment; requires construction and/or alteration plans; requires a Permit and payment of Permit fees for the operation of Bed and Breakfast Establishment, Retail Food Establishment, and/or Temporary Food Establishment; prohibits sale of adulterated, unwholesome, or misbranded food; regulates inspection of such establishments; provides for compliance and the enforcement of this ordinance; provides penalties for violations of said ordinance; and incorporates by reference Indiana Code (IC) 16-42-1, IC 16-42-2, IC 16-42-5, Indiana State Department of Health Rule(s) 410 Indiana Administrative Code (IAC) 7-15.5, 410 IAC 7-20, 410 IAC 7-21-47, 410 IAC 7-22 and 410 IAC 7-23.

The Dubois County Health Department is hereby authorized to issue Bed And Breakfast Establishment, Retail Food Establishment and/or, Temporary Food Establishment permits, collect Permit fees and penalties, perform inspections, hold hearings, Order or otherwise compel correction of violations of this ordinance, and is otherwise authorized to perform all actions necessary for the administration and enforcement of this ordinance.

Be it ordained by the Board of Commissioners of Dubois County, State of Indiana, that:

Section A: Definitions

Bed and Breakfast Establishment (as defined in 410 IAC 5-15.5) means an Operator occupied residence that:

- (1) provides sleeping accommodations to the public for a fee;
- (2) has no more than fourteen (14) guest rooms;
- (3) provides breakfast to its guests as part of the fee; and
- (4) provides sleeping accommodations for no more than thirty (30) consecutive days to a particular guest.

Conflict of Interest (derived from 68 IAC 9-1-1(b)(2)) means a situation in which the private financial interest of Dubois County Official, Dubois County Official's spouse, ex-spouse,

siblings, in-laws, children and/or unemancipated child, may influence the Dubois County Official's judgement in the performance of a public duty.

Dubois County Health Department means the local health department in Dubois County or authorized representative having jurisdiction over a Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment.

Dubois County Official means any Official of Dubois County, Indiana.

Hazard Analysis Critical Control Point (HACCP) Plan (as defined in 410 IAC 7-20) means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Health Officer means the Health Officer having jurisdiction in Dubois County or his/her duly authorized representative.

Hearing Officer means an individual or panel of individuals acting in the capacity of a Hearing Officer in proceedings. The Hearing Officer is not the Health Officer or any other employee of the Dubois County Health Department. The Hearing Officer shall be the Dubois County Health Board or a subcommittee of the Dubois County Health Board.

Imminent Health Hazard means any circumstance or situation, which in the opinion of the Health Officer, presents a serious health risk to the public.

Inspection Report means the document prepared by the Dubois County Health Department that is completed as the result of the inspection and provided to the Operator.

Operator means the person who has a primary oversight responsibility for operation of the establishment through ownership, or lease or contractual agreement, and who is responsible for the storage, preparation, display, transportation or serving of food to the public.

Order (derived from IC 4-21.5-1-9) means a Dubois County Health Department action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific Persons. The term includes a permit.

Permit means the document issued by the Dubois County Health Department that authorizes a Person to operate a Bed and Breakfast Establishment, Retail Food Establishment, and/or Temporary Food Establishment.

Person means an association; a corporation; an individual; partnership; or other legal entity, government, or governmental subdivision or agency.

Retail Food Establishment (as derived from 410 IAC 7-20) means

(a) an operation that:

- (1) stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as:
 - (A) a restaurant;
 - (B) satellite or catered feeding location;
 - (C) a catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people;
 - (D) a market;
 - (E) a grocery store;
 - (F) a convenience store;
 - (G) a vending location;
 - (H) a conveyance used to transport people;
 - (I) an institution; or
 - (J) a food bank; and
 - (K) that relinquishes possession of food to a consumer directly or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(b) The term includes the following:

- (1) An element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.
- (2) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location, where consumption is on or off the premises, and regardless of whether there is a charge for the food.

Temporary Food Establishment (as defined in 410 IAC 7-20) means a Retail Food Establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.

Section B: Permits

General: It is unlawful for a Person to operate any Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment in Dubois County, without first obtaining a valid Permit from the Health Officer. The valid Permit must be posted in a

conspicuous location in the Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment.

Only persons who comply with the applicable requirements of 410 IAC 7-15.5 and /or 410 IAC 7-20 will be entitled to obtain and keep a Permit.

A separate Permit shall be required for each Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment operated or to be operated by any Person.

A Permit issued under this ordinance is **not transferable**.

A Bed and Breakfast Establishment and/or Retail Food Establishment Permitted by Dubois County Health Department shall be considered registered as required in IC16-42-1-6.

Permit Period: A Permit for a Bed and Breakfast Establishment and/or Retail Food Establishment shall be issued for a term beginning January 1, and/or before commencement of operation, and expiring December 31, of the same year and shall be applied for by the Person and/or Operator annually.

A Permit for a Temporary Food Establishment shall be for the term of one continuous operation.

Permit Content: Any Permit issued by the Health Officer shall contain

- (1) the name and address of the Person and/or owner to whom the Permit is granted;
- (2) the location of the establishment for which the Permit is issued;
- (3) the issuance and expiration date(s); and
- (4) other such pertinent data as may be required by the Dubois County Health Officer.

Application: A Person desiring to operate a Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment shall submit to the Dubois County Health Department a written application for a Permit on a form provided by the Dubois County Health Department.

Content of the Application: The application shall include:

- (1) The name, mailing address, telephone number, and original signature of the Person and/or Operator applying for the Permit and the name, mailing address, and location of the Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment;
- (2) Information specifying whether the Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment is owned by an association, corporation, individual, partnership, or other legal entity;
- (3) A statement signed by the applicant that:

- (A) Attests to the accuracy of the information provided in the application, and
- (B) Affirms that the applicant will:
 - (1) Comply with this ordinance, and
 - (2) Allow the Dubois County Health Department access to the Bed and Breakfast Establishment, Retail Food Establishment and/ or Temporary Food Establishment and records as specified in 410 IAC 7-15.5 and 410 IAC 7-20;
- (4) The name, title, address, and telephone number of the Operator directly responsible for the Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment.
- (5) The name, title, address, and telephone number of the Person who functions as the immediate supervisor of the Person specified under subdivision (4) of this section such as the zone, district, or regional supervisor;
- (6) The names, titles, and addresses of:
 - (A) The Persons comprising the legal ownership as specified under subdivision (2) of this section including the owners and Operators, and
 - (B) The local resident agent if one is required based on the type of legal ownership;
- (7) The Dubois County Health Department may, at its discretion, also require the following: A statement specifying whether the Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment:
 - (A) If not permanent, is mobile and/or temporary, and
 - (B) The operation includes one (1) or more of the following:
 - (1) Prepares, offers for sale, or serves potentially hazardous food:
 - (a) Only to order upon a consumer's request;
 - (b) In advance in quantities based on projected consumer demand and discards food that is not sold or served at an approved frequency; or
 - (c) Using time, rather than temperature, as the public health control as specified under 410 IAC 7-20.

- (d) Prepares acidified foods as defined in 410 IAC 7-21-3.
 - (2) Prepares potentially hazardous food in advance using a food preparation method that involves two or more steps which may include combining potentially hazardous ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing;
 - (3) Prepares food as specified under item (7)(B)(2) of this section for delivery to and consumption at a location off the premises of the Bed and Breakfast Establishment and/or Retail Food Establishment where it is prepared;
 - (4) Prepares food as specified under item (7)(B)(2) of this section for service to a highly susceptible population, as defined in 410 IAC 7-20;
 - (5) Prepares only food that is not potentially hazardous; or
 - (6) Does not prepare, but offers for sale only prepackaged food that is not potentially hazardous.
- (8) Other information required by the Dubois County Health Department.

Qualification: To qualify for a Permit, an applicant must:

- (1) Be an owner and/or Operator of the Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment;
- (2) Comply with the requirements of this ordinance;
- (3) Agree to allow access to the Bed and Breakfast Establishment, Retail Food Establishment and /or Temporary Food Establishment and provide required information; and
- (4) Pay the applicable Permit fees at the time the application is submitted.

Plans Requirements: (a) The owner or other authorized agent of an existing or proposed Bed and Breakfast Establishment and/or Retail Food Establishment shall submit to the Dubois County Health Department properly prepared plans and specifications for review and approval before:

- (1) the construction of a Bed and Breakfast Establishment and/or Retail Food Establishment;
- (2) the conversion of an existing structure for use as a Bed and Breakfast Establishment and/or Retail Food Establishment; or
- (3) the remodeling of a Bed and Breakfast Establishment and/or Retail Food Establishment or a change of type of Bed and Breakfast Establishment and/or Retail Food Establishment or food operation if the Dubois County

Health Department determines that plans and specifications are necessary to ensure compliance with this section.

- (b) The plans and specifications for a Bed and Breakfast Establishment and/or Retail Food Establishment shall include, the type of operation, type of food preparation (as specified in Appendix B of the published version of 410 IAC 7-20), and the menu.
- (c) The plans and specifications shall be deemed satisfactory and approved by Dubois County Health Department before a Permit can be issued.
- (d) A pre-operational inspection shows that the Bed and Breakfast Establishment and/or Retail Food Establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this ordinance, 410 IAC 7-20 and/or 410 IAC 7-15.5.

Change of Ownership: The Dubois County Health Department may renew a Permit for an existing Bed and Breakfast Establishment, and/or Retail Food Establishment or may issue a Permit to a new owner of an existing Bed and Breakfast Establishment and/or Retail Food Establishment after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in compliance with this ordinance.

Responsibilities of the Operator: Upon acceptance of the Permit issued by the Dubois County Health Department, the Operator in order to retain the Permit shall:

- (1) Comply with the provisions of this ordinance and all laws and rules adopted by reference herein and the conditions of any variances granted by the Indiana State Department of Health;
- (2) Immediately discontinue affected operations and notify the Dubois County Health Department if an Imminent Health Hazard may exist;
- (3) Allow representatives of the Dubois County Health Department access to the Bed and Breakfast Establishment and/or Retail Food Establishment at all reasonable times;
- (4) Comply with directives of the Dubois County Health Department including time frames for corrective actions specified in Inspection Reports, notices, Orders, warnings, and other directives issued by the Dubois County Health Department in regard to the Operator's Bed And Breakfast Establishment and/or Retail Food Establishment or in response to community emergencies;
- (5) Accept notices issued and served by the Dubois County Health Department; and
- (6) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this ordinance or a directive of the Dubois County Health Department.

- (7) Post the Permit in a location in the Bed and Breakfast Establishment and/or Retail Food Establishment that is conspicuous to consumers;

Section C: Permit Fees

It shall be unlawful for any Person to operate a Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment in Dubois County, who has not paid the Permit fee required to be paid for the operation of such establishment.

The fee shall be paid for a term beginning January 1, and/or before commencement of operation and expiring December 31, of the same year and shall be applied for by the Person and/or Operator annually.

Permit fees for the issuance of a Permit under this Ordinance to a Bed And Breakfast Establishment, a Retail Food Establishment and/or a Temporary Food Establishment shall be set by the Dubois Health Department, as provided by the Statutes of the State of Indiana. (See IC 16-20-1-27)

A receipt for the payment of such fee shall be provided by the Dubois County Health Department.

The payment of such fees shall be required for each Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment operated or to be operated by any Person.

Exemption from Permit Fees: An organization that is exempt from the Indiana Gross Income Tax under Indiana Code 6-2.1-3-20 through 6-2.1-3-22 and offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from the payment of fees. This exemption only applies to organization(s) that meet the criteria addressed in Indiana Code 16-42-5-4. The Health Officer shall be provided, upon request, proof of an organization's tax exemption.

Late Fees: A late fee for failure to pay the permit fee prior to the operation of the Bed and Breakfast Establishment and/or Retail Food Establishment or the late fee for failure to renew a permit after the expiration of the permit to operate Bed and Breakfast Establishment and/or Retail Food Establishment shall be assessed as set from time to time by the Dubois County Health Board.

The payment of fees under this ordinance is not transferable or refundable.

Section D: Inspection

General: The Dubois County Health Department shall inspect a Bed and Breakfast Establishment and/or Retail Food Establishment at least once every 6 months.

The Dubois County Health Department may increase the interval between inspections beyond 6 months if:

- (1) The Bed and Breakfast Establishment and/or Retail Food Establishment is fully operating under an approved and validated Hazard Analysis Critical Control Point (HACCP) plan(s);
- (2) The Bed and Breakfast Establishment and/or Retail Food Establishment is assigned a less frequent inspection frequency based on a written risk-based inspection schedule that is being uniformly applied throughout the jurisdiction.
- (3) The Dubois County Health Department may contact the Operator to determine that the nature of the food operation has not changed.

Temporary Food Establishment: The Dubois County Health Department shall periodically inspect throughout its Permit period a Temporary Food Establishment that prepares, sells, or serves unpackaged potentially hazardous food and may inspect Temporary Food Establishment that prepares, sells or serves unpackaged, nonpotentially hazardous food that:

- (1) Has improvised rather than permanent facilities or equipment for accomplishing functions such as handwashing, food preparation and protection, food temperature control, warewashing, providing drinking water, waste retention and disposal, and insect and rodent control; or
- (2) Has untrained food employees.

Performance and Risk Based Inspections: Within the parameters specified in the above Inspection Subsection(s) of this Ordinance, the Dubois County Health Department shall prioritize, and conduct more frequent inspections based upon its assessment of a Bed and Breakfast Establishment and/or Retail Food Establishment's history of compliance with this ordinance and the Bed and Breakfast Establishment and/or Retail Food Establishment's potential as a vector of foodborne illness by evaluating:

- (1) Past performance, for violations of 410 IAC 7-15.5, 410 IAC 7-20 and/or 410 IAC 7-22 and/or HACCP plan requirements that are critical or non-critical;
- (2) Past performance, for numerous or repeat violations of 410 IAC 7-15.5 and/or 410 IAC 7-20 and/or HACCP plan requirements that are noncritical;
- (3) Past performance, for complaints investigated and found to be valid;
- (4) The hazards associated with the particular foods that are prepared, stored, or served;
- (5) The type of operation including the methods and extent of food storage, preparation, and service;
- (6) The number of people served; and
- (7) Whether the population served is a highly susceptible population.

Access Allowed at Reasonable Times After Due Notice: After the Dubois County Health Department presents official credentials and provides notice of the purpose of and the intent to

conduct an inspection, the Operator shall allow the Dubois County Health Department to determine if the Bed and Breakfast Establishment, Retail Food Establishment, and/or Temporary Food Establishment is in compliance with this ordinance by allowing access to the establishment, allowing inspection, and providing information and records specified in this ordinance. The Dubois County Health Department is entitled the information and records according to IC 16-42-1-13 and IC 16-42-5-23, during the Bed and Breakfast Establishment and/or Retail Food Establishment's hours of operation and other reasonable times.

Access is a condition of the acceptance and retention of a food establishment Permit to operate.

If access is denied, an Order issued by the appropriate authority allowing access may be obtained according to law. (See IC 16-20-1-26)

Inspection Reports: At the conclusion of the inspection, the Dubois County Health Department shall provide a copy of the completed Inspection Report and the notice to correct violations to the Operator or to the Person-in-charge, as required under IC 16-20-8-5.

Timely Correction of Critical Violations: Except as specified in the next paragraph, an Operator shall at the time of inspection correct a critical violation of 410 IAC 7-15.5, 410 IAC 7-20 and/or 410 IAC 7-22 and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Dubois County Health Department may agree to or specify a longer time frame after the inspection, for the Operator to correct critical code violations or HACCP plan deviations.

After receiving notification that the Operator has corrected a critical violation or HACCP plan deviation, or at the end of the specified period of time, the Dubois County Health Department shall verify correction of the violation, document the information on an Inspection Report, and enter the report in the Dubois County Health Department's records.

Refusal to Sign Acknowledgement: Refusal to sign an acknowledgment of receipt will not affect the Operator's obligation to correct the violations noted in the Inspection Report within the time frames specified.

A refusal to sign an acknowledgment of receipt is noted in the Inspection Report and conveyed to the Dubois County Health Department historical record for the Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment.

The Operator is not necessarily in agreement with the findings of the Dubois County Health Department inspection by acknowledgement of receipt.

Public Information: Except as specified in section 176 (Trade Secrets) of 410 IAC 7-20, the Dubois County Health Department shall treat the Inspection Report as a public document and shall make it available for disclosure to a Person who requests it as provided in law. (See IC 16-20-8-6)

Section E: Compliance And Enforcement

Application Denial: If an application for a plan review and/or Permit to operate a Bed and Breakfast Establishment, Retail Food Establishment, and/or Temporary Food Establishment is denied, the Dubois County Health Department shall provide the applicant with a notice that includes:

- (1) The specific reasons and rule citations for the application and/or Permit denial;
- (2) The actions, if any, that the applicant must take to qualify for the application and/or Permit; and
- (3) Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided in law.

Permit Suspension: The Dubois County Health Department may suspend a Permit to operate a Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment if it determines through inspection, or examination of employee, food, records, or other means as specified in this ordinance, that an Imminent Health Hazard exists.

Ceasing Operation and Contacting the Dubois County Health Department: An Operator of a Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment shall immediately discontinue operations and notify the Dubois County Health Department if an Imminent Health Hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.

An Operator need not discontinue operations in an area of an establishment that is unaffected by the Imminent Health Hazard.

Resuming Operation: If a Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment has discontinued operations for the reasons stated above or otherwise according to law, the Operator must obtain approval from the Dubois County Health Department before resuming operations.

Outstanding Fees: Any outstanding fees may be a condition upon which a permit may not be issued.

Enforcement Options: In the enforcement of the provisions of this ordinance, the Dubois County Health Department may proceed and/or recommend one or more enforcement options:

- (1) The Dubois County Health Board may adopt a policy for the issuing of citations based on violation of the Retail Food Establishment and/or Bed and Breakfast Establishment requirements. For this purpose, the Clerk of Dubois County is hereby designated as the ordinance violations clerk, and a civil penalty for such violation may be imposed according to penalty schedule to be adopted by the Dubois County Health Board, but with no single civil penalty to exceed \$100.00 (IC 33-6-3-1). Penalties so collected shall

be deposited into the County General Fund. Appeals from any citation shall follow the procedure set forth in Section F: Appeals before initiation of the trial process.

- (2) Conduct administrative proceeding for suspension and/or revocation of the Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary Food Establishment Permit in front of a Hearing Officer.
- (3) The Dubois County Health Officer may issue an "Order To Abate" based on a condition that may transmit, generate, or promote disease. Failure on the part of the Operator to comply with the Order may result in the enforcement of the Order in the court of jurisdiction by the initiation of an action by the county attorney or county prosecuting attorney. (See IC 16-20-1-25).
- (4) If the action concerning public health is an ordinance violation, the county attorney or county prosecuting attorney may institute a proceeding in the courts for the enforcement of the ordinance violation, in that manner set forth by IC 34-28-5-1. The maximum penalty which may be levied for such violation may not exceed \$1000.00.
- (5) If the action concerning public health is a criminal offense, the county prosecuting attorney may institute a proceeding in the courts for enforcement.(See IC 16-20-1-25 ©).

Section F: Appeals Section

- (1) Any Person(s) aggrieved by Orders issued under the Enforcement Options 1-3 of Section E above shall be entitled to a review of the final Order before a Hearing Officer by filing a written request therefore with the Health Officer (Secretary of the Dubois County Board of Health See IC 16-20-1-10). The written request must be mailed or hand delivered to Health Officer, 1187 South St. Charles St., Jasper, IN 47546 and must be received within fifteen (15) days after such final Order is issued.
- (2) Upon the Health Officer receipt of such request, the Hearing Officer shall hear the matter again in an open hearing after at least five (5) days written notice of the time, place and nature thereof. The time shall be measured pursuant to the rules of court of the jurisdiction. (A shorter period of time may be granted, if requested by either party and agreed upon.)
- (3) The notice of the hearing shall be served upon the Person requesting the review by hand delivering or mailing by Certified Mail the notice to the address listed on the Permit application as the Person's mailing address or such other address, as the Person shall designate in the letter of request to the Health Officer.
- (4) The Hearing Officer establishes the Rules of Procedure and advises the parties prior to the start of the proceedings.
- (5) The Hearing Officer shall make written findings of facts and shall enter its final Order or determination of this matter in writing.
- (6) The Order completes the Administrative Appeals procedure.

Section G: Conflict of Interest

No Dubois County Official shall conduct himself or herself in a manner that is or could have the appearance of a Conflict of Interest.

Section H: Unconstitutionally Clause:

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

Section I: Repeal and Effective Date

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided by law.

Passed and adopted by the Commissioners of Dubois County, State of Indiana, on this 19TH day of April, 2004.

Signed:

Lawrence D. Hollman

James R. Kemper

John H. Burger

Dubois County Board of Commissioners

Dubois County, Indiana

PROMULGATION STATEMENT

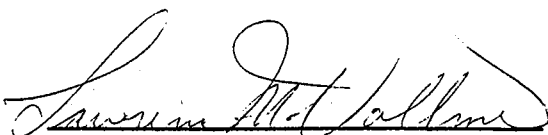
ORDINANCE No. 2004-3

Preparedness to cope with the effects of a disaster includes many diverse but many interrelated elements, which must be woven into an integrated emergency management system involving all departments of local government and private support agencies, plus the individual citizen, regardless of age, race, color, religion, sex, or national origin.

Disasters necessitate a sudden escalation in the material needs of the community and a reorganization of resources and personnel in order to address emergency response. Many lives can be lost in the confusion and disorganization that accompanies the lack of a full planning effort. Therefore, failure to develop an integrated disaster preparedness plan encourages salvage type activities instead of an effective, coordinated operation.

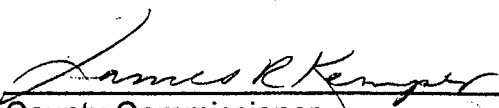
Planning for population protection must be a cooperative effort to avert or minimize the effects of natural, technological, civil, and/or attack related disasters; protect lives and property; and restore the stricken area to its pre disaster status with minimum social and economic disruption.

This plan is a statement of policy regarding emergency management and assigns tasks and responsibilities to county officials and department heads, specifying their roles during an emergency or disaster situation. It is developed pursuant to Indiana Code Title 10, Article 4, Chapter 1, Civil Defense and Disaster Law of 1975, as amended, and the Emergency Management Ordinance adopted by Dubois County Commissioners dated March 7, 1988, assigning emergency responsibilities.



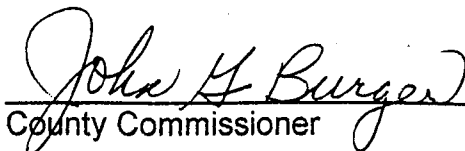
Chairman of the Board of
County Commissioners

MAY 3, 2004
Date



County Commissioner

MAY 3, 2004
Date



County Commissioner

MAY 3, 2004
Date

(i)

ORDINANCE NO. 2004-05

AN ORDINANCE TO REQUIRE AND TO ESTABLISH
STANDARDS FOR PLATTING OF SUBDIVISIONS OF
REAL ESTATE IN DUBOIS COUNTY, INDIANA

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

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the Subdivision Control Ordinance of Dubois County, Indiana.

SECTION 2. AUTHORITY. This Ordinance is adopted pursuant to I.C. 36-7-3-2.

SECTION 3. PURPOSE. This Ordinance is adopted for the following purposes:

(A) To assist the orderly and efficient development of Dubois County;

(B) To provide for the coordination of current and proposed County roads;

(C) To protect and provide for the public health, safety, and welfare of the residents of Dubois County;

(D) To ensure the coordination and availability of the extension of public facilities and services;

(E) To ensure uniform handling of all real estate subdivisions within Dubois County.

SECTION 4. This Ordinance shall apply to all real estate in Dubois County except those areas within the incorporated and jurisdictional planning areas of municipalities to the extent from time to time defined by maps or descriptions recorded in the Office of Recorder of Dubois County.

SECTION 5. DEFINITIONS. As used in this Ordinance, certain terms and words shall be interpreted and/or defined as set forth in this Section. The word "shall" shall be interpreted as being mandatory and the words "may" or "should" shall be interpreted as being discretionary. Words used in the present tense shall include the future tense and a singular number shall include the plural and the singular.

(A) Agricultural purpose. "Agricultural purpose" means the use of a tract of land for agricultural purposes only, including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

(B) Block. "Block" means property abutting on one side of a street, and lying between the two nearest intersecting or intercepting roads, or between the nearest intersecting or intercepting road and a railroad right-of-way, waterway or other definite area.

(C) Building setback line. "Building setback line" means a line on a plat between which line and the road or property line of a lot, buildings may not be erected.

(D) County Commissioners. "County Commissioners" means the Board of Commissioners of Dubois County, Indiana.

(E) County. "County" means Dubois County, Indiana.

(F) Easement. "Easement" means a grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specified uses.

(G) Engineer. "Engineer" means the Dubois County Highway Engineer, County Surveyor, or a qualified engineer designated by the County Commissioners.

(H) Lot. "Lot" means a portion of a subdivision of a larger tract or other parcel of land intended as a unit for present or future transfer of ownership or for development.

(I) Plat. "Plat" means a map or drawing on which the subdivider's plan of a subdivision is presented and which is presented for approval. The final plat is the map or drawing which is intended for recordation and which meets the requirements of this Ordinance.

(J) Right-of-way. "Right-of-way" means a dedicated and accepted strip of land designated for public use as a road, street, highway, driveway, alley or walkway or for any drainage or public utility purpose or other similar use.

(K) Road. "Road" means the dedicated and accepted space or area between the lot lines or around the perimeter of the subdivision, abutting upon a right-of-way and designed as a way for vehicular traffic whether designated as an alley, street, highway, cul-de-sac, throughway, road, lane, place, or however otherwise designated.

(L) Subdivision. "Subdivision" means the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land, any one of which is less than ten (10) acres, for the purpose, whether immediate or future, of transfer of ownership for use for residential, commercial or industrial purposes; or the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels by means of buildings, building groups, roads, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of development for residential, commercial or industrial purposes. This definition shall not include divisions of land for agricultural purposes only, or the sale of lots or exchange of parcels between adjoining lot owners that are not intended to create additional building sites.

SECTION 6. No building or other structure shall hereafter be constructed, erected or moved upon any transferred tract of real estate described in Subsection 5 (L) of this Ordinance unless and until a plat of the subdivision of said conveyed real estate shall be approved by the County Commissioners and recorded in the Office of Recorder of Dubois County or unless granted exception by the County Commissioners based upon special or exceptional circumstances.

SECTION 7. No real estate shall be subdivided for residential, commercial or industrial use unless direct access exists to the land over improved public streets or roads, and unless adequate provision has been made for water, sewage disposal and utility service, or if such land is unsuitable for development by reason of flooding or improper drainage, objectionable topography or other feature harmful to the health and safety of the occupant or the County as a whole.

SECTION 8. PLAT APPROVAL. All plats of subdivision shall be submitted in proper number, size and form to the County Commissioners for review as to compliance with this Ordinance. Before taking any action to approve or disapprove a proposed plat, the County Commissioners may require payment of a fee established by said Commissioners to cover the administrative costs related to said plat and may submit said plat for review by the Engineer or County staff and shall hold not less than one (1) public hearing thereon, after publication of public notice of hearing in accordance with I.C. 5-3-1, to be arranged and paid for by applicant. If after public hearing the County Commissioners disapprove a proposed plat, the County Commissioners shall make written finds that set forth its reasons and a decision denying approval, and shall provide the applicant with a copy thereof.

Any person feeling himself aggrieved at any action of the County Commissioners, or Commissioner's staff, or lack of action of the County Commissioners, or Commissioner's staff, upon a proposed plat or replat, may apply in writing to the County Commissioners, prior to the next regular meeting, for modification of the action complained of, or lack of action, on the proposed plat or replat. Such application shall be considered by the County Commissioners at such time in such manner as it may determine, but within sixty (60) days following the regular meeting.

SECTION 9. PLAT FILING AND RECORDATION. No plat or replat of a subdivision of real estate within jurisdiction of the County Commissioners shall be accepted for recording by the Office of Dubois County Recorder unless it has been first approved by the County Commissioners and filed with the Dubois County Auditor. The owner of real estate described in an approved plat shall present said plat for recordation prior to the transfer of any lot or parcel described in said plat, but in no event more than thirty (30) days after approval of said plat. Said owner shall pay the recording and entry fees related to said recording and entry and shall simultaneously submit to the County Auditor that number plat prints required by this Ordinance.

SECTION 10. PLAT REQUIREMENTS. A person desiring to submit a proposed plat or subdivision to the County Commissioners for consideration shall cause said plat to contain or be accompanied by the following information and be in the following form:

(A) The original drawing of the plat of the subdivision shall, if possible, be drawn to a scale of forty (40) feet to one (1) inch; provided, that if the resulting drawing would be over twenty (20) inches in greatest dimension, a scale of one hundred (100) feet to one (1) inch may be used. Two (2) black or blue line prints and four (4) milar copies, each being seventeen (17) inches by twenty (20) inches, shall be submitted of the original final plat, on which lettering may be applied in a manner which will permit the plat to be reproduced by film, litholoid or other photographic process at the designated scale. The following basic information shall be shown on said plat:

(1) All plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes, these boundaries to be determined by an accurate survey in the field, which shall be balanced and closed,

(2) The exact location and dedication of roads and rights-of-way, on or adjoining the site, including dedicated widths, roadway widths, and widths of pavements, name, and other pertinent data,

(3) Easements, showing locations, widths and purposes, including utility easements, and the dedication thereof,

(4) Layout of lots, showing dimensions and numbers,

(5) True bearings and distances to nearest established street bounds, or official monuments, which monuments shall be located or accurately described on the plat,

(6) Building setback or front yard lines,

(7) Key plan, legend and notes, and

(8) Scale, North Arrow, and date.

(9) Drainage plan to the extent necessary to indicate or illustrate proper street right-of-way drainage.

(B) Name of the subdivision,

(C) Names and addresses of owner and/or subdivider and the engineer or qualified surveyor who prepared the plan.

(D) Covenants. A description of any protective covenants or private restrictions to be incorporated in the plat of the subdivision.

(E) A certificate by the owner of the land, executed before a notary public, that the owner certifies that the information contained on the plat is true and correct, that all requirements of this Ordinance, including standards for development, have been and will be complied with, that all roads and easements shown on said plat are thereby dedicated to the public, and that lots or parcels transferred will have the size and area shown on the plat.

(F) A certificate by the engineer or qualified surveyor that the information contained on the plat is true and correct.

(G) A certificate for approval by the County Commissioners.

Approval of the plat shall not be deemed to be an acceptance of the dedication nor as an acceptance of any road or easement into the County highway system.

SECTION 11. STANDARDS. In addition to other standards set forth in this Ordinance, in establishing and laying out a subdivision, the owner shall comply with those standards of development, principles and requirements set forth in this Section.

(A) In determining whether an application for approval shall be granted, the County Commissioners shall determine if the plat conforms to the principles and standards required in this Ordinance.

(B) Streets:

(1) Each lot or parcel shall abut on a dedicated public street or road.

(2) Except as provided in paragraph 7 of this Subsection (B), each street or road shall be constructed to the minimum design and width standards adopted for Dubois County roads as of the time of approval of the subject plat. Any improvement to roads or right-of-way subsequent to the initial development shall

be constructed to the minimum design or standards adopted for the County Highway Department as of the time of the proposed subsequent improvement.

(3) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted roads with which they are to connect.

(4) Owner may be required to extend a proposed road to the boundary line of the tract to be subdivided, when in the opinion of the County Commissioners such extension is desirable and in the best interest of the County highway system.

(5) Proposed roads shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit, but at not less than seventy (70) degrees in any case.

(6) Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half-width road, the other half-width of such road shall be included in the subject plat; otherwise, half-roads shall be prohibited.

(7) Roads shall be completed as shown on the Plat as approved by the County Commissioners, and shall be graded, surfaced with rock and improved to the dimensions and the work shall be performed in the manner prescribed by the then current county standards for the road constructions. Prior to placement of road surfaces, adequate subsurface drainage for the road shall be provided by the subdivider. The person creating the subdivision shall be obligated to chip and seal any new road established on the plat when five (5) or more of the lots bordering newly established road(s) have been conveyed. The exception to this obligation is when the newly established road borders on the perimeter of the subdivision, then said perimeter road shall be chip and seal when three (3) or more of the lots bordering said road have been conveyed. The covenants contained in the plat of said subdivision shall clearly indicate this obligation.

Notwithstanding the provisions of this paragraph 7, in the event of a single lot subdivision, or in the event of any subdivision having no lot containing less than five (5) acres, access to such single lot (and solely to said lot) or to each such lot of five (5) acres or greater, may be by an unimproved road that satisfies dedication and easement requirements of this Ordinance but is not required to be improved to County standards.

(8) Fences, hedges, retaining walls, lattice-work screens, trees, flowers, plants, permanent mail boxes, nameplates, lamp posts, bird baths, bird houses, benches and landscaping of a like nature are permitted in any required front, side, or rear yard provided they are not located on public right-of-way. However, on any corner tract, nothing shall be erected, placed or planted, in such a manner as to materially impede vision between a height of two and a half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets, in the area bounded by the street right-of-way lines of the corner tract and a line joining two (2) points on the street right-of-way lines thirty-five (35) feet from the point of their intersection. Except for mail boxes constructed on breakaway posts and government road signs, no signs or other structure shall be placed on or project over public right-of-way.

(C) Lots or parcels:

(1) The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.

(2) Each lot or parcel shall abut on a dedicated public street or road.

(3) The minimum lot size shall be one (1) acre, with a minimum front width of One Hundred Fifteen (115) feet at building setback line; provided, however, that should a lot be served by a public sanitary sewer system, the minimum size shall be ten thousand (10,000) square feet with a minimum front width of eighty (80) feet. A lot of one (1) acre not served by a public sanitary sewer system, while complying with this Ordinance, may not comply with the minimum requirements of State and/or County statutes, ordinances or regulations for private sanitary system requirements and therefore may not be acceptable for certain building or use purposes.

(4) Any residential structure constructed or placed on any lot or parcel shall have not less than One Thousand (1,000) square feet of living space, excluding garage or porch.

(D) Easements:

(1) Where alleys are not provided, easements for utilities shall be provided. Such easements when not located adjacent to a public road shall have minimum widths of twenty (20) feet; and when located adjacent to a public road shall have minimum combined width of twenty (20) feet along said road. Where located between adjacent lots, one-half (1/2) the twenty (20) foot width may be taken from each lot.

(2) Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, adequate areas for stormwater or drainage easements shall be allocated for the purpose of widening, deepening, sloping, improving or protecting said watercourses in accordance with the requirements of the Dubois County Drainage Board.

(3) Where a new public road is being proposed as part of a subdivision, a utility easement having a minimum width of ten (10) feet shall be located adjacent to each side of that public road, but if said new road is on the perimeter of a subdivision and no easement is possible on both sides thereof, then the minimum easement width shall be twenty (20) feet on the subdivision side of said road.

(E) Building setback lines. Building setback lines as to any lot or parcel shall be set forth on the plat and shall have the following minimum distance from the lot line:

1. Front yard - 35 feet from R/W line
2. Side yard - 10 feet on each side
3. Rear yard - 20 feet from rear line.

(F) Due consideration shall be given to the prevention of air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics, including the following elements:

(1) Water Pollution: No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent

properties and conflict with water pollution standards established by the public agencies.

(2) Waste Matter: No use shall accumulate within the property or discharge beyond the property lines any waste matter, whether liquid or solid, in violation of applicable public health, safety and welfare standards and regulations.

(3) Water: All tracts not connected to or served by a public or private water system already approved by a state, county or city health authority shall have written approval from the Dubois County Health Department or the Indiana State Board of Health before construction thereon of any structure requiring water.

(4) Sanitary Sewage: All tracts not connected to or served by a public or private sanitary sewer system already approved by a state, county, or city health authority shall have written approval from the Dubois County Health Department or the Indiana State Board of Health before construction thereon of any structure requiring sewage disposal.

(G) The subdivision layout shall be of such a character that it protects the health, safety, and general welfare of Dubois County and its citizens.

(H) In any particular case where the subdivider can show that, by reason of exceptional topographic or other physical conditions, or because of an unusually large or small subdivision, or when made for industrial or commercial purposes, strict compliance with any requirement of these regulations would cause practical difficulty or exceptional or undue hardship, the County Commissioners may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of these regulations or the desirable general development of the neighborhood and the community. Any modification thus granted shall be entered in the minutes of the County Commissioners setting forth the reasons which, in the opinion of the County Commissioners, justified the modification.

(I) Any mobile home park which holds a license issued by the Indiana Board of Health under I.C. 16-41-27-18 shall be exempt from the provisions of this Section 11.

SECTION 12. NONCONFORMING CONDITIONS. If a lawful structure or structure and land in combination or division of land exists at the effective date of the adoption or amendment of this Ordinance, that would not be permitted under the terms of this Ordinance, that non-conforming condition may be continued.

Provided, however, any extension, reduction or further division shall not be subsequently permitted unless in compliance with the provisions of this Ordinance.

SECTION 13. FAMILY FARM EXCEPTION. Notwithstanding the provisions of the prior Sections set forth in this Ordinance, in the case of a farm where the owner wishes to convey a parcel of land, either with or without consideration, to a member or members of his family for the purpose of locating a residence to be occupied by the family member, said owner may be authorized by the County Commissioners to convey said parcel as an exception from the plat provisions of this Ordinance. Any exception thus authorized is required to be entered in writing in the minutes of

the County Commissioners and the reasoning on which the exception was authorized shall be set forth.

Any exception thus granted shall comply with the following provisions:

(A) For the purpose of this Section, a "farm" means an area containing forty (40) acres or more, used for agricultural purposes (as defined) by the resident owner.

(B) No more than two (2) parcels shall be conveyed as an exception from any one (1) farm.

(C) For the purpose of this section, "a member of the family" means only mother, father, son, or daughter.

(D) The original occupant of the residence to be located shall be the family member to whom the parcel was conveyed.

(E) In a case where the new parcel is located other than on an existing public right-of-way, access to the parcel shall be provided by a private way. This private access shall not be considered by the County Commissioners for a public thoroughfare or for use to serve more than three (3) farm residences until such time that the access shall be improved in accordance with the applicable County's improvement requirements for a county road.

(F) The new parcel, while not subject to the platting provisions of this Ordinance, shall be subject to all non-plat provisions of this Ordinance.

SECTION 14. AMENDMENT. The County Commissioners may from time to time introduce, consider and adopt amendments to this Ordinance.

SECTION 15. VIOLATION AND PENALTIES. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be subject to a fine in any sum not to exceed One Thousand Dollars (\$1,000.00). Each separate violation thereof and each day's continued or renewed violation thereof shall constitute a separate offense.

SECTION 16. If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION 17. This Ordinance shall take effect from and after its adoption and thirty (30) days after its publication, or on July 1, 2004, whichever is the later. Two (2) copies of this Ordinance shall be on file and available for inspection in the office of Auditor of Dubois County.

Adopted this 17th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
OF DUBOIS COUNTY, INDIANA

Laurie M. Vallme
James R. Kemper
John L. Burger

ATTEST:

Martha A. Wehr
AUDITOR OF DUBOIS COUNTY, INDIANA

ORDINANCE #2004-02

AN ORDINANCE OF THE COUNTY COUNCIL OF DUBOIS COUNTY, INDIANA, AUTHORIZING PAYMENT OF SUPPLEMENTAL JURORS FEES FROM COUNTY JUROR FUND.

WHEREAS, I.C. 33-19-1-4 authorizes payment of fees related to jurors in the Circuit and Superior Courts, including mileage and compensation, from County funds; and,

WHEREAS, said statute authorizes the County Council to establish supplemental fees which may be paid from such funds; and,

WHEREAS, the County has an established fund, the Jury Pay Fund, to be used in the payment of such fees;

WHEREAS, this Council has been advised by the Courts that additional expenses are normally incurred by the Courts which directly relate to jurors and are of the same nature as mileage and compensation, including meals and parking expenses;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF DUBOIS COUNTY, INDIANA, that the Auditor of Dubois County is authorized and directed to pay the various fees related to Court jurors from the County's Jury Pay Fund; and that for purpose of such payments, the work "fees" shall be interpreted, for supplemental purposes, to include reasonable meals and parking charges incurred by jurors.

ADOPTED this 17th day of May, 2004.

<u><i>John H. ...</i></u>	<u><i>Richard E. ...</i></u>
<u><i>Jerry Hunefeld</i></u>	<u><i>Donna L. Schroeder</i></u>
<u><i>Mark A. Bresche</i></u>	<u><i>Scott H. ...</i></u>
<u><i>Larry A. Kendall</i></u> <u><i>(NAY)</i></u>	

ATTEST:

Martha A. Weber

ORDINANCE NO. 2004- 60

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, VACATING A PUBLIC ALLEY IN THE TOWN OF HAYSVILLE, 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 a public alley located in the Original Town of Haysville, in Dubois County, Indiana, to-wit:

Part of the northeast quarter of the southwest quarter of Section 25, Township 1 North, Range 5 West, beginning at the northwest corner of Lot #44 in the Original Town of Haysville, and running thence south along the west Lot line to the southwest corner of said Lot #44, thence west 12 feet to the southeast corner of Lot #45 in said Original Town, thence north along the east Lot line to the northeast corner of said Lot #45, thence east 12 feet to the point of beginning.

That proper notice has been given of said hearing; that no member of the public has objected to vacation of said alley; no public benefit or purpose is to be derived from the continued existence of said public way; that the sole adjacent property owner on both sides of said alley has petitioned the vacation of said public way; that the vacation of said public way will not diminish the value of or hinder growth or development of any other real estate located in the vicinity thereof; and said alley is not necessary for access to any property; that no public utilities are known to exist within said easement, but that if any so exist said utility shall have an easement to 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

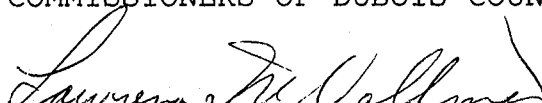
any public utilities which may now be located within the boundaries thereof.

Section 3. That legal title in and to said real estate shall be and is hereby vested in the property owner, being St. Paul's Evangelical Lutheran Church of Haysville, Indiana.


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

DULY PASSED AND ADOPTED THIS 19TH DAY OF JULY, 2004.

COMMISSIONERS OF DUBOIS COUNTY, INDIANA


LAWRENCE M. VOLLMER


JAMES R. KEMPER


JOHN G. BURGER

ATTEST


MARTHA A. WEHR, COUNTY AUDITOR

ORDINANCE [#]2004-7

AN ORDINANCE ESTABLISHING SPEED
LIMITS ON A PORTION OF CO. RD. 200 W, CO.
RD. 600 N, CO. RD. 650 W, CO. RD. 750 W, CO.
RD. 175 E, KALB-ZEHR ROAD, FAIRGROUNDS
DRIVE, AND ST. ANTHONY RD. WEST 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. 200 West from Co. Rd. 700 North to Co. Rd. 600 North being a distance of approximately 1.03 miles, shall be restricted to a maximum speed of 45 miles per hour.
2. Motor vehicles operated on Co. Rd. 600 North from Co. Rd. 200 West to Old Road 45 being a distance of approximately 1.09 miles, shall be restricted to a maximum speed of 45 miles per hour.
3. Motor vehicles operated on Co. Rd. 650 West from Co. Rd. 100 South to 0.25 miles north of Co. Rd. 350 South being a distance of approximately 2.29 miles, shall be restricted to a maximum speed of 45 miles per hour.
4. Motor vehicles operated on Co. Rd. 750 West from Co. Rd. 900 South to Co. Rd. 800 South being a distance of approximately 1.03 miles, shall be restricted to a maximum speed of 45 miles per hour.
5. Motor vehicles operated on Co. Rd. 175 East from 0.75 miles north of Jasper-Dubois Road to Co. Rd. 300 North being a distance of approximately 1.03 miles, shall be restricted to a maximum speed of 45 miles per hour.
6. Motor vehicles operated on Kalb-Zehr Road from State Road 545 to 0.21 miles east of State Road 545 being a distance of approximately 0.21 miles, shall be restricted to a maximum speed of 35 miles per hour.
7. Motor vehicles operated on Fairgrounds Drive from State Road 162 to 0.10 miles west of State Road 162 being a distance of approximately 0.10 miles, shall be restricted to a maximum speed of 25 miles per hour.
8. Motor Vehicles operated on St. Anthony Road West from Co. Rd. 350 South to Co. Rd. 250 South being a distance of 1.23 miles, shall be restricted to a maximum speed of 45 miles per hour.
9. Each such public highway shall be posted for such maximum speed limit.

10. 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.
11. This Ordinance shall be effective from and following its passage and proper posting of the described speed limit.

ADOPTED: July 19, 2004

BOARD OF COUNTY COMMISSIONERS
OF DUBOIS COUNTY, INDIANA

Lauren J. Vallin

James R. Kemper

John H. Burger

ATTEST:

Martha A. Wehr
Martha A. Wehr, Auditor

ORDINANCE NO. 2004-08

AN ORDINANCE AMENDING ALL ORDINANCES
AMENDATORY THEREOF, BEING AN ORDINANCE
IMPOSING RESTRICTION UPON VEHICLES OPERATED
ON COUNTY ROADS IN FERDINAND TOWNSHIP IN
DUBOIS COUNTY, INDIANA

WHEREAS, the Board of Commissioners of Dubois County, Indiana, after having received a report on and considered an engineering and traffic investigation conducted by the County Highway Engineer regarding the affected intersections, 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 and required for public safety 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:

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

1. At the intersection of County Road 825 South and County Road 250 East (FE1), County Road 825 South shall be the preferential highway and a stop sign shall be placed on the north approach of County Road 250 East with County Road 825 South.
2. At the intersection of Club Road and County Road 725 South (FE2), Club Road shall be the preferential highway and a stop sign shall be placed on the west approach of County Road 725 South with Club Road.
3. At the intersection of County Road 500 East and County Road 825 South (FE3), County Road 500 East shall be the preferential highway and a stop sign shall be placed on the south approach of County Road 825 South with County Road 500 East.
4. At the intersection of County Road 600 East and County Road 700 South (FE4), County Road 600 East shall be the preferential highway and a stop sign shall be placed on the east approach of County Road 700 South with County Road 600 East.
5. At the intersection of County Road 600 East and County Road 750 South (FE5), County Road 600 East shall be the preferential highway and a stop sign shall be placed on the west approach of County Road 750 South with County Road 600 East.
6. At the intersection of Ferdinand Road Northwest and County Road 850 South (FE6), Ferdinand Road Northwest shall be the preferential highway and a stop sign shall be placed on the east approach of County Road 850 South with Ferdinand Road Northwest.
7. At the intersection of County Road 75 East and Holiday Lake Road (FE7), County Road 75 East shall be the preferential highway and a stop sign shall be placed on the east approach of Holiday Lake Road with County Road 75 East.
8. At the intersection of County Road 75 East and County Road 850 South (FE8), County Road 75 East shall be the preferential highway and a stop sign shall be

- placed on the west approach of County Road 850 South with County Road 75 East.
9. At the intersection of Holiday Lake Road and County Road 815 South (FE9), Holiday Lake Road shall be the preferential highway and a stop sign shall be placed on the north approach of County Road 815 South with Holiday Lake Road.
 10. At the intersection of Club Road and County Road 825 South (FE10), Club Road shall be the preferential highway and a stop sign shall be placed on the east and west approaches of County Road 825 South with Club Road.
 11. At the intersection of County Road 825 South and County Road 350 East (FE11), County Road 825 South shall be the preferential highway and a stop sign shall be placed on the south approach of County Road 350 East with County Road 825 South.
 12. At the intersection of County Road 450 East and County Road 825 South (FE12), County Road 450 East and the west approach of County Road 825 South shall be the preferential highways and a stop sign shall be placed on the north approach of County Road 825 South with County Road 450 East and the west approach of County Road 825 South.
 13. At the intersection of County Road 925 South and Ferdinand Road Northwest (FE13), County Road 925 South and the east approach of Ferdinand Road Northwest shall be the preferential highways and a stop sign shall be placed on the north approach of Ferdinand Road Northwest with County Road 925 South and the east approach of Ferdinand Road Northwest.
 14. At the intersection of Ferdinand Road Northwest and County Road 75 East (FE14), Ferdinand Road Northwest shall be the preferential highway and a stop sign shall be placed on the north approach of County Road 75 East with Ferdinand Road Northwest.
 15. At the intersection of Ferdinand Road Northwest and County Road 1000 South (FE15), Ferdinand Road Northwest shall be the preferential highway and a stop sign shall be placed on the west approach of County Road 1000 South with Ferdinand Road Northwest.
 16. At the intersection of County Road 475 East, County Road 1000 South and Convent Road (FE16), County Road 475 East shall be the preferential highway and a stop sign shall be placed on the east approach of County Road 1000 South and on the west approach of Convent Road with County Road 475 East.
 17. At the intersection of Ferdinand Road Northwest and 23rd Street (FE17), Ferdinand Road Northwest shall be the preferential highway and a stop sign shall be placed on the north approach of 23rd Street with Ferdinand Road Northwest.
 18. At the intersection of County Road 1100 South and Mariah Hill Road (FE18), County Road 1100 South shall be the preferential highway and a stop sign shall be placed on the south approach of Mariah Hill Road with County Road 1000 South.
 19. At the intersection of Convent Road and County Road 350 East (FE19), Convent Road shall be the preferential highway and a stop sign shall be placed on the south approach of County Road 350 East with Convent Road.
 20. At the intersection of Mariah Hill Road and County Road 80 East (FE20), Mariah Hill Road shall be the preferential highway and a stop sign shall be placed on the south approach of County Road 80 East with Mariah Hill Road.

21. At the intersection of County Road 285 East and County Road 1160 South (FE21), County Road 285 East shall be the preferential highway and a stop sign shall be placed on the east approach of County Road 1160 South with County Road 285 East.
22. At the intersection of Ferdinand Road East and County Road 350 East (FE22), Ferdinand Road East shall be the preferential highway and a stop sign shall be placed on the north approach of County Road 350 East with Ferdinand Road East.
23. At the intersection of Ferdinand Road East and County Road 475 East (FE23), Ferdinand Road East shall be the preferential highway and a stop sign shall be placed on the north approach of County Road 475 East with Ferdinand Road East.
24. At the intersection of County Road 1150 South and County Road 540 East (FE24), County Road 1150 South and the west approach of County Road 540 East shall be the preferential highways and a stop sign shall be placed on the north approach of County Road 540 East with County Road 1150 South and the west approach of County Road 540 East.
25. At the intersection of Ferdinand Road East and County Road 540 East (FE25), Ferdinand Road East shall be the preferential highway and a stop sign shall be placed on the east approach of County Road 540 East with Ferdinand Road East.

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.

This Ordinance shall be effective from and following its passage and publication and upon completion of any other requirement required by law.

ADOPTED: August 2, 2004

BOARD OF COUNTY COMMISSIONERS
OF DUBOIS COUNTY, INDIANA

Lauren McVallin

James E. Kemper

John G. Burger

ATTEST:

Martha A. Wehr
Martha A. Wehr, Auditor