

**DUBOIS COUNTY
TATTOO AND BODY PIERCING ORDINANCE 2012- /**

WHEREAS, the reasonable regulation of the tattoo and body piercing facilities is in the best interest of the residents of Dubois County, Indiana, and

WHEREAS, tattoo operations and procedures are becoming more common among the residents of the State of Indiana and the residents of Dubois County, Indiana and

WHEREAS, an improperly operated or unclean tattoo or body piercing business may have serious and detrimental effects upon the citizens of Dubois County, Indiana, and

WHEREAS, there exists a very real and distinct possibility of the transmission of serious infectious diseases from the tattooing or body piercing of a person if a tattoo artist or body piercer is not sufficiently skilled and knowledgeable of the dangers associated with said activity, and

WHEREAS, the Dubois County Commissioners are empowered to protect the health and safety of the citizens of Dubois County, and

WHEREAS, the Dubois County Health Department can best inspect and oversee the operation of tattoo or body piercing businesses, and

WHEREAS, the Dubois County Commissioners believe that tattoo and body piercing business should be permitted and subjected to reasonable inspections of the Dubois County Health Department, and

WHEREAS, the Indiana State Department of Health has, pursuant to Indiana Code 16-19-3-4.1 and Indiana Code (IC) 16-19-3-4.2, adopted reasonable rules to regulate the sanitary operation of tattoo and body piercing facilities, and

WHEREAS, the Dubois County Commissioners desire to adopt an ordinance to supplement and enforce the State Department of Health regulations governing operation of tattoo and body piercing facilities in Dubois County, Indiana.

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA DOES HEREBY ADOPT THE FOLLOWING ORDINANCE:

**SECTION 1
SANITARY OPERATION OF TATTOO FACILITIES**

All places, individuals and businesses that offer to affix any type of permanent tattoo to a person shall be regulated by this ordinance and shall maintain the premises in which tattoos and piercing are performed and equipment used in the process in a sanitary manner.

**SECTION 2
DEFINITIONS**

All definitions set forth in 410 IAC 1-5, IC 16-19-3-4.1, IC 16-19-3-4.2 and IC 35-42-2-7 and as amended hereafter are hereby incorporated by reference (and are not being repeated in this ordinance). Tattoo and Body Piercing as defined in 410 IAC 1-5 for the purposes of this ordinance does not include practices that are considered medical or dental procedures by a state medical or dental board. Nor does this definition include piercing of the lobe of the ear with pre-sterilized single-use stud-and-clasp ear-piercing systems. Unless the context

specifically indicates otherwise, the meaning of the additional terms used in this ordinance shall be as follows:

Body means a human body.

Branding means a form of extreme body modifications and scarification using a super-heated metal object, chemical, or electricity to burn an image into the human body.

Contaminated Sharp means any object that can cut or penetrate the skin, including but not limited to needles, razors, scalpels, and other similar objects used to penetrate the skin.

Cutting means a method of extreme body modification and scarification which creates scars on the skin by using a sharp object, such as a scalpel or knife, to cut into the skin. Cutting is differentiated from a method called "Skin Peeling" in that no tissue is removed to create the scar during the cutting method.

Dermal Punching means a method of creating piercings in the body, which removes a segment of tissue, as opposed to traditional piercing, which makes a half moon shaped slice in the tissue. It is generally used when large gauge jewelry insertion is desired at the time of the procedure.

Department means the Dubois County Health Department.

Extreme Body Modification means any method, other than tattoo, permanent makeup, or body piercing methods, used to alter the human skin.

Facility has the meaning set forth in 410 IAC 1-3-7.5.

Health Officer means the duly appointed Dubois County Health Officer as set forth in IC 16-20-2-16. The Dubois County Health Officer or his/her authorized designee shall enforce this ordinance. The Health Officer may designate a representative in the Health Department to perform those duties and responsibilities of the Health Officer.

Implantation means a form of extreme body modification where items such as shaped metal or other foreign bodies are placed under the skin to produce the outline and texture of the desired image on the surface of the skin or a protrusion from the surface of the body.

Nullification is the voluntary removal of body parts. Most commonly this means castration (and sometimes penectomy), amputation of fingers or toes, or, in extreme cases, removal of full limbs.

Scarification means a form of extreme body modification that uses methods or techniques to produce scars on the human body for decorative purposes. Examples of Scarification methods include Branding, Cutting, and Skin Peeling.

Skin Peeling means a technique of extreme body modification and scarification which consists of cutting on the human body the outline of a design and removing the center, thereby creating a scar where the skin was removed.

Suspension Piercing means the act of hanging the human body from or partially from hooks pierced through the flesh in various places around the body.

Tongue Bifurcation means a non-surgical process in which the tongue is split with the use of lasers or nylon material.

Tongue Splitting means a surgical procedure in which the tongue is cut centrally from its tip part of the way towards its base, forking the end.

Unregulated (unapproved and prohibited) Invasive Body Modification means the act of performing branding, cutting, dermal punching, implantation, scarification, skin peeling, tongue splitting, suspension piercing or any other extreme body modification not otherwise specifically approved in these regulations, or use of any drug or cosmetic other than topical over-the-counter anesthetic and/or performing any recognized medical procedure not specifically approved in these regulations by any person other than a licensed medical professional.

SECTION 3 **OPERATOR RESPONSIBILITIES**

The tattoo and/or body piercing Facility operator has the responsibility to notify the Dubois County Health Department of any change of ownership or employment of licensed tattoo artists at the permitted Facility within five (5) business days of its occurrence. Failure to notify the Dubois County Department of Health within five (5) business days will result in a twenty-five \$25 dollar fine for each occurrence.

SECTION 4 **TATTOO ARTIST AND BODY PIERCER RESPONSIBILITIES INCLUDING MINIMUM TRAINING AND CERTIFICATION REQUIREMENTS**

The following information shall be kept on file on the premises of a tattoo and body piercing facility and available for inspection by the Dubois County Health Department upon request:

- a) Full name, date of birth, gender, and identification photos of all Operators/Artists;
- b) Proof that all artists and operators are a minimum of eighteen (18) years of age,
- c) Each artist and operator should be able to provide documentation of the following information upon request of the Health Department:
 - 1. That each artist and operator has completed the Hepatitis B vaccination series.
 - 2. That antibody testing has revealed that the employee is immune to Hepatitis B or that the vaccine is contraindicated for medical reasons.

3. If the artist and operator have not completed the Hepatitis B Vaccination series, they shall provide documentation showing at least the first of the series of Hepatitis B vaccination has been received, and must show proof of completion of the series within 6 months of issue of first permit.
4. A bloodborne pathogen training certification update annually.

All artists and operators must:

- a) Possess a valid artist permit issued by the Dubois County Health Department and shall be posted at the Facility in the place where the tattoos or body piercing are performed and shall be clearly visible to the public.
- b) Prepare the skin area before a procedure by cleaning with germicidal soap, rinsing with water, and disinfecting with antiseptic solution.
- c) Require all oral piercings to be preceded by the patron performing a minimum of one-minute vigorous application of an antiseptic mouthwash.
- d) Protect the tattooed area after a procedure by applying antibacterial ointment, and a single-use, non adherent bandage with an impermeable cover that must be worn until the patron leaves the facility.
- e) Provide each patron or legal guardian (if patron is less than eighteen (18) years of age), verbal and written guidelines for the after-care of the tattoo or body piercing. The written public education materials shall:
 - 1) Provide guidelines to the patron regarding methods for proper cleansing, side effects, activity restrictions, infection prevention, such as the use of bactericidal creams and ointments, soap, and appropriate barrier dressings where indicated.
 - 2) Advise the patron to consult a physician or dentist as appropriate at any indication of infection e.g. fever, pus-like drainage, or pain at the site.
 - 3) Contain the name, address and phone number of the facility.
 - 4) Be provided to the patron. The patron's record as set forth in Section 5 below shall be signed and dated by the patron and the artist.

SECTION 5

PATRON RECORDS

Records of each patron shall be maintained for two (2) years following the date of the procedure and available for review upon request. The record shall include the following:

- a) Patron's name.

- b) Patron's address.
- c) Patron's age.
Age must be verified by a valid Government issued photo ID.
- d) Date that the tattoo or body piercing occurred.
- e) Design of the tattoo.
- f) Location of the tattoo or body piercing on the patron's body.
- g) The full name of the tattoo artist or body piercer who performed the work.
- h) Jewelry or other decoration used; including jewelry material type.
- i) Signature of the artist and patron indicating that after-care guidelines have been reviewed and a written copy received by the patron.
- j) Signature indicating proper parental consent when performing tattoo and body piercing activities on any minor as required by law. IAC 35-42-2-7(e) requires the parent to be present and provide consent in writing. Parent must also show valid ID and provide a copy of minor's Birth Certificate.

SECTION 6 **HANDWASHING**

Handwashing Facilities shall be readily accessible in the same room where tattooing or body piercing is provided. A hand sink supplied with running water at a temperature of a minimum of 100 degrees Fahrenheit, liquid antibacterial soap, single use paper towels, and a waste receptacle shall be located in close proximity (within 25 feet) of each artist's station and shall be readily accessible and available without passing through any door or barrier.

SECTION 7 **ILLNESS**

Tattoo artists and piercers who are experiencing symptoms of acute disease that include, but are not limited to:

- 1) Diarrhea;
- 2) Vomiting;
- 3) Fever;
- 4) Rash;

- 5) Productive cough;
- 6) Jaundice, or
- 7) Draining (or open) skin infections, boils, impetigo, and scabies;
shall refrain from providing tattoos and piercings.

SECTION 8 **TATTOOING EQUIPMENT**

- a.) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a tattoo or body piercing with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be applied to the skin only once and then discarded.
- b.) All supplies used in the activity of tattooing or body piercing that come into contact with the tattooing or piercing station must be disposed of after single use.
- c.) If design is drawn directly onto the skin, it shall be applied with a single use article only.

SECTION 9 **NEEDLES, INSTRUMENTS, CONTAMINATED SHARPS**

- a.) Needles shall be individually packaged and sterilized prior to use.
- b.) Needles shall be single use only.
- c.) Needles, instruments, and contaminated sharps shall be discarded in sharps containers immediately after use.
- d.) Contaminated needles shall not be bent or broken or otherwise manipulated by hand.

SECTION 10 **PERSONAL PROTECTIVE EQUIPMENT**

Appropriate personal protective equipment shall be worn as follows:

- 1) A clean protective clothing layer shall be worn whenever there is a reasonable anticipated risk of contamination of clothing by blood.
- 2) Masks in combination with eye protection devices, such as goggles or glasses with a solid side shield, or chin length face shield, shall be worn whenever

splashes, spray splatter, or droplets of blood may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

- 3) Disposable gloves shall be worn during the tattoo and piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application/act, when the gloves become torn or punctured, or when the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

SECTION 11

REUSABLE EQUIPMENT

If an autoclave is being utilized to sterilize any reusable items, it must be properly calibrated and monthly spore testing of the autoclave is mandatory. A copy of the results of all spore tests must be submitted to the Dubois County Health Department monthly.

SECTION 12

DYES, PIGMENTS AND JEWELRY

All insertable jewelry is to be sterilized and kept in an individual, sterile, closed container or package with expiration date.

All jewelry placed in new piercings must be made of one of the following

- a) Solid 14k (or higher) white or yellow nickel-free gold.
- b) Surgical implant stainless steel, CrNMo 316LVM, ASTM F-138
- c) Niobium
- d) Surgical implant grades of titanium
- e) Solid platinum
- f) Inert plastics

Mill certificates from the manufacturer or an independent assay must be available to prove material compositions. Jewelry must have a mirror finish and be free of nicks, scratches, burns and polishing compounds.

SECTION 13

WORK ENVIRONMENT

Tattoo and body piercing Facilities shall be equipped with artificial light sources equivalent to at least twenty (20) foot-candles of light at a distance of thirty (30) inches above the floor throughout the establishment. A minimum of seventy (70) foot-candles of light shall be provided at the level where the tattooing is being performed. Spotlighting may be used to achieve this required degree of illumination.

Tattoo and body piercing areas shall be separated from waiting patrons or observers by a non-absorbent panel, a door, or by a minimum of ten (10) foot distance apart. If, however, the patron is a minor, then the parent/legal guardian must be present during the procedure. If the facility allows it, the patron may sign a written consent allowing an observer to watch the procedure without space restrictions.

All walls and floors near equipment used for tattooing and body piercing activities shall be smooth, nonabsorbent and easily cleanable surfaces and be maintained in a sanitary manner at all times.

During a procedure, a Facility shall place single-use disposable barriers on equipment that cannot be sterilized. Barriers shall be discarded immediately after each use. If used, disposable table or chair paper or cover shall be changed between patrons.

Lavatory facilities shall be available to employees at all times the Facility is open for operation and they must be located within the same physical structure/building. The lavatory(s) shall be equipped with a toilet, handsink, and covered waste receptacle.

An additional hand sink, other than the one located in the lavatory, shall be located in close proximity (within 25 feet) of each artist's station and shall be readily accessible and available without passing through any door or barrier. These handsinks shall be supplied with running water at a minimum temperature of 100 degrees Fahrenheit, liquid antibacterial soap, paper towels, and a waste receptacle.

Equipment and supplies used in the course of tattoo and body-piercing services or disinfection and sterilization procedures shall not be stored or utilized within the lavatory.

No tattooing or piercing shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.

Eating, drinking, smoking or applying cosmetics shall not be allowed in work areas where there is a likelihood of exposure to blood.

Disinfectant solutions shall be:

- 1) A hospital grade, tuberculocidal EPA registered disinfectant; or
- 2) Sodium hypochlorite, five-tenths percent concentration, by volume; the solution shall be dated and shall not be used if older than twenty-four (24) hours.

Live animals shall be excluded from areas where tattooing is being conducted. This does not apply to the following:

- 1) Patrol dogs accompanying law enforcement; and
- 2) Guide dogs.

SECTION 14
TREATMENT AND TRANSPORT OF INFECTIOUS WASTE

Prior to approval of any permit, the operator must submit proof of a current contract with an infectious waste removal company or agreement with other agencies where treated infectious waste will be disposed. The operator must document how the infectious waste was treated and/or disposed. An operator must maintain these records for a period of two (2) years following each pick-up of such infectious waste or disposal and allow inspection of such records by the Dubois County Health Department upon request.

The infectious waste must be disposed of at least annually. A copy of the transporting infectious waste off-site form in accordance to 410 IAC 1-3-28 must be on file at the Facility and available for review by the Dubois County Health Department upon request.

SECTION 15
PROHIBITED ACTS

The following activities are strictly prohibited:

- a) Branding
- b) Cutting
- c) Dermal Punching
- d) Implantation
- e) Nullification
- f) Scarification
- g) Skin Peeling
- h) Suspension Piercing
- i) Tongue Bifurcation
- j) Tongue Splitting

SECTION 16
PERMITS

Business. Each tattoo/body piercing Facility/operation shall obtain a permit from the Dubois Department of Health. The permit shall provide the name and address of the owner of the business and the name and address of each tattoo artist and body piercer located at each location. The permit shall not be transferable. The permit expires on December 31st of each

year. Should a facility fail to obtain the permit prior to the opening of a Tattoo and Body Piercing Facility or should any permittee fail to renew his/her permit on or before the expiration date of December 31st, a late fee will be assessed for the Tattoo and/or Body Piercing Facility. Any holder of a permit shall be subject to inspection as set forth herein. The Dubois County Health Department shall provide the appropriate application forms for this permit. Said permit shall be posted at the Facility in the area where the tattoo or body piercing services are performed and shall be clearly visible to the public.

Tattoo Artist or Body Piercer. Every person that desires to perform any tattoo or body piercing activities shall, before doing so, obtain a "Tattoo Artist Permit", "Body Piercer Permit" or a "Tattoo Artist-Body Piercer Permit" from the Dubois County Health Department. No person shall tattoo or body pierce another person unless he or she has first obtained a permit from the Dubois County Health Department. No person shall, in an effort to advertise or solicit business with the intent to perform tattoo or body piercing activities, use or assume the title of tattooist or body piercer, designate or represent themselves to be a tattooist or body piercer unless he or she has first obtained a permit from the Dubois County Health Department. The applicant must satisfy the minimum requirements as set forth in Section 4 of this ordinance. The permit shall not be transferable. The permit expires on December 31st of each year. Should a tattoo artist or body piercer fail to obtain the permit prior to performing any tattoo or body piercing or should any permittee fail to renew his/her permit on or before the expiration date of December 31st, a late fee will be assessed. Any holder of a permit shall be subject to inspection as set forth herein. The Dubois County Health Department shall provide the appropriate application forms for this permit. Said permits shall be posted at the Facility in the place where the tattoos or body piercing are performed and shall be clearly visible to the public.

Temporary Tattoo and Body Piercing Facility. Each Temporary Tattoo and Body Piercing Facility operation shall obtain a permit from the Dubois County Health Department. The permit shall provide the name and address of the owner of the business and the name and address of each tattoo artist and body piercer operating at each location. The permit shall be valid for a period not to exceed seven (7) days. Any holder of a permit shall be subject to inspection as set forth herein. Should a tattoo artist or body piercer fail to obtain the permit prior to performing any tattoo or body piercing a late fee will be assessed. Said permit shall be posted at the Temporary Tattoo and Body Piercing Facility in the area where the tattoo or body piercing services are performed and shall be clearly visible to the public.

Owner/Operator. In the event that a Tattoo and Body Piercing Facility is a sole proprietorship and the owner shall also perform tattooing or body piercing for their business, the owner shall only be required to obtain a business permit as described in this section.

Exceptions. The provisions of this Ordinance shall not apply to an act of a health care professional (as defined in Indiana Code 16-27-2-1) licensed under Indiana Code, Chapter 25, when the act is performed in the course of the health care professional's practice.

SECTION 17

INSPECTIONS

The Dubois County Health Department shall conduct inspections of each Facility located in Dubois County, Indiana. The Dubois County Health Department shall conduct a minimum of two (2) inspections per year for fixed Facilities. Additional inspections may be conducted by the Dubois County Health Department as it determines necessary and/or in response to complaints submitted. The results of the inspections shall be provided to each operator in written form. Violations noted by the Dubois County Health Department shall be corrected immediately or within the timeframe set forth on the inspection report. The Department shall conduct follow-up inspections to determine compliance with this ordinance as deemed necessary.

SECTION 18

PROCEDURES WHEN VIOLATIONS ARE NOTED

If, during the inspection of any Facility, the Health Officer discovers the violation of any provision of this Ordinance, as amended, he/she shall issue a written report listing such violations and the remedial action(s) to be taken. A copy of said report shall be delivered to the permittee (or their authorized representative) by hand delivering the report to him/her on-site, or mailing the notice by Certified Mail to the address listed by the permittee as his/her/its mailing address on the permit application.

A copy of the written order shall be filed in the records of the Dubois County Health Department and be made available to the public as required.

SECTION 19

PERMIT SUSPENSION/REVOCATION/CLOSURE ORDERS

The Health Officer may order the suspension or revocation of any permit issued for a Facility, which order shall include the prohibition of any further operation for the following reasons:

- a) Interference with the Health Officer, or his/her authorized representatives, in the performance of his/her duties. Interference shall be defined as the process of obstructing, hampering or blocking the Health Officer in the performance of his/her duties.
- b) As a result of the willful and/or continuous violation of any provision of this Ordinance.
 1. Such order shall be effective immediately.
 2. Upon written request to the Health Officer, the permittee shall be afforded a hearing.

3. The Health Officer or his/her designee shall conduct a re-inspection upon the request of the permittee. When the Health Officer determines that the necessary corrective action(s) have been taken, operation of the Facility may be resumed.
- c) A person or business subject to a permit suspension or revocation shall have 10 days to file for judicial review of the Dubois County Health Department's orders. Failure to file for judicial review will make this order final and conclusive.

SECTION 20

PENALTY

The Health Officer may bring an action in the Circuit or Superior Court to enforce this ordinance. The Health Officer shall be entitled to recover all costs and expenses associated with any action for enforcement of this ordinance including reasonable attorney fees.

Any person who willfully violates any of the provisions of this Ordinance shall be subject to a fine of; not more than two thousand five hundred dollars (\$2500.00) for each violation. Each day of the existence of any violation of this Ordinance shall be considered a separate offense.

CHAPTER 23

INJUNCTION

The Health Officer may bring an action for an injunction in the Circuit Court of Dubois, Indiana, to restrain any person from violating the provisions of this Ordinance, to cause such violation(s) to be prevented, abated or removed.

CHAPTER 24

EXPENSE

Any person violating any of the provisions of this Ordinance shall be liable to the Dubois County Health Department for the expense, loss or damage occasioned by reason of such violation, including reasonable attorney's fees and costs.

CHAPTER 25

CUMULATIVE

The remedies provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

CHAPTER 26
SEVERABILITY

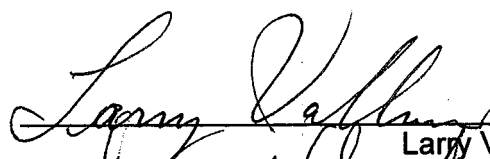
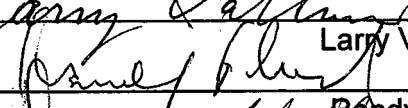
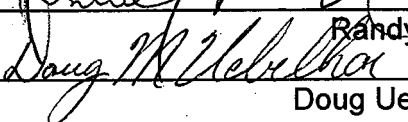
Invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.

CHAPTER 27
EFFECTIVE DATE

This ordinance shall be effect on the date of passage.

Passed this 18 day of June, 2012.

THE BOARD OF COMMISSIONERS OF THE
COUNTY OF DUBOIS, INDIANA


Larry Volmer

Randy Fleck

Doug Uebelhor

ORDINANCE NO. 2012-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS
COUNTY, INDIANA, VACATING A PUBLIC STREET IN THE TOWN OF
PORTERSVILLE, DUBOIS COUNTY, INDIANA

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

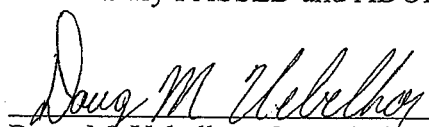
Section 1. It is the finding of this Commission after public hearing, that adequate reason exists for the vacation of the following described street in the Town of Portersville, Boone Township, Dubois Count, Indiana; that proper notice by publication in *The Herald* on May 19, 2012 has been given of said hearing; that said street has been heretofore dedicated but never developed and that no public benefit is to be derived from the continued existence of said public street; that all adjacent property owners, being persons who would be served by said public street, have been notified of the vacation of said street; that the vacation of said street 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 street and the same shall now be vacated:

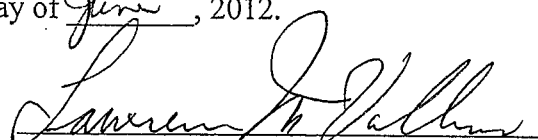
**That portion of Second Street South of Lots 68 and 69 and North
of Lots 54 and 55 in said Town of Portersville.**

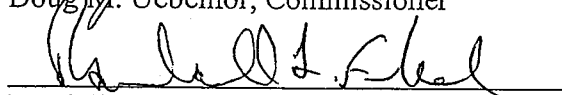
Section 2. That said public street as herein descried shall be and is hereby vacated subject however to a continuing perpetual easement as to any public utility now located within the boundaries thereof.

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

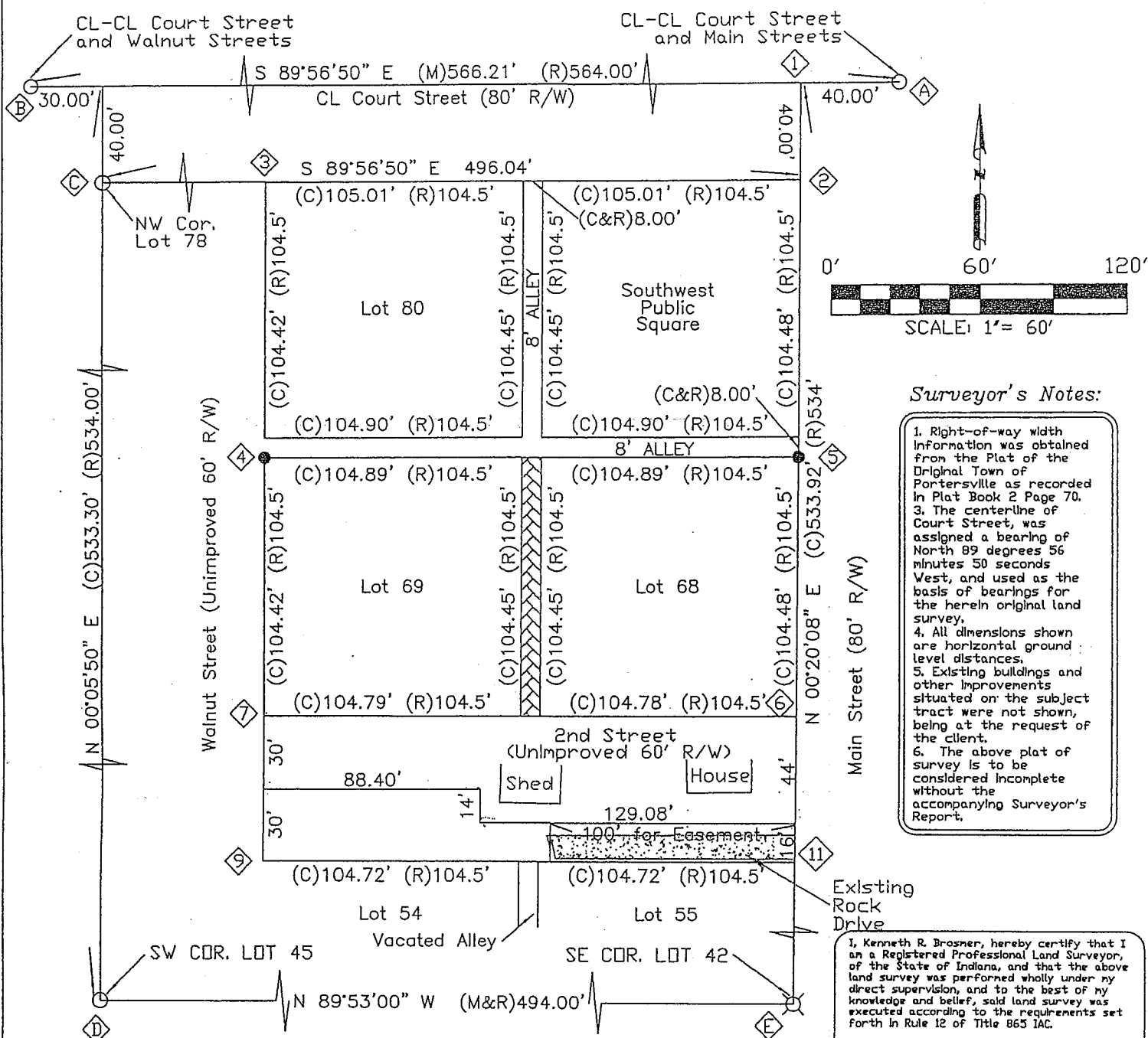
Duly PASSED and ADOPTED this 18th day of June, 2012.


Doug M. Uebelhor, Commissioner


Lawrence M. Vollmer, Commissioner


Randall L. Fleck, Commissioner

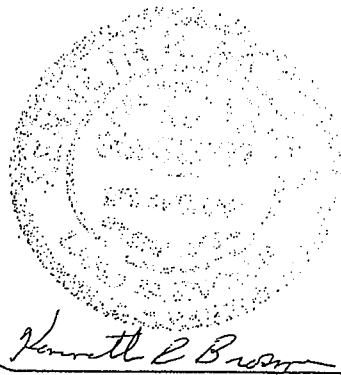
Lots 68 and 69 in the Original Town of Portersville, Dubois County, Indiana



Surveyor's Notes:

1. Right-of-way width information was obtained from the Plat of the Original Town of Portersville as recorded in Plat Book 2 Page 70.
2. The centerline of Court Street, was assigned a bearing of North 89 degrees 56 minutes 50 seconds West, and used as the basis of bearings for the herein original land survey.
3. All dimensions shown are horizontal ground level distances.
4. Existing buildings and other improvements situated on the subject tract were not shown, being at the request of the client.
5. The above plat of survey is to be considered incomplete without the accompanying Surveyor's Report.

I, Kenneth R. Brosmer, hereby certify that I am a Registered Professional Land Surveyor, of the State of Indiana, and that the above land survey was performed wholly under my direct supervision, and to the best of my knowledge and belief, said land survey was executed according to the requirements set forth in Rule 12 of Title 865 IAC.



LEGEND

- ⊗ MAG NAIL FOUND
- IRON PIN FOUND
- IRON PIN SET
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION
- (C) CALCULATED DIMENSION
- ⊠ VACATED ALLEY TO BROWN

Brosmer Land Surveying, Inc.

205 East Sixth Street
Jasper, Indiana 47546

Phone: (812) 482-9819

Client: Jim Brown
8289 N Portersville Road
Jasper, IN 47546

File Data: SC14/work11/brown_jlm.dwg
SC14/data11/BROWN_JIM.crd

Scale: 1" = 60'	Date: October 20, 2011
Drawn by: C.M.B.	Approved By: K.R.B.
	Revised: January 30, 2012 March 28, 2012

JUL 02 2012

EXECUTIVE ORDER

Wanda Hoff

WHEREAS, The Board of Commissioners of Dubois County, Indiana (hereinafter "County") has heretofore issued its order prohibiting open or exterior burning of most kind within Dubois County, Indiana; and

WHEREAS, Subsequent to the issuance of said Order extremely high temperatures and lack of moisture have substantially increased the danger of fire within the County.

NOW, THEREFORE, The Board of Commissioners of Dubois County, Indiana, does hereby declare the current existence of emergency conditions and to preserve the safety of the residents of and property within Dubois County, and pursuant to Indiana statute, and due to such emergency, not withstanding other statutes to the contrary, does now order that no open burning of any type and no use, ignition/or discharge of consumer fireworks may occur within the unincorporated areas of Dubois County, Indiana, effective immediately and until such time as the current emergency ceases to exist and this Board terminates this Order.

BE IT FURTHER ORDER by this Board of County Commissioners that any person found to be in violation of this Order shall be subject to a penalty not to exceed \$2,500.00, and may be subject to civil damages for injuries or property damages resulting from violation of this Order.

This EXECUTIVE ORDER is issued this 30th day of June, 2012 and shall continue until further order of this Board of County Commissioners.

BOARD OF COMMISSIONERS OF
DUBOIS COUNTY, INDIANA

Pauly Flint
David M. Uebelhor
Lawrence M. Vallance

ORDINANCE NO. 2012-02AN ORDINANCE ESTABLISHING ALTERNATIVE MINIMUM BID FOR REAL PROPERTY
SOLD AT TAX SALE

WHEREAS, the Dubois County Auditor and Dubois County Treasurer jointly conduct sales of real property that are delinquent on property tax or special assessment payments under IC 6-1.1-24;

WHEREAS, IC 6-1.1-24-5 establishes a minimum bid price below which a parcel may not be sold in a tax sale conducted under that chapter;

WHEREAS, the minimum bid set by IC 6-1.1-24-5 is the sum of delinquent taxes or special assessment, taxes or special assessments due and payable in the year of the sale, penalties, and other expenses and costs incurred to conduct the sale;

WHEREAS, House Enrolled Act 1090 of the 2012 legislation session amends IC 6-1.1-24-5 creating a new sub-section, IC 6-1.1-24-5(g), allowing a county to set by ordinance an alternative minimum bid at 75% of the gross assessed value of the parcel;

WHEREAS, HEA 1090-2012 became effective upon the date of its passage, March 14, 2012;

WHEREAS, Dubois County contains delinquent parcels where the assessed value of the parcel is less than the tax sale minimum bid;

WHEREAS, parcels whose assessed value is less than the tax sale minimum bid are rarely, if ever, sold during a tax sale causing increased cost to Dubois County and delays in returning those properties to the tax rolls; and

WHEREAS, IC 6-1.1-24-15 vests in the county council authority to adopt an ordinance establishing an alternative minimum bid for tax sales conducted by the county.

NOW THEREFORE, BE IT ORDAINED, by the Dubois County Council, that:

SECTION 1. For tax sales conducted by Dubois County after September 1, 2012, the County Treasurer may accept a bid on a tract or item of real property that is greater than or equal to the lesser of:

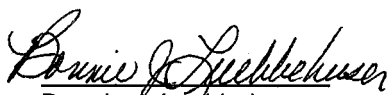
- (a) the amount determined under IC 6-1.1-24-5(f) for the tract or item of real property; or
- (b) seventy-five percent (75%) of the gross assessed value of the tract or item of real property, as determined on the most recent assessment date.


SECTION 2. Notice of this Ordinance shall be promptly forwarded to the County Treasurer and County Auditor.

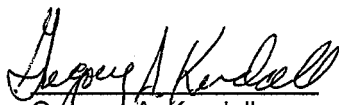
ADOPTED BY THE COUNTY COUNCIL OF DUBOIS COUNTY, INDIANA

this 6th day of August, 2012.

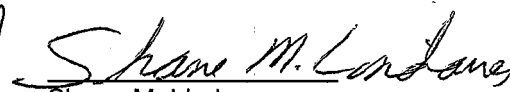

Martha A. Wehr

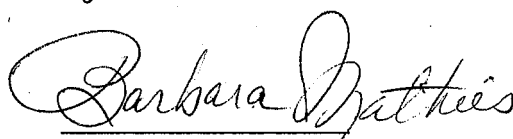

Bonnie J. Luebbehusen

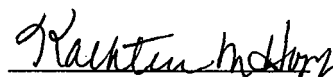

Mark A. Brescher


Gregory A. Kendall


Jerry R. Hunefeld


Shane M. Lindauer


Barbara J. Mathies

Attest: 
Kathleen M. Hopf, Auditor

ORDINANCE NO. 2012-3

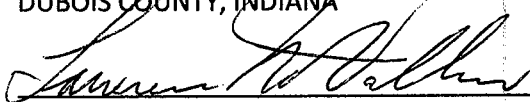
AN ORDINANCE CREATING NO PARKING ZONE WITHIN IRELAND, DUBOIS COUNTY, INDIANA.

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

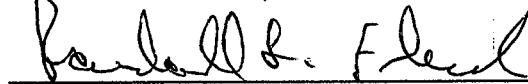
- Section 1. From and after the effective date of this Ordinance, any and all types of vehicles shall be prohibited at all times from parking along either side of South Street in Ireland, Dubois County, Indiana, from the east edge of pavement on C.R. 500 West extending eastward a distance of 100 feet. Such zone shall be marked with appropriate signs designating that parking is prohibited.
- Section 2. From and after the effective date of this Ordinance, any and all types of vehicles shall be prohibited at all times from parking along either side of South Street in Ireland, Dubois County, Indiana from a point beginning 325 feet east of the east edge of pavement on C.R. 500 West extending eastward a distance of 50 feet to a driveway for Ireland Elementary School. Such zone shall be marked with appropriate signs designating that parking is prohibited.
- Section 3. Any person violating the provisions of this Ordinance shall, upon a finding of such violation, be liable for fine and judgment in any amount not to exceed One Hundred Dollars (\$100.00).
- Section 4. This Ordinance shall be in full force and effect immediately upon its adoption and publication as provided by law.

Passed and adopted by the Board of Commissioners of Dubois County, Indiana, this 4TH day of SEPTEMBER 2012.

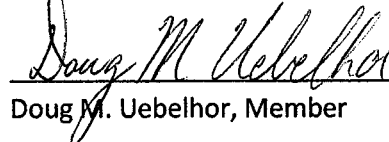
BOARD OF COMMISSIONERS
DUBOIS COUNTY, INDIANA



Lawrence M. Vollmer, President

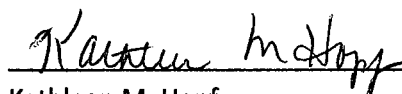


Randall L. Fleck, Vice-President



Doug M. Uebelhor, Member

ATTEST:



Kathleen M. Hopf
Dubois County Auditor

JOINT ORDINANCE 2013-01

An Ordinance of the Dubois County Board of Commissioners and Dubois County Council

establishing fees for electronic map data created and maintained by Dubois County

and restricting certain commercial reproduction of said electronic map data.

WHEREAS, Indiana Code 36-1-3-8(a)(6) and Indiana Code 5-14-3-8(j) provides that a public agency may establish a fee for the provision of copies of electronic map data; and,

WHEREAS, Indiana Code 5-14-3-8.5 provides that the fiscal body of a political subdivision shall adopt an Ordinance to establish an electronic map generation fund for the deposit and use of funds collected for the provision of electronic map data; and,

WHEREAS, Indiana Code 5-14-3-2 defines "direct cost" that may be charged by a public agency for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval; and,

WHEREAS, Indiana Code 5-14-3-2 defines "electronic map" as copyrighted data created and provided by a public agency from an electronic geographic information system; and,

WHEREAS, Indiana Code 5-14-3-2 defines "person" as an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity; and,

WHEREAS, Indiana Code 5-14-3-3(e) provides that a political subdivision may enact an ordinance prescribing the conditions under which a person who receives electronic data may or may not use that information for commercial purposes; and

WHEREAS, it is in the best interests of the citizens of Dubois County that both the Dubois County Board of Commissioners and Dubois County Council approve the terms of this Ordinance to conform to the terms of Code 5-14-3.

IT IS THEREBY ORDAINED by the Board of Commissioners of Dubois County and the Dubois County Council as follows:

1. Title and Definitions – This Ordinance and any parts herein shall be known as the Dubois County Electronic Map Ordinance.

In accordance with Indiana Code 5-14-3-2, "person" as used in this Agreement is defined as an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity, and "electronic map data" as used in this Agreement is defined as copyrighted data created and provided by a public agency from an electronic geographic information system.

2. Fee Schedule – Pursuant to Indiana Code 5-14-3-8(j) the County may charge a fee, uniform to all persons for providing electronic map data that is based upon a reasonable percentage of the County's direct cost of maintaining upgrading and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the person(s).

In the case where disclosable and nondisclosable electronic map data are combined, Indiana Code 5-14-3-6 provides that the County may charge a reasonable fee for the County's direct cost of computer programming to separate disclosable from nondisclosable electronic map data.

It is hereby established by the Dubois County Commissioners and County Council that the initial fee schedule for the transmission of electronic map data is as set forth in an attached Fee Schedule that is incorporated by reference herein.

If the County contracts with a third party contractor to handle the transmission of County electronic map data, the third party contractor shall receive 2/3, and the County 1/3 of the fees charged the person for electronic map data. This fee schedule shall be reviewed on an annual basis and may be changed on an annual basis to reflect the change in the cost in providing the electronic map data.

3. Exceptions to Fee Schedule – Pursuant to Indiana Code 5-14-3-8(k) any Public Agency, as defined by Indiana Code 5-14-3-2, located within the County or within adjacent counties that agrees to share with the County any electronic map information that that Public Agency might have, if any, that is of the same type as is being shared by the County, the County will agree to automatically approve a Data Sharing Application with that Public Agency and waive that portion of the electronic map fee that would otherwise be retained by the County.

Pursuant to Indiana Code 5-14-3-8(k) the County's retained portion of the electronic map fee shall be waived at the County's discretion if the use of the electronic map data will be used for a noncommercial purpose, including the following: Public Agencies that do not agree to share with County the same type of electronic map data being provided by the County, Nonprofit activities, Journalism, and/or Academic research.

4. Third Party Contractor – In accordance with Indiana Code 5-14-3-3.6, electronic map information may be provided to person(s) through the County's own computer gateway, or by agreement through a computer gateway of a third party contractor. Indiana Code 5-14-3-3.6(e) provides that a contract entered into under this section may require the payment of a reasonable fee to either the third party contractor, the County, or both.

In accordance with Indiana Code 5-14-3-4, neither the County nor the third party contractor shall disclose electronic map data that is specifically excepted from disclosure requirements.

5. Payment - Where the County is using its own computer gateway for the provision to person(s) of electronic map data, payment shall be made by the person(s) at the time of delivery. Where the County has entered into an agreement with a third party contractor to provide electronic map data through the third party contractor's computer gateway, the third party contractor shall handle the billing and invoicing of the fees charged and shall agree to send by U.S. mail that portion of the fee due the County to the County's Electronic Map Generation Fund within 10 business days of the receipt of payment of fees to the third party contractor by the person(s) making the purchase.

6. Compliance with State Statutes - Nothing herein shall compel any office or their contracted third party contractor to charge a fee for copies if the fee imposed by this Ordinance is contrary to state law. In the event the fees in this Ordinance are contrary to any charges established by State statute, the State statute shall apply.

7. Use Restrictions and Notice - Pursuant to the provisions of Indiana Code 5-14-3-3(e), no person, other than those authorized in writing by the Board of Commissioners, may use the electronic map data provided by the County for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by request to any other person for these purposes. This includes the repackaging or assimilation of electronic map data for a commercial purpose in paper or electronic media. The electronic map data may be used as a reference for determining the accuracy of maps developed independently from the County's electronic map data.

A person who uses information in a manner contrary to this Ordinance or a rule or ordinance adopted under Indiana Code 5-14-3-3 may be prohibited by the County from obtaining any electronic map data. The following notice regarding data ownership, restrictions, and qualifications shall be provided to every person that receives a copy of the County's electronic map data.

"Dubois County electronic map data is the property of Dubois County, Indiana. All electronic map data supplied by Dubois County has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The County does not guarantee the positional or thematic accuracy of the data. The cartographic digital file server is not a legal representation of any of the features depicted, and the County disclaims any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be and/or expressly excluded. The data represents an actual reproduction of data contained in the County's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. Therefore, the County cannot be held liable for errors or omissions in the data. The recipient's uses and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify Dubois County and its employees and officers. This indemnity covers reasonable attorney's fees and all court costs associated with the defense of Dubois County arising out of this disclaimer. The recipient may copy this data into computer memory or onto computer storage devices and prepare derivative works from it for the recipient's own use."

Pursuant to the provisions of Indiana Code 5-14-3-3(e), no person, other than those authorized in writing by the Board of Commissioners may use the electronic map data provided by the County for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by request to any other person for these purposes. A person who uses information in a manner contrary to a rule or ordinance adopted under Indiana Code 5-14-3-3(e) may be prohibited by the Board of Commissioners from obtaining any electronic map data.

Please refer to Dubois County Ordinance 2013- 01 for any other restrictions on the use of electronic map data or penalties for the misuse electronic map data."

A copy of the language contained in this section shall be conspicuously posted in all offices where electronic map data is sold in the County, and shall be provided to any person(s) (as defined by Indiana Code 5-14-3-2) who desires to purchase electronic map data from the County.

8. Use Violation Penalty - Any person(s) who violates the terms and conditions of this Ordinance by failing to pay for purchased electronic map data shall be liable for total fee charged for the electronic map data plus attorney's fees and the cost of collection. Any person(s) who violates the restrictions on the use of electronic map data as set forth in Section 7 of this Ordinance shall be guilty of an infraction and may be fined by the County up to Two Thousand Five Hundred (\$2,500), and each violation shall be deemed a separate offence. Also, in the event that there is an improper use of electronic map data as set forth in Section 7 of this Ordinance or in violation of State or Federal Law, the County may prohibit the person(s) (as defined by Indiana Code 5-14-3-2) from obtaining any electronic map data and seek injunctive relief from any misuse of electronic map data by the person(s) who originally purchased the electronic map data or any other person(s) who has received a copy of the electronic map data.

9. Electronic Map Generation Fund - Pursuant to Indiana Code 5-14-3-8.5, the Dubois County Council hereby establishes the Dubois County Electronic Map Generation Fund. The Electronic Map Generation Fund shall consist of fees charged for providing electronic map data to person(s) in accordance with Indiana Code 5-14-3-8(j) and be subject to the appropriation by the Dubois County Council. In accordance with Indiana Code 5-14-3-8.5(b), all funds collected in the Electronic Map Generation Fund shall be specifically dedicated to the following purposes:

- a. The maintenance, upgrading, and enhancement of the electronic map.
- b. The reimbursement of expenses incurred by a public agency in supplying an electronic map in the form requested by the person(s).

10. Dispute Resolution - Any person who has a dispute, or seeks relief from the terms of this Ordinance may seek resolution of that dispute or relief from the Board of Commissioners of Dubois County.

11. **Ordinance Codification** - The Auditor of Dubois County shall cause a copy of this Ordinance to be codified in the Dubois County Code.

12. **Effective Date** - This Ordinance shall be effective on the 6th day of May, 2013, and all Ordinances in conflict herewith are repealed.

PASSED ON THIS 6th DAY OF May, 2013.

DUBOIS COUNTY
BOARD OF COMMISSIONERS

Lawrence A. Hall
Donald D. Elmer
Doug M. Hebelhor

DUBOIS COUNTY COUNCIL

Martha A. Weber
Mark A. Brechee
Gregory A. Kendall
Jonny R. Hunfeld
Shane M. Lindauer
Barbara J. Mathies

ATTESTED BY:

DUBOIS COUNTY AUDITOR

Kathleen M. Hoof

"I AFFIRM, UNDER THE PENALTIES FOR PERJURY,
THAT I HAVE TAKEN REASONABLE CARE TO
REDACT EACH SOCIAL SECURITY NUMBER IN
THIS DOCUMENT, UNLESS REQUIRED BY LAW."

NAME:

Mary A. Luker

Duly entered this

MAY 06 2013

Kathleen M. Hoof
Auditor Dubois County

**FEE SCHEDULE
ELECTRONIC MAP DATA**

The Fee Schedule for the transmission of Dubois County electronic map data, effective as of the 6th day of May, 2013, is as follows:

1. Complete Map Data Layers:

An annual fee of \$1,500, paid in advance, for the continuous transmission of available and disclosable countywide non-photo electronic map data layers.

A fee of \$750, paid in advance for a one time delivery of available and disclosable countywide non-photo electronic map data layers delivered on a CD.

A fee of \$750, paid in advance, for a one time delivery of a County's most recent aerial photo layer delivered on CD's.

2. Subsets of Map Data Layers (for less than countywide areas)

A fee of \$150 per hour for the preparation of one time specifically requested subsets of County electronic map data.

3. Separating Disclosable and Nondisclosable Data

A fee of \$150.00 per hour for computer programming required to separate disclosable and nondisclosable electronic map data if this is required as part of a one time map data request.

RESOLUTION No. 2013- 0\

RESOLUTION ADOPTING THE ADA TRANSITION PLAN

**A RESOLUTION OF THE COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA ADOPTING
THE AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN FOR THE
UNINCORPORATED AREAS OF DUBOIS COUNTY, INDIANA**

WHEREAS, the ADA Transition Plan is found to meet the requirements of Title II of the Americans with Disabilities Act of 1990 – 28CFRPart 35.150 Paragraph D requiring the County to develop such a plan, and that the adoption of this plan is found to be in the best interest of Dubois County, Indiana, and

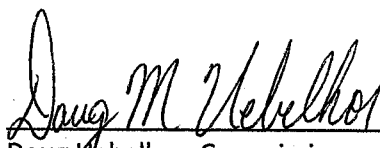
WHEREAS, the County Commissioners find that it is in the best interest of Dubois County to adopt said plan.

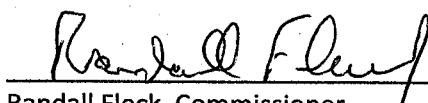
NOW THEREFORE, BE IT RESOLVED, that the County Commissioners of Dubois County, Indiana, hereby adopts Exhibit A, attached and made a part hereof, as the ADA Transition Plan for the Unincorporated Areas of Dubois County, Indiana.

This resolution shall take effect from and after its passage as provided by law.

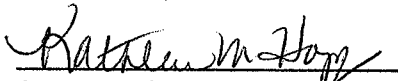
PASSED AND ADOPTED by the County Commissioners of Dubois County, Indiana, on this the 3rd day of September, 2013.


Larry Voller, Commissioner


Doug Hebelhor, Commissioner


Randall Fleck, Commissioner

ATTEST:


County Auditor

RESOLUTION 2013-02

A RESOLUTION ESTABLISHING THE INTENT TO CONDUCT A COMMISSIONERS' SALE TO SELL TAX SALE CERTIFICATES FOR PROPERTIES THAT ARE SEVERELY DELINQUENT IN PAYMENT OF PROPERTY TAXES.

WHEREAS, there are several properties in Dubois County that are severely delinquent in the payment of property taxes, having been offered for tax sales and which received no bids equal to or in excess of minimum sale price. The parcel numbers of those properties being attached to this resolution as "Exhibit A", and

WHEREAS, there is an assessed value associated with these properties for taxation purposes, but no taxes are being collected, therefore causing a lower than expected tax distribution to those taxing units and taxing districts within which the properties are located, and

WHEREAS, the Dubois County Commissioners desire to have these properties back on the tax rolls with taxes being collected, and

WHEREAS, IC 6-1.1-24-6, *et seq.* allows for the County Commissioners to acquire a lien on those delinquent properties and receive issuance of the tax sale certificates for those properties, without taking title to the properties, therefore limiting the liability and cost normally associated with taking title,

NOW, THEREFORE, BE IT RESOLVED by the Dubois County Board of Commissioners that the County Executive shall acquire liens and receive tax sale certificates of the properties listed on Exhibit A that are severely delinquent and sell said certificates at a properly advertised Commissioner Tax Certificate sale.

Adopted this 4th day of November 2013.

By: [Signature]
Its: [Signature]

By: Vice President
Its: [Signature]

By: Member
Its: [Signature]

ATTEST: [Signature]
Kathy Hopf, Dubois County Auditor

ORDINANCE NO. 2013-02

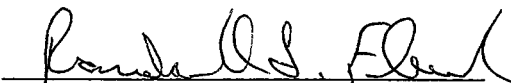
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS,
OF DUBOIS COUNTY, INDIANA, THAT:

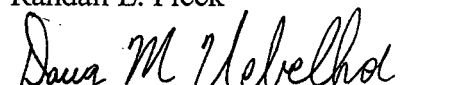
1. To prevent damage caused by excess weight on County Roads during periods of freeze and thaw, the Commissioners hereby establish a 10 ton gross load (weight) limit on all motor vehicles operated on County Roads within Dubois County, Indiana during the period from January 15, 2014 through April 15, 2014. Jasper 3rd 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 16, 2013

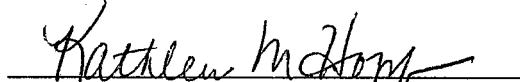
BOARD OF COUNTY COMMISSIONERS
OF DUBOIS COUNTY, INDIANA


Lawrence M. Vollmer


Randall L. Fleck


Doug M. Uebelhor

ATTEST:


Kathleen M. Hopf, Auditor