

ORDINANCE NO. 2009-1

AN ORDINANCE TERMINATING THE  
PROBATIONARY PAY SCHEDULE

WHEREAS, The Dubois County Council, as County Fiscal body has heretofore established a probationary pay schedule for new employees of Dubois County, as set forth in Ordinances No. 1999-7 and No. 1999-9, which schedule was amended by Ordinance No. 2003-1 to apply solely to new employees only during the first 52 weeks of County employment; and,

WHEREAS, It is now the desire of this Council to terminate the pay differential for new County employees.

NOW THEREFORE, BE IT ORDAINED, That Ordinances No. 1999-7, No. 1999-9 and Ordinance No. 2003-1, as previously adopted by this Council, are hereby repealed and declared null and void, and hereafter a new employee shall be paid using the appropriate schedule and appropriation of wages and salaries without deduction for any probationary status of the employee. It is recognized that such schedules and appropriation of wages and salaries represent maximums, and that any office holder or supervisor may pay an employee under his or her jurisdiction 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 \_\_\_\_ day of \_\_\_\_\_, 2009.

Donald F. Leach  
John H. Berger  
Lauren M. Collins

Adopted by the County Council of Dubois County, Indiana this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
COUNTY AUDITOR

ORDINANCE NO. 2009- 2AN ORDINANCE ESTABLISHING A  
REVISED PROBATIONARY PAY SCHEDULE  
FOR NEW EMPLOYEES OF DUBOIS COUNTY, INDIANA

WHEREAS, The Dubois County Executive and Fiscal officers did on September 7, 1999, establish a policy whereby new full-time employees of the County would initially be employed for a fixed period in a probationary status, having reduced compensation; and,

WHEREAS, Based upon the experience of the County officials with subsequent new employees, the County Executive and/or Fiscal officers have amended said original Ordinance on three (3) occasions, the final of which was an elimination of the probationary employment policy; and,

WHEREAS, It is now determined that a modified probation of three (3) months should be observed, with reduced compensation during that probationary period.

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 employee of the County (excluding those covered by the Appendix to this Handbook), which employee does not have 12 months prior employment experience with Dubois County, shall be reduced so as to result in a maximum annualized wage or salary equal to the salary or wage established for the position held by the new employee during the first three (3) months of employment by the County shall be 90% of the normal salary or wage for the position held by said new employee. It is 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. No exception shall be made from this policy as to any new employee."

The foregoing policy and amendment to the Employee Handbook shall become effective as of January 1, 2009 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 23<sup>rd</sup> day of February, 2009.

Bartholomew S. F. Beck  
John H. Burgess  
Charence A. Williams

23<sup>rd</sup> Adopted by the County Council of Dubois County, Indiana this  
day of February, 2009.

<u>Gregory H. Hengel</u>	<u>Mark A. Brescher</u>
<u>Danna J. Schroeder</u>	<u>Martha J. Weber</u>
<u>Scott J. Rives</u>	<u>Bonnie J. Zuehlke</u>
<u>Gregory A. Randall</u>	

ATTEST:

Janet A. Sendelweck  
COUNTY AUDITOR

## ORDINANCE 2009-3

AN ORDINANCE TO AMEND PRIOR  
ORDINANCE 93-8 REGARDING THE  
TREATMENT OF ANIMALS TO INCLUDE  
THEREIN PROVISIONS RELATING TO NEGLECT OF ANIMALS

WHEREAS, the Board of Commissioners of Dubois County, Indiana, has heretofore adopted an Ordinance (#93-8) regarding the treatment of animals, based upon Indiana statutes, but such Ordinance and statutes do not provide for or require the sheltering and medical care for such animals; and

WHEREAS, it is in the best interest of the residents of Dubois County that proper care should be extended by animal owners towards animals in their care.

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

Section 1. Amendment. Section 4 of Ordinance 93-8, as adopted by this Board on December 6, 1993, is now amended so as to hereafter read as follows:

"Section 4. Cruelty. It shall be unlawful and in violation of this Ordinance for any person to cruelly treat or neglect any domesticated animal, including: in human beating or malicious killing; underfeeding or abandoning an animal in that person's care or failing to provide water, shelter or medical care or treatment for such animal."

Section 2. All other provisions of said Ordinance 93-8 are hereby ratified and confirmed.

Section 3. This Ordinance shall take effect from and after its adoption and publication.

ADOPTED THIS 23<sup>rd</sup> DAY OF February, 2009.

COUNTY COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA

Ronald D. F. Lark  
John H. Burger  
Lawrence M. Hillman

ATTEST:

Janet S. Sendeluck  
AUDITOR OF DUBOIS COUNTY, IN

2009006596 MISC \$0.00  
10/12/2009 09:28:53A 2 PGS  
Brenda K. Schnarr  
Dubois County Recorder IN  
Recorded as Presented

RE-RECORDING

ORDINANCE NO. 09-04

~~2009006526 MISC \$0.00  
10/06/2009 09:38:41A 2 PGS  
Brenda K. Schnarr  
Dubois County Recorder IN  
Recorded as Presented~~

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, VACATING A PORTION OF WALNUT STREET, AND PORTIONS OF CERTAIN ALLEYS IN THE TOWN OF PORTERSVILLE, 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 Board, after public hearing held on September 4, 2009, that adequate reason exists for the vacation of the following public road and alleys located in the Town of Portersville, Boone Township, of Dubois County, Indiana, to-wit:

Walnut Street located West of Lot #78 in the Town of Portersville, together with alleyways bordering Lot No. 78, all in the Unincorporated Town of Portersville, Indiana.

which public street to be vacated is more specifically described as follows:

That portion of Walnut Street, being Sixty (60) feet in width, running from the northwest corner of Lot No. 78 southerly to the Southwest corner of Lot No. 78 in the Town of Portersville.

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

a. An alley running east to west from the southeast corner of Lot No. 78 to the southwest corner of Lot No. 78.

b. An alley running north to south from the southeast corner of Lot No. 78 to the northeast corner of Lot No. 78.

It is the further finding of this Board that proper notice has been given by publication of said hearing and that no notice by certified mail is required; that the described portion of street and alleys are not developed or used as public ways, but are used as part of yards of adjacent lots, no public benefit is to be derived from the continued existence of said public alleys or roadway; that the adjacent property owner has petitioned the vacation of said highway and alleys; that Karen L. Krodel appears before this Board and expresses her consent to said vacation and that Dorothy Fisher has expressed her consent to the vacation; that the

vacation of said highway and alleys 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 should any such utility exist the same shall remain in place; that owners of all abutting properties have expressed that they have no objection to said vacation; that no public benefit is to be derived from the continued existence of said public way; that the proposed vacation will not hinder growth or development, will not hinder use of a public way by the neighborhood, will not hinder access to a church, school or public building, and will not make access to other property difficult or inconvenient; that the vacation of said public way will not diminish the value of any other real estate located in the vicinity thereof; and that no reason exists for the continued existence of said highway and alleys and the same should now be vacated.

Section 2. That the portions of said Walnut Street and public alleys as herein described shall be and are hereby vacated, subject however to a continuing perpetual easement as to any public utilities which are now located within the boundaries thereof.

Section 3. That legal title in and to said real estate shall be and is hereby vested in and divided equally between each respective adjacent property owner, to-wit: Jason R. Denk; Karen L. Krodel; and Cleo Fisher and Dorothy Fisher, husband and wife.

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

DULY PASSED AND ADOPTED THIS <sup>5th</sup> ~~21ST~~ DAY OF <sup>October</sup> ~~SEPTEMBER~~, 2009.

BOARD OF COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA

Duly entered this

OCT 06 2009  
Janet A. Sandelweck  
Auditor Dubois County

Randall L. Fleck  
John H. Burger  
Lawrence W. Hallman

AN ORDINANCE REQUIRING THE CUTTING OR OTHER REMOVAL OF WEEDS FROM AREAS SURROUNDING CERTAIN RESIDENTIAL STRUCTURES IN DUBOIS COUNTY, INDIANA

A. The growth of weeds for non-agricultural purposes within areas occupied by two (2) or more residential structures or the growth of noxious plants is deemed to be injurious to public health and is declared to be a nuisance. For purposes of this Ordinance, the definition of "weed" shall exclude planted and/or grown trees, flowers, ornamental shrubs and plants and agricultural crops.

B. No owner or occupant of any lot or parcel of real estate located within the County shall permit said real estate to become overgrown with weeds and no owner or occupant of any real estate located within the County shall permit noxious plants to grow thereon. The following standards shall be the criteria used by the County Highway Department or the Board of Health in determining that weed growth is detrimental to or threatens public health or safety:

1. Where the real estate is located in a platted subdivision containing two (2) or more residential structures, grass or other vegetation in excess of twelve (12) inches in height shall be considered weeds.

2. In all other areas within Dubois County, weeds, grass or other vegetation, excepting actively used agricultural crop land, in excess of twelve (12) inches in height shall be considered weeds where:

- a. The real estate is located within fifty (50) feet of a county intersection;
- b. The real estate is located within a county right-of-way;
- c. The real estate is located within one hundred fifty (150) feet of any residential structure located in Dubois County; or
- d. The real estate is in such a condition that it creates a threat to public safety as a result of rodent, insect, reptile or mosquito harborage.

C. Notice. It is the duty of the County Highway Department upon the filing of signed written complaint by a resident of nearby property, to make reasonable inspection of land within the County to determine whether or not any weeds or noxious plants have been permitted to grow thereon. Whenever it has been determined by the inspecting Department personnel that weeds or noxious plants have been permitted to grow in a manner as to become injurious to public health, safety, or welfare, and such property is as described in Section B above, the County Highway Department may cause written notice to be sent to the owner and/or occupant of the land by U.S. mail or by personal delivery ordering abatement or destruction of the weeds or noxious plants. In case the owner or occupant is unknown, the County Highway Department may cause the notice to be published by one (1) insertion in a newspaper of general circulation in the County.

D. Abatement. If the owner or occupant upon whom the notice required in Section C of this Ordinance has been served fails to remove the weeds or noxious plants within ten (10) days from the date of mailing or delivery, or the date of publication, as the case may be, the County Highway Department may cause the weeds or noxious plants to be removed. Such removal may be

accomplished by using Highway Department personnel or by using commercial contractors. The County Highway Department may issue a bill to the owner or occupant of the real estate for the costs incurred in removing the weeds or noxious plants, including administrative costs not to exceed Fifty Dollars (\$50.00).

E. Lien. If the owner or occupant of the real estate fails to pay a bill issued under Section D of this Ordinance, the County Highway Department may, after thirty (30) days, certify to the County Auditor the amount of the actual cost of removal. The County Auditor shall thereupon place the amount of the cost of removal of the weeds or noxious plants plus administrative costs, plus an additional administrative fee of Twenty Dollars (\$20.00) on the tax duplicate as a charge against the owner or occupant of the real estate. The costs and fee shall be a lien thereon and shall be collected by the County Treasurer at the same time and in the same manner as taxes due the County and State are collected.

F. Weed Fund. There is hereby established in the financial accounts of Dubois County a new account, to be entitled the "County Weed Fund", from which expenses related to County removal of weeds under this Ordinance are to be paid and to which revenue collected for such services are to be deposited. Subject to approval of the County fiscal body, the Board of County Commissioners may transfer funds to said account.

G. Violation - Penalty. Any owner or occupant of any real estate within Dubois County who, after receipt of two (2) notices for different or separate violations within any ninety (90) day period for failure to comply with a directive from a representative of the County Highway Department to remove weeds, grass, noxious plants or other vegetation from owner's or occupant's real estate, may be fined by the Board of Commissioners of Dubois County not more than Five Hundred Dollars (\$500.00) and costs for each separate offense.

H. This Ordinance shall be in full force and effect upon adoption and publication of notice of adoption of this Ordinance.

ADOPTED, This 19th day of OCTOBER, 2009, by the Board of Commissioners of Dubois County, Indiana:

Randall L. Fisher  
COMMISSIONER

John H. Burger  
COMMISSIONER

Lawrence M. Williams  
COMMISSIONER

ATTEST:

Janet S. Sendelweck  
AUDITOR OF DUBOIS COUNTY, INDIANA



ORDINANCE # 2009-6

AN ORDINANCE ESTABLISHING A SPEED LIMIT  
ON A PORTION OF CO. RD. 500 WEST AND  
DUBOIS ROAD NE 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. 500 West from Holland Road East to Co. Rd. 900 South being a distance of approximately 1.01 miles, shall be restricted to a maximum speed of 45 miles per hour.
- 2a. Motor vehicles operated on Dubois Road NE from 0.75 miles north of Dubois Cuzco Road to 1.25 mile north of Dubois Cuzco Road being a distance of approximately 0.50 miles, shall be restricted to a maximum speed of 45 miles per hour.
- 2b. Motor vehicles operated on Dubois Road NE from 1.25 miles north of Dubois Cuzco Road to Co. Rd. 735 East being a distance of approximately 0.85 miles, shall be restricted to a maximum speed of 35 miles per hour.
- 2c. Motor vehicles operated on Dubois Road NE from Co. Rd. 735 E to 0.64 mile south of SR 56 being a distance of approximately 0.94 miles, shall be restricted to a maximum speed of 45 miles per hour.
3. Each such public highway shall be posted for such maximum speed limit.
4. 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.
5. This Ordinance shall be effective from and following its passage and proper posting of the described speed limit.

ADOPTED: November 2, 2009

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Randall L. Fleck  
Randall L. Fleck

John G. Burger  
John G. Burger

Lawrence M. Vollmer  
Lawrence M. Vollmer

ATTEST:

Janet L. Sendelweck  
Janet L. Sendelweck, Auditor

ORDINANCE NO. 2009-7

AN ORDINANCE AMENDING ALL ORDINANCES  
AMENDATORY THEREOF, BEING AN ORDINANCE  
IMPOSING RESTRICTION UPON VEHICLES OPERATED  
ON COUNTY ROADS - DUBOIS ROAD NE AND 735 EAST - IN  
COLUMBIA 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 intersection, 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.

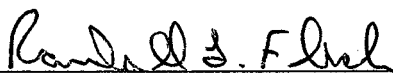
1. At the intersection of Dubois Road NE and County Road 735 East (CO13), there shall be no preferential highways and a stop sign shall be placed on the north and south approaches of Dubois Road NE with County Road 735 East, and on the east approach of CR 735 East with Dubois Road NE.

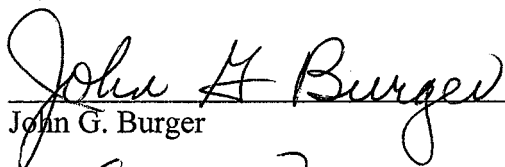
Violation of this ordinance shall be punishable in that manner prescribed by Indiana statute and by prior Ordinance pertaining to preferential roads heretofore adopted by this Board of County Commissioners.

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

ADOPTED: November 2, 2009

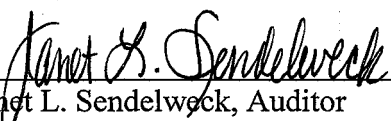
BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

  
Randall L. Fleck

  
John G. Burger

  
Lawrence M. Vollmer

ATTEST:

  
Janet L. Sendelweck, Auditor

ORDINANCE NO. 2009-8

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, 2010 through April 15, 2010. Jasper 3<sup>rd</sup> Avenue from Jasper city limits south to S.R. 162 is exempt from this Ordinance.
2. Operation of a motor vehicle on any County Road in violation of this Ordinance shall be a Class C infraction, as defined by I.C. 34-6-2-85 and I.C. 34-28-5-4.
3. This Ordinance shall become effective upon publication as required by law.

ADOPTED: December 21, 2009

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Randall L. Fleck

Randall L. Fleck

John G. Burger

John G. Burger

Lawrence M. Vollmer

Lawrence M. Vollmer

ATTEST:

Janet L. Sendelweck

Janet L. Sendelweck, Auditor

ORDINANCE NO. 09- 09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, VACATING A PORTION OF COUNTY ROAD 450 SOUTH LOCATED IN THE WEST HALF OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 3 WEST, JEFFERSON TOWNSHIP, 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 Board, after a public hearing held on December 7, 2009, that adequate reason exists for the vacation of that portion of a public right-of-way contiguous to the real estate owned by Crestwood Farms, Inc., commonly known as County Road 450 South, ("**Public Right-of-Way**"), located in Dubois County, State of Indiana, more particularly described as follows, to-wit:

Beginning at the intersection of County Road 1000 East and County Road 450 South, thence continuing along County Road 450 South's original footprint in a South and Easterly direction to the east boundary of Crestwood Farms, Inc.'s property, which is also the north-south centerline of Section 26, Township 2 South, Range 3 West, as more particularly depicted on the Dubois County Highway System map dated June, 1934, which includes those improvements to said public right of way beginning at the end point of County Road 450 South as identified on the current Dubois County Highway system map dated January, 2001, and any and all current and former public roadways assumed to be a part of County Road 450 South located within the West Half of Section 26, Township 2 South, Range 3 West.

It is the further finding of this Board that proper notice of the hearing of a hearing of the Petition for Vacate County Road was published in the Dubois County Herald on November 16, 2009, and that notice by certified mail-return receipt requested has been given to all adjoining landowners, and no one has appeared to object to the vacation of the Public Right-of-Way. That the Public Right-of-Way is not required or used by the public and no public benefit is derived from the continuous existence of said Public Right-of-Way. That Crestwood Farms, Inc. ("**Petitioner**") owns the real estate on both sides of the Public Right-of-Way and no adjacent property owner will be affected by the petitioned vacation of said Public Right-of-Way and the vacation of said Public Right-of-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 Public Right-of-Way, but that should any such utilities exist the same shall remain in place. That the proposed vacation of said Public Right-of-Way will not hinder the growth or orderly development of the neighborhood; will not hinder the use of a public way by the neighborhood; will not hinder access to a church, school or public building or place and will not make access to other property difficult or inconvenient. That no reason exists for the continued existence of said Public Right-of-Way and the same should now be vacated.

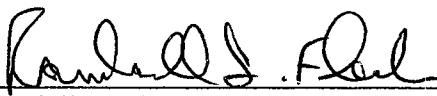
**Section 2.** The portion of County Road 450 South located in the West Half of Section 26, Township 2 South, Range 3 West as herein described shall be and is vacated, subject however to the continuing perpetual easement as to any public utilities which are now located within the boundaries thereof.

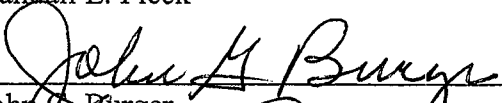
**Section 3.** Legal title in and to said real estate shall be and is hereby vested in Crestwood Farms, Inc.


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

DULY PASSED AND ADOPTED THIS 7<sup>th</sup> DAY OF DECEMBER, 2009

BOARD OF COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA

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

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

  
\_\_\_\_\_  
Lawrence Vollmer

Attest:

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

## ORDINANCE NO. 2010-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, VACATING A PORTION OF EASEMENT ADJACENT TO ZOAR CHURCH ROAD IN CASS TOWNSHIP, 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 held on July 6, 2010, that adequate reason exists for the vacation of the following portion of the easement adjacent to Zoar Church Road, a County highway in Cass Township, of Dubois County, Indiana, to-wit:

A part of the Northwest Quarter of the Southwest Quarter and a part of the Southwest Quarter of the Northwest Quarter of Section 10, Township 3 South, Range 6 West, and better described as follows: Commencing at the Northwest corner of said Quarter-Quarter; thence South 90 degrees 00 minutes 00 seconds East 208.96 feet along the North line of said Quarter-Quarter; thence South 00 degrees 00 minutes 00 seconds East 11.25 feet to a point in the North right-of-way line of an existing County Road and the Point of Beginning; thence South 85 degrees 10 minutes 54 seconds East 48.98 feet along said North right-of-way line; thence North 79 degrees 40 minutes 02 seconds East 33.65 feet along said North right-of-way line; thence North 65 degrees 02 minutes 37 seconds East 32.65 feet along said North right-of-way line; thence South 02 degrees 09 minutes 04 seconds West 11.23 feet; thence South 65 degrees 02 minutes 37 seconds West 28.82 feet; thence South 79 degrees 40 minutes 02 seconds West 36.26 feet; thence North 85 degrees 10 minutes 54 seconds West 49.84 feet; thence North 02 degrees 07 minutes 13 seconds East 10.01 feet to the Point of Beginning and containing 0.03 acres, more or less.

(Description furnished by Kenneth R. Brosmer, L.S. 80880037.)

That proper notice has been given of said hearing; that said easement serves only land owned by Zoar United Methodist Church, no public benefit is to be derived from the continued existence of the above described easement; that the sole adjacent property owner has no objection to the vacation of said highway; that the vacation of said highway will not diminish the value of any other real estate located in the vicinity thereof; that any public utility which exist within said easement shall

remain in place; and that no reason exists of the continued existence of said easement adjacent to said highway and the same should now be vacated.

Section 2. That said easement adjacent to public highway as herein above described shall be and is hereby vacated, subject however to a continuing perpetual easement as to any public utility which are now located within the boundaries thereof.

Section 3. That legal title in and to said real estate shall be and is hereby vested in the adjacent property owner, to-wit: Zoar United Methodist Church.

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

DULY PASSED AND ADOPTED THIS 19<sup>th</sup> DAY OF JULY, 2010.

COMMISSIONERS OF DUBOIS COUNTY, INDIANA

Larry M. Vollmer  
LARRY M. VOLLMER

John G. Burger  
JOHN G. BURGER

Randall L. Fleck  
RANDALL L. FLECK

ATTEST:

Janet L. Sendelweck  
JANET L. SENDELWECK, COUNTY AUDITOR

ORDINANCE NO. 2010-2

AN ORDINANCE AMENDING ALL ORDINANCES  
AMENDATORY THEREOF, BEING AN ORDINANCE  
IMPOSING RESTRICTION UPON VEHICLES OPERATED  
ON COUNTY ROADS - 175 EAST AND 300 NORTH - IN MARION  
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 intersection, 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.

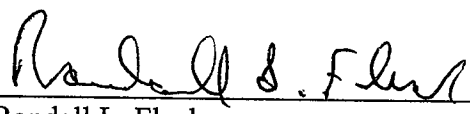
1. At the intersection of County Road 175 east and County Road 300 North (MR 17), there shall be no preferential highways and a stop sign shall be placed on the north and south approaches of County Road 175 East, and on the east approach of County Road 300 North.

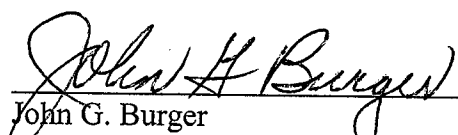
Violation of this ordinance shall be punishable in that manner prescribed by Indiana statute and by prior Ordinance pertaining to preferential roads heretofore adopted by this Board of County Commissioners.

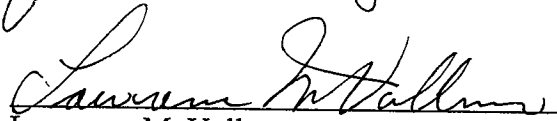
This Ordinance shall be effective from and following its passage and publication and upon completion of any other requirement required by law.

ADOPTED: August 9, 2010

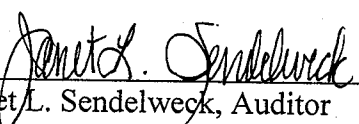
BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

  
Randall L. Fleck

  
John G. Burger

  
Lawrence M. Vollmer

ATTEST:

  
Janet L. Sendelweck, Auditor



## EXECUTIVE ORDER

**Whereas**, the Board of Commissioners (hereinafter "Board") of Dubois County (hereinafter "County") find that the County is in a prolonged period of drought; and

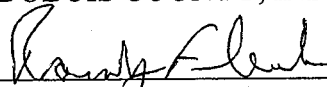
**Whereas**, the effect of the lack of rainfall has dried vegetation to the point it may easily combust and has thus become a fire hazard; and

**NOW THEREFORE**, The Board of Commissioners of Dubois County, Indiana, pursuant to Indiana Code 10-14-3-29 et. Seq., resolve and request that there be no open burning or discarding of matches, ashes or any burning materials from vehicles within the confines of Dubois County, Indiana.

**NOW THEREFORE**, the Board of Commissioners of Dubois County, Indiana do not wish to prohibit previously scheduled ceremonial and celebratory burning events such as bonfires, and organized cookouts, however such events shall be approved and /or monitored by the respective fire departments under which their jurisdiction falls.

This Executive Order issued this 8<sup>th</sup> day of **September, 2010**, and shall continue until further notice.


BOARD OF COMMISSIONERS  
DUBOIS COUNTY, INDIANA

  
Randy Fleck, President

Larry Vollmer, Vice-President

John Burger, Member

Attested:

  
Janet Sendlewick, Auditor  
Dubois County, Indiana

ORDINANCE 2010-03

AN ORDINANCE ESTABLISHING A SPEED LIMIT  
ON A PORTION OF OLD US 231, CO. RD. 1175  
SOUTH, CO. RD. 400 WEST, PORTERSVILLE  
BRIDGE ROAD, SCHNELL ROAD, CO. RD. 450  
NORTH, AND CO. RD. 500 NORTH 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 Old US 231 from Co. Rd. 1200 South to Dead End in being a distance of approximately 0.31 miles, shall be restricted to a maximum speed of 25 miles per hour.
- 2a. Motor vehicles operated on Old US 231 from US 231 to Old US 231 in Harbison Township being a distance of approximately 0.05 miles, shall be restricted to a maximum speed of 25 miles per hour.
- 2b. Motor vehicles operated on Old US 231 from Dead End to Dead End in Harbison Township being a distance of approximately .25 miles, shall be restricted to a maximum speed of 25 miles per hour.
3. Motor vehicles operated on Co. Rd. 1175 South from Co. Rd. 400 West to Dead End being a distance of approximately 0.13 miles, shall be restricted to a maximum speed of 25 miles per hour.
4. Motor vehicles operated on Co. Rd. 400 West from Co. Rd. 1200 South to Co. Rd. 1150 South being a distance of approximately 0.5 miles, shall be restricted to a maximum speed of 40 miles per hour.
5. Motor vehicles operated on Portersville Bridge Road from Portersville Road East to Daviess County Line being a distance of approximately 0.15 miles, shall be restricted to a maximum speed of 40 miles per hour.
6. Motor vehicles operated on Schnell Road from Schnellville Road to 0.13 miles North of Co. Rd. 400 West being a distance of approximately 1.03 miles, shall be restricted to a maximum speed of 45 miles per hour.
7. Motor vehicles operated on Co. Rd. 450 North from Co. Rd. 600 West to Co. Rd. 750 West being a distance of approximately 1.05 miles, shall be restricted to a maximum speed of 40 miles per hour.
8. Motor vehicles operated on Co. Rd. 500 North from Co. Rd. 550 West to Co. Rd. 700 West being a distance of approximately 1.36 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: October 4, 2010

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Randall L. Fleck  
Randall L. Fleck

Lawrence M. Vollmer  
Lawrence M. Vollmer

John G. Burger  
John G. Burger

ATTEST:

Janet L. Sendelweck  
Janet L. Sendelweck, Auditor

## BOARD OF COMMISSIONERS OF DUBOIS COUNTY

ORDINANCE NO. 2010-04AN ORDINANCE PROHIBITING THE SALE OF SUBSTANCES CONTAINING  
SYNTHETIC CANNABINOIDS OR THEIR USE IN PUBLIC FACILITIES

WHEREAS, the Board of Commissioners of Dubois County have been made aware that substances containing synthetic cannabinoids, which include substances containing one or more of the following chemical compounds:

(1) (6aR, 10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo(c)chromen-1-ol, also known as HU-210;

(2) 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018;

(3) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073;

or

(4) Any other equivalent compound or derivative, ("Products") have been marketed, sold, and offered for sale to the residents of Dubois County, including minors; and

WHEREAS, the citizens of Dubois County and various elected and law enforcement officials have noted an increased use of such Products, currently marketed and sold under the name of K2, Spice, Pep, Zohai, Yucatan, Fire and/or Genie; and

WHEREAS, Indiana law provides that the County Executive may enact Ordinances to promote and protect the safety, health and welfare of its citizenry; and

WHEREAS, the Products containing synthetic cannabinoids have not been tested by the Food and Drug Administration (U.S. Department of Agriculture) or other governmental agency for human

See Amendment on November 1st, 2010  
on page 9-7

consumption and may contain chemicals detrimental to the health and welfare of those who may ingest them; and

WHEREAS, medical studies and treatises note deleterious health risks and adverse effects associated with synthetic cannabinoids and the Products; and

WHEREAS, several states and municipalities throughout the United States have banned the Products and synthetic cannabinoids as a danger to public health and welfare; and

WHEREAS, the smoke emanating from the burning or incineration of the Products may cause adverse effects on bystanders or those in the vicinity of such activity; and

WHEREAS, the Board of Commissioners of Dubois County believe it is in the best interests of its citizens to prohibit the sale, marketing, or offering for sale of the products within Dubois County, Indiana, to protect the health, safety and welfare of the citizens and children of Dubois County.

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

1. Products containing synthetic cannabinoids ("Products"), such as K2/Spice, or similar products which contain one or more of the following chemical compounds:

- (1) (6aR, 10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo(c)chromen-1-ol, also known as HU-210;
- (2) 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018;
- (3) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073;

or

(4) Any other equivalent compound or derivative shall not be sold, marketed, offered for sale, used, possessed or purchased within Dubois County, Indiana; and

2. Products containing synthetic cannabinoids ("Products") may not be burned, incinerated or ignited in any public place or on any property owned, leased or controlled by Dubois County.

Persons or entities violating the provisions of this Ordinance shall be subject to the penalty imposed for a Class B infraction, as set forth in Indiana Code 34-28-5-4. Accordingly, this Ordinance shall be enforced by the provisions of Indiana Code 34-28-5. Any person or entity found in violation of this Ordinance shall be responsible for payment of reasonable costs and attorney fees associated with the enforcement of this Ordinance.

This Ordinance shall be in full force and effect upon publication pursuant to Indiana law.

ALL OF WHICH IS ORDAINED by the Board of Commissioners of Dubois County, Indiana, this 18<sup>th</sup> day of October, 2010.

BOARD OF COMMISSIONERS OF DUBOIS COUNTY

Randall S. Fleck  
COMMISSIONER

Lawrence M. Vallone  
COMMISSIONER

John H. Burger  
COMMISSIONER

ATTEST:

Janet S. Sindelweck  
AUDITOR OF DUBOIS COUNTY, INDIANA

AN ORDINANCE OF THE DUBOIS COUNTY BOARD OF COMMISSIONERS  
PROVIDING FOR THE OPERATION OF  
OFF-ROAD VEHICLES ON CERTAIN COUNTY HIGHWAYS

WHEREAS, I.C. 14-16-1-22 allows a county to pass an ordinance regulating the operation of off-road vehicles if the ordinance meets substantially the minimum requirements of I.C. 14-16-1; and,

WHEREAS, the Board of Commissioners of Dubois County, Indiana desires to permit and regulate the operation of off-road vehicles on certain roads and highways in the County road system outside of the corporate limits of a city or town;

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

Section 1. Off-road vehicles, if appropriately registered as required under I.C. 14-16-1, and if operated by an individual who has a valid motor vehicle driver's license as required under I.C. 14-16-1-20(c), may be operated on approved public County highways of Dubois County, Indiana, which are not highways in the Indiana State Highway System and which are not within the corporate boundaries of any city or town.

Section 2. "Off-road vehicle", shall be defined as a motor driven vehicle of at least four wheels capable of cross-country travel: without benefit of a road; and, on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain. The term "off road vehicle" shall not include any farm vehicle being used for farming, a snowmobile, any other vehicle properly registered by the bureau of motor vehicles, any watercraft that is registered under Indiana statutes, or a golf cart vehicle.

Section 3. A registered vehicle shall be one issued and displaying two current registration decals issued for that vehicle by the Indiana Department of Natural Resources, unless otherwise exempted under I.C. 14-16-1-8.

Section 4. Any off-road vehicle operated on the County road system: may not be operated between sunset and sunrise unless the vehicle has at least one (1) functioning headlight and one (1) functioning taillight; may not be operated at any time unless the vehicle has adequate brakes capable of producing deceleration at fourteen (14) feet a second on level ground at a speed of twenty (20) miles per hour; and must be equipped with a muffler in good working order and in constant operation so as to prevent excessive or unusual noise or annoying smoke and must not be operated when having a number of passengers in excess of that for which said vehicle is certified by the manufacturer.

Section 5. No off-road vehicle may be operated at a rate of speed greater than posted speed limit or, as provided by I.C. 14-16-1-23, at such lesser rate of speed as is reasonable and proper having due regard for existing conditions and will not unnecessarily endanger the person or property of another. No operator of an off-road vehicle shall be under the influence of alcoholic beverage or unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug, and shall comply with all other restrictions set forth in I.C. 14-16-1-23.

Section 6. The operator of any off-road vehicle involved in an accident resulting in serious bodily injury or in death or in property damage in an estimated amount of at least \$750.00 shall immediately notify a law enforcement officer and complete the report forms prescribed.

Section 7. Any person operating an off-road vehicle on a Dubois County Highway shall have liability insurance specifically for such off-road vehicle in accordance with the minimum insurance required for the operation of other motor vehicles on public highways.

Section 8. Any operator of an off-road vehicle shall carry in his or her possession any operator's license and registration required under I.C. 14-16-1 and the certificate of insurance required under this Ordinance for the off-road vehicle being operated.



Section 9. No person shall operate an off-road vehicle on Dubois County Highways in such a manner which causes damage to the highway or disturbs the surface of the highway. Any violator of this Section, in addition to such penalties imposed under that statute set forth in Section 11 below, shall be responsible for all costs of repair of such damage or disturbance.

Section 10. Any law enforcement officer, the County Highway Supervisor or the Board of County Commissioners may prohibit operation of an off-road vehicle on a county highway during emergencies,

Section 11. A person who operates an off-road vehicle in violation of this Ordinance shall be subject to imposition of the same judgment prescribed for a Class C Infraction as set out in I.C. 34-28-5-4, unless such violation is otherwise designated by a State statute or a rule or regulation promulgated by a State agency.

Section 12. All law enforcement officers in this state shall have the power and it shall be their duty to enforce the provisions of this Ordinance unless otherwise prevented by State statutes regarding the enforcement of State laws. All expenses related to the improvement and transportation of any off-road vehicle used in violation of this Ordinance and impounded by a law enforcement officer shall be paid by the owner of such vehicle prior to the release thereof.

Section 13. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 14. If any section, paragraph, sentence, clause or phrase in this Ordinance is declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected by such declaration and shall remain in full force and effect.

Section 15. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

ADOPTED AND SO ORDAINED THIS 18<sup>th</sup> DAY OF OCTOBER, 2010.

BOARD OF COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA

Randall L. Felt  
Lauren J. Vallance  
John H. Burger

ATTEST:

Janet S. Sandelweck  
AUDITOR OF DUBOIS COUNTY, INDIANA

BOARD OF COMMISSIONERS OF DUBOIS COUNTY

ORDINANCE NO. 2010-04

AN ORDINANCE PROHIBITING THE SALE OF SUBSTANCES CONTAINING  
SYNTHETIC CANNABINOIDS OR THEIR USE IN PUBLIC FACILITIES

WHEREAS, the Board of Commissioners of Dubois County have been made aware that substances containing synthetic cannabinoids, which include substances containing one or more of the following chemical compounds:

(1) (6aR, 10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo(c)chromen-1-ol, also known as HU-210;

(2) 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018;

(3) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073;

or

(4) Any other equivalent compound or derivative, ("Products") have been marketed, sold, and offered for sale to the residents of Dubois County, including minors; and

WHEREAS, the citizens of Dubois County and various elected and law enforcement officials have noted an increased use of such Products, currently marketed and sold under the name of K2, Spice, Pep, Zohai, Yucatan, Fire and/or Genie; and

WHEREAS, Indiana law provides that the County Executive may enact Ordinances to promote and protect the safety, health and welfare of its citizenry; and

WHEREAS, the Products containing synthetic cannabinoids have not been tested by the Food and Drug Administration (U.S. Department of Agriculture) or other governmental agency for human

consumption and may contain chemicals detrimental to the health and welfare of those who may ingest them; and

WHEREAS, medical studies and treatises note deleterious health risks and adverse effects associated with synthetic cannabinoids and the Products; and

WHEREAS, several states and municipalities throughout the United States have banned the Products and synthetic cannabinoids as a danger to public health and welfare; and

WHEREAS, the smoke emanating from the burning or incineration of the Products may cause adverse effects on bystanders or those in the vicinity of such activity; and

WHEREAS, the Board of Commissioners of Dubois County believe it is in the best interests of its citizens to prohibit the sale, marketing, or offering for sale of the products within Dubois County, Indiana, to protect the health, safety and welfare of the citizens and children of Dubois County.

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

Section 1. Products containing synthetic cannabinoids ("Products"), such as K2/Spice, or similar products which contain one or more of the following chemical compounds:

(a) (6aR, 10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo(c)chromen-1-ol, also known as HU-210;

(b) 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018;

(c) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073;

or

(d) Any other equivalent compound or derivative shall not be sold, marketed, offered for sale, used, possessed or purchased within Dubois County, Indiana; and

Section 2. Products containing synthetic cannabinoids ("Products") may not be burned, incinerated or ignited in any public place or on any property owned, leased or controlled by Dubois County.

Section 3. Any person or entity found in violation for the first time of any provision of this Ordinance shall be subject to the penalty imposed for a Class B infraction, as set forth in Indiana Code 34-28-5-4. Accordingly, this Ordinance shall be enforced by the provisions of Indiana Code 34-28-5.

Section 4. Any person or entity found in violation for the second and subsequent times of any provision of this Ordinance shall be subject to the penalty imposed for a Class A infraction, as set forth in Indiana Code 34-28-5-4. Accordingly, this Ordinance shall be enforced by the provisions of Indiana Code 34-28-5.

Section 5. In addition to the foregoing, any person or entity found to be in violation of any provision of this Ordinance shall also be responsible for the reasonable costs associated with the enforcement thereof, including, but not limited to, attorney fees, laboratory fees, expert witness fees, other personnel costs, and court costs, in any action taken to enforce the provisions of this Ordinance.

Section 6. Each violation of any provision contained in this Ordinance shall constitute a separate violation.

Section 7. Each portion of this Ordinance is hereby declared to be independent of each other portion. If any portion of this Ordinance, or the application thereof to any person, entity, or circumstance, is held to be invalid, the remaining portions and the application of such sections or provisions to any person, entity, or circumstance other than that to which it is held invalid shall not be affected thereby.

Section 8. This Ordinance shall be in full force and effect after publication pursuant to Indiana law.

ALL OF WHICH IS ORDAINED by the Board of Commissioners of Dubois County, Indiana, this 1<sup>st</sup> day of November, 2010.

BOARD OF COMMISSIONERS OF DUBOIS COUNTY

Randall J. Fleck  
COMMISSIONER

Lawrence M. Walker  
COMMISSIONER

John H. Burger  
COMMISSIONER

ATTEST:

Janet G. Sendelweck  
AUDITOR OF DUBOIS COUNTY, INDIANA