

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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human beings, pets, companion animals or livestock or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure human beings, pets, companion animals or livestock. No dog may be declared **DANGEROUS** if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. The definition shall not be construed to include dogs that are part of a governmental organization or a trained guard dog in performance of its duties.

(BCC Ord. 2006-03, passed 12-4-2006)

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Every living dumb creature, both domestic and wild.

DOG RUNNING AT LARGE. Any dog not under immediate control, not on a leash, not at heel, not beside a competent person, not in a vehicle driven or parked, or not confined within the property limits of his or her owner. Hunting dogs are considered to be under the control of the owner (and not **RUNNING AT LARGE**) when the owner is hunting with the dog.

DOMESTIC ANIMAL. A dog, cat, or any other animal such as a rabbit, guinea pig, lizard, iguana, hamster, ferret, mouse, snake, spider, bird, or gerbil, which may normally be held, sold, or maintained as a pet.

VICIOUS ANIMAL and **DANGEROUS ANIMAL.** Any animal that attacks, bites or injures

§ 90.02 DUTY AND RESPONSIBILITY OF ANIMAL OWNERS.

Every owner of every animal kept in the county shall see that the animal:

(A) Is kept in a clean and sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement. The person responsible for the animal shall regularly and as often as necessary maintain all animal areas or areas of animal contact to prevent odor or health and sanitation problems;

(B) Shall have proper and adequate food that is nutritionally appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water, shelter and ventilation, including quarters that are protected from excessive heat and

cold and are of sufficient size to permit the animal to exercise and move about freely;

(C) Shall not be tethered unattended by use of a choke collar nor by any rope, chain or cord directly attached to the animal's neck (without a separate collar), nor by a leash less than 12 feet in length or of an unreasonable weight as to prevent the animal from moving about freely;

(D) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;

(E) Shall provide reasonable necessary medical care, in addition to the required rabies vaccination, which shall include distemper, parvo virus inoculations; if diseased or exhibiting symptoms of disease, receives proper medical care and is segregated from other animals so as to prevent transmittal of the disease; and

(F) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the county and in effect from time to time. (BCC Ord. 2006-03, passed 12-4-2006) Penalty, see § 90.99

§ 90.03 VICIOUS ANIMALS.

(A) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious dog, cat, or other animal on the streets or public places of the county or allow the animal to run on the premises of another at any time, unless, in addition to the other retirements of this chapter, the dog, cat or other animal shall be securely muzzled to effectively prevent it from biting any person or other animal. Upon impounding a vicious animal for any reason, the animal control officer may, for reasons of public safety, retain the animal at the impoundment facility until disposition by the appropriate court.

(B) This section shall not apply to law enforcement dogs.
(BCC Ord. 2006-03, passed 12-4-2006) Penalty, see § 90.99

§ 90.04 RESTRAINT OF ANIMALS.

(A) It shall be unlawful for any owner or possessor of any dog to allow the dog to run at large, whether wearing a collar and tag or not, within the incorporated or unincorporated areas of the county. Any and all dogs found running at large, whether wearing a collar and tag or not, shall be immediately impounded by officers of the animal control unit or any police officer. The officers may pursue the animal onto private property to effect capture of the animal. Nothing in this chapter should be construed to interpret an animal on the property of its owner to be considered "at large".

(B) The owner or possessor of the animal can be issued a summons into court for that county ordinance violation.

(C) It shall be the duty of every owner or custodian of any animal to exercise reasonable care and take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from the animal's behavior. If the owner or custodian of any animal is a minor, the parent or guardian of the minor shall be jointly responsible for the minor's violation of this chapter.

(D) It shall be the duty of every owner or custodian of any dog to ensure that the dog is kept under restraint and that reasonable care and precautions are taken to prevent the dog from leaving the real property limits of its owner, possessor, or custodian, and ensure that it is:

(1) Securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition; and that the enclosure is securely locked at any time the animal is left unattended;

(2) Securely and humanely restrained by chain, cable or trolley, or other tether of sufficient strength to prevent escape; and/or

(3) On a leash and under the control of a competent person; or off a leash and obedient to that

person's command and that person is present with the animal any time it is not restrained as provided for in division (D)(1) or (D)(2) above while on the owner's property.

(E) The following additional precautions shall be taken by the owners, possessors, or custodians of vicious or dangerous animals.

(1) In addition to the requirements in division (D)(1) above, the owner of a dangerous or vicious dog who maintains the dog out-of-doors shall fence a portion of the property with a second perimeter or area fence. Within this perimeter or area fence, the vicious or dangerous animal must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel shall be of the inward-opening type and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.

(2) Whenever the dog is outside of its enclosure as provided for in this division (E)(2), but on the owner's property, it must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape. The leash shall be no longer than ten feet, and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced.

(3) No vicious or dangerous dog shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post or building, outside of its own enclosure as provided for in this section. (BCC Ord. 2006-03, passed 12-4-2006) Penalty, see § 90.99

§ 90.05 PUBLIC NUISANCE ANIMAL.

(A) A **PUBLIC NUISANCE ANIMAL** shall mean and include any animal that:

(1) Damages the property of anyone other than the owner;

(2) Is vicious;

(3) Attacks without provocation;

(4) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept; or

(5) Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and thereby creates unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept.

(B) Any public nuisance animal may be impounded and the owner or possessor charged for a violation of this chapter. (BCC Ord. 2006-03, passed 12-4-2006) Penalty, see § 90.99

§ 90.06 PROHIBITED ANIMALS.

(A) *Prohibition.* Ownership, possession or maintenance of the following animals is prohibited, except by special application to the Board of Commissioners for scientific or educational programs:

(1) Mammals.

(a) Any North American non-domesticated mammal; and

(b) Any exotic mammals, including but not limited to, all species of monkeys, marmosets and similar animals; all species of wild felines, canines, bears and similar animals; and hoofed mammals such as antelope and similar species.

(2) Birds. All birds, except those species identified division (B) or those maintained under federal or state permit.

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(3) Reptiles and amphibians.

(a) All exotic reptiles and amphibians, subject to the exceptions in division (B) below.

(b) All venomous reptiles and amphibians.

(4) Invertebrates. All venomous invertebrates included but not limited to, black widow spiders, scorpions and similar animals.

(B) The following animals may be owned, possessed or maintained without a license, pursuant to division (A).

(1) Mammals.

(a) Hamsters;

(b) Mice;

(c) Rats;

(d) Gerbils;

(e) Guinea Pigs; or

(f) Any other similar mammal commonly considered and sold as a pet and is safe for handling.

(2) Birds.

(a) Parrots;

(b) Parakeets;

(c) Cockatiels;

(d) Myna birds;

(e) Finches;

(f) Canaries;

(g) Pigeons and doves; or

(h) Any other bird commonly considered and sold as a pet and is safe for handling.

(3) Reptiles and amphibians.

(a) Non-poisonous snakes (including boa constrictors, pythons, and other constrictor snakes);

(b) Non-poisonous lizards;

(c) Turtles;

(d) Salamanders;

(e) Frogs and toads; and

(f) Any other reptile or amphibian that is commonly considered and sold as a pet and is safe for handling.

(BCC Ord. 2012-02, passed 5-1-2012) Penalty, see § 90.99

§ 90.07 DAMAGE TO PROPERTY.

No person shall, without the consent of the owner of the property concerned, permit any animal, including dogs and cats in his or her custody and control to enter upon the premises of another within the county, or permit any animal in his or her custody or control to injure, destroy, or carry away any property belonging to another person or entity.

(BCC Ord. 2006-03, passed 12-4-2006) Penalty, see § 90.99

§ 90.08 JURISDICTION AND ENFORCEMENT.

(A) The County Board of Commissioners finds that the terms and conditions of this chapter are in the best interests of all citizens of the county. Therefore, this chapter shall be in full force and effect in both the incorporated and unincorporated parts of the county unless or until a municipality within the county passes an ordinance:

(1) Prohibiting enforcement of this chapter within the boundaries of the municipality; or

(2) Regulating and prohibiting acts or omissions substantially similar to those acts or omissions set out in this chapter.

(B) Enforcement of this chapter shall be by the County Sheriff's Department.
(BCC Ord. 2006-03, passed 12-4-2006)

§ 90.99 PENALTY.

(A) Any person violating any section of this chapter shall commit a Class C infraction and shall be subject to a fine of \$100, plus costs, per occurrence.

(B) In the event that an animal is impounded by the county pursuant to this chapter, and in addition to any other penalty set out in division (A) above or court costs, the owner shall reimburse the county for the cost associated with providing shelter for each impounded animal at an animal control facility or the humane society.

(C) If a person violates a section of this chapter listed in division (B) above, and if the person proves to the court, within 20 days of the violation, that the violation has met both of the following criteria, the charge shall be dismissed upon payment of a deferral fee of \$50:

(1) Has been remedied; and

(2) The person has no prior violations of this chapter.

(D) The sections of this chapter are intended to encourage the humane treatment of animals. Therefore, any court having jurisdiction of violations of this chapter is encouraged to use the court's deferral procedures to assist the public to conform the treatment of animals within the county to the terms of this chapter.

(E) A violation of a section of this chapter shall be cited by adding the appropriate section or division to the citation.
(BCC Ord. 2006-03, passed 12-4-2006)

CHAPTER 91: EMERGENCY SERVICES

Section

Ambulance Services

- 91.01 Purpose
- 91.02 Definitions
- 91.03 Restrictions on emergency ambulance service providers

Enhanced Emergency Telephone System

- 91.15 System established
- 91.16 Definitions
- 91.17 Fee

Cross-reference:

Civil Defense and Emergency Management, see Chapter 34
Ambulance Services Authority, see Chapter 32

AMBULANCE SERVICES

§ 91.01 PURPOSE.

(A) The purpose of this subchapter is to establish that the Board of Commissioners will control the operation of ambulance services in the county, pursuant to the provisions of state statutes.

(B) The county's citizens demand and deserve the best available emergency medical care. The Authority established under this subchapter will be expected to provide an efficient and top quality ambulance service to all the citizens of the county in the most cost-effective fashion. Due to the distinctive geographic configuration of the county and its population density variations, the most effective method of providing quality ambulance service to all

of the area of the county, is for the county to provide ambulance service through an independent contract operated by and through the personnel of the Washington County Memorial Hospital. (BCC Ord. 93-03, passed 3-1-1993)

§ 91.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMBULANCE. Any conveyance on land, water or air that is used or is intended to be used for the purpose of responding to emergency life-threatening situations and providing emergency transportation service.

AUTHORITY. The County Board of Commissioners.

BOARD OF COMMISSIONERS. The Board of Commissioners of Washington County, Indiana.

EMERGENCY AMBULANCE SERVICES. The transportation of emergency patients by ambulance and the administration of emergency medical care to emergency patients before or during the transportation.

EMERGENCY MEDICAL CARE.

- (1) Assessment of emergency patients;
- (2) Administration of oxygen;
- (3) Utilization of mechanical breathing devices;

- (4) Application of anti-shock trousers;
- (5) Performance of cardiopulmonary resuscitation;
- (6) Application of dressing and bandage materials;
- (7) Application of splinting and immobilization services;
- (8) Utilization of lifting and moving devices to ensure safe transport;
- (9) Utilization of an automatic or a semi-automatic defibrillator if the defibrillator is used in accordance with training procedures established by the State EMS Commission;
- (10) Other procedures authorized by the State EMS Commission; and
- (11) The term does not include invasive medical care techniques or advanced life support.

EMERGENCY MEDICAL SERVICE FACILITY. Those facilities that are licensed and operated under I.C. 16-21-2 and are equipped, prepared, and staffed to provide medical care for emergency patients.

EMERGENCY MEDICAL SERVICES. The provision of emergency ambulance services or other services, including extrication and rescue services, utilized in serving an individual's need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

EMERGENCY MEDICAL TECHNICIAN. An individual who is certified by the State EMS Commission to provide emergency medical care at the scene of an accident, illness, or during transport.

EMERGENCY PATIENT. An individual who is acutely ill, injured, or otherwise incapacitated or helpless and who requires emergency medical services. The term includes an individual who:

- (1) Requires transportation on a litter or cot; or
- (2) Is transported in a vehicle certified by the State EMS Commission as an ambulance.

INDIANA EMS COMMISSION. The State Emergency Medical Services Commission created by I.C. 16-31-2.

PERSON. Any natural person or persons, firm, partnership, corporation, company, association, or joint stock association, and the person's legal successors, including any governmental agency or instrumentality other than an agency or instrumentality of the United States.

(BCC Ord. 93-03, passed 3-1-1993)

§ 91.03 RESTRICTIONS ON EMERGENCY AMBULANCE SERVICE PROVIDERS.

(A) A person may not furnish, operate, conduct, maintain, advertise, or otherwise be engaged in providing emergency ambulance services in the county, either paid or voluntary, unless the person is authorized to do so by the Board of Commissioners or unless:

- (1) The person is authorized to provide emergency ambulance services in any part of another county; and

- (2) The person has been requested to provide emergency ambulance services:

- (a) To the county in which the person is authorized to provide ambulance services, and those services will originate in another county; or

- (b) From the county in which the person is authorized to provide emergency ambulance services, and those services will terminate in another county.

(B) The Board of Commissioners may penalize a provider or person who violates this section up to \$500 per occurrence for each violation that shall be established. A civil penalty may be imposed only

after a hearing on the imposition of the penalty has been held by the Board of Commissioners. Notice of this hearing must be mailed to the provider or alleged violator at least ten days before the date set for the hearing. A provider or person who is penalized under this chapter is entitled to:

- (1) Be represented by an attorney;
- (2) Present evidence on that person's behalf; and
- (3) Cross-examine witnesses.

(C) The Board of Commissioners of the county may seek injunctions through the court system against persons who violate this section.
(BCC Ord. 93-03, passed 3-1-1993)

ENHANCED EMERGENCY TELEPHONE SYSTEM

§ 91.15 SYSTEM ESTABLISHED.

Under the authority of and subject to I.C. 36-8-16-5 and I.C. 36-8-16-6 and the other provisions of I.C. 36-8-16, an enhanced emergency telephone system is hereby established, together with a fee system to provide for the funding of an enhanced emergency telephone system to serve the county, and to serve all public emergency response agencies within the county.
(CC Ord. 1993-05, passed 6-7-1993)

§ 91.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ENHANCED EMERGENCY TELEPHONE SYSTEM. A telephone system that utilizes the three digit number 911 to send automatic number identification and automatic location identification for

reporting police, fire, medical, or other emergency situations to the appropriate responding agencies.

EXCHANGE ACCESS FACILITY.

(1) The access from a particular service user's premises to a telephone system. The term shall include an access line, a private branch exchange (commonly known as a PBX trunk), and a centrex line trunk equivalent that is provided by the service provider. The term shall also include a mobile telephone system access trunk, whether the trunk is provided by a telephone company or a common carrier.

(2) The term does not include a service supplier owned and operated telephone pay station line, a wide area telecommunications service (commonly known as a WATS) line, a foreign exchange (commonly known as an FX) line, or an incoming only line.

SERVICE SUPPLIER. A person who provides exchange telephone service to a service user.

SERVICE USER. A person to whom exchange telephone service is provided, subject however to the use of the term "person" to mean an individual, business entity, or any other organization, institution, or facility to whom exchange telephone service is provided.
(CC Ord. 1993-05, passed 6-7-1993)

§ 91.17 FEE.

(A) The enhanced emergency telephone system fee shall be imposed upon each exchange access facility used in the county.

(B) A monthly fee of \$1.52 per telephone access line or other exchange access facility will be collected by the service supplier of the county. The county shall use the monies of the enhanced emergency telephone system to pay for the lease, purchase, or maintenance of enhanced emergency telephone equipment, including, but not limited to, necessary computer, hardware, software, data base provisioning, and to

pay for the rates associated with the service suppliers' enhanced emergency telephone system network services, to pay the personnel expenses of the emergency telephone system, and other additional expenses of the county.

(C) The service provider(s) shall be entitled to retain a 3% administrative fee as compensation for collecting the enhanced emergency telephone system fees. The supplier(s) shall remit the rest of the fees it collects during a calendar quarter to the County Treasurer within ten days after the last day of the quarter.

(D) At the time the enhanced emergency telephone service fees are remitted to the county by the service supplier(s), the service supplier(s) shall provide a fee collection report to the County Auditor, which fee collection report shall be on a form provided by the County Auditor.

(E) The County Treasurer shall deposit the remitted fees in a separate fund, named the Washington County Emergency Telephone Service Fund. The Treasurer may invest monies in the fund in the same manner that other monies of the county are invested with the income earned from such investment to be deposited in the Washington County Emergency Telephone Service Fund.

(F) During January of each year, each service supplier that collects the enhanced emergency telephone system service fee for the county shall provide a delinquent fee report to the County Auditor. The report shall list the name, address, and amount due for each service user who is two or more months delinquent in paying the enhanced emergency service fee to the service supplier.

(CC Ord. 1993-05, passed 6-7-1993)

CHAPTER 92: FAIR HOUSING

Section

92.01	Policy statement	discriminatory housing practice; or
92.02	Definitions	
92.03	Unlawful practice	(2) Believes that the person will be injured
92.04	Discrimination in the sale or rental of housing	by a discriminatory housing practice that is about to occur.
92.05	Discrimination in residential real estate related transactions	(I.C. 22-9.5-2-2)
92.06	Discrimination in the provision of brokerage services	COMMISSION. The State Civil Rights Commission created pursuant to I.C. 22-9-1-4 et seq.
92.07	Interference, coercion, or intimidation	(I.C. 22-9.5-2-3)
92.08	Prevention of intimidation in fair housing cases	COMPLAINANT. A person, including the Commission, who files a complaint under I.C. 22-9.5-6. (I.C. 22-9.5-2-4).
92.09	Exemptions	
92.10	Administrative enforcement	

§ 92.01 POLICY STATEMENT.

It shall be the policy of the county to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, being 42 U.S.C. §§ 1404a et seq., as amended, the Federal Housing and Community Development Act of 1974, being 42 U.S.C. §§ 5301 et seq., as amended, and I.C. 22-9.5-1 et seq. (BCC Ord. 93-02, passed 2-1-1993; BCC Ord. 2012-05, passed 9-18-2012)

§ 92.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGGRIEVED PERSON. Any person who:

- (1) Claims to have been injured by a

- (1) With respect to a person:

- (a) A physical or mental impairment which substantially limits one or more of the person's major life activities;

- (b) A record of having such an impairment;

- (c) Being regarded as having such an impairment;

- (d) An impairment described or defined pursuant to the Federal Americans with Disabilities Act of 1990; or

- (e) Any other impairment defined under I.C. 22-9-5-6.

- (2) The term **DISABLED** shall not include current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802; nor does the

term include an individual solely because that individual is a transvestite (I.C. 22-9-5-6).

DISCRIMINATORY HOUSING PRACTICE.

An act that is unlawful under §§ 92.04 through 92.08 of this chapter or I.C. 22-9.5-5.

DWELLING. Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one or more families. (I.C. 22-9.5-8)

FAMILIAL STATUS. Discrimination on the basis of familial status means discrimination because the person is (1) pregnant; (2) domiciled with an individual under the age of 18 years of age in regard to whom the person is (a) the parent or legal custodian or (b) has the written permission of the parent or legal custodian for domicile with that person; or (3) in the process of obtaining legal custody of an individual younger than 18 years of age.

FAMILY. Includes a single individual, with the status of the family being further defined in the definition of ***FAMILIAL STATUS*** of this section. Also pursuant to 24 C.F.R. Part 5, the definition is revised to include families regardless of the actual or perceived sexual orientation, gender identity or material status of its members. (I.C. 22-9.5-2-9)

PERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under U.S.C. Title 11, receivers, and fiduciaries (I.C. 22-9.5-2-11).

TO RENT. Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy the premises owned by the lessor (I.C. 22-9.5-2-13). (BCC Ord. 93-02, passed 2-1-1993; BCC Ord. 2012-05, passed 9-18-2012)

§ 92.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) below, § 92.09 of this chapter and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in I.C. 22-9.5-5-1 and in § 92.04 of this chapter shall apply to:

(A) All dwellings except as exempted by division (B) and I.C. 22-9.5-3.

(B) Other than the provisions of division (C) below, nothing in § 92.04 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three single-family houses at any one time; provided that in the sale of the single-family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one sale within any 24-month period. The private individual owner may not own any interest in, nor have owned or reserved on his or her behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time. The sale or rental of any single-family house shall be exempted from application of this section only if the house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesperson, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesperson, or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of § 92.04(C) of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other professional assistance as necessary to perfect or transfer this title.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of

each other, if the owner actually maintains and occupies one of the living quarters as his or her residence.

(C) For the purposes of division (B) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

(BCC Ord. 93-02, passed 2-1-1993; BCC Ord. 2012-05, passed 9-18-2012)

§ 92.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 92.03 and except as exempted by §§ 92.03(B) and 92.09, it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin;

(B) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, disability, familial status or national origin;

(C) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a

dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status or national origin, or an intention to make any preference, limitation, or discrimination;

(D) To represent to any person because of race, color, religion, sex, disability, familial status or national origin that any dwelling is not available for inspection, sale, or rental when the dwelling is in fact so available;

(E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status or national origin; and/or

(F) (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

(a) The buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(c) Any person associated with that person.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a disability of:

(a) The person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(c) Any person associated with that person.

(3) For purposes of this division (F), discrimination includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or

(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in a manner that:

1. The public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities;

2. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs; and

3. All premises within the dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Light, switches, electrical outlets, thermostats and other environmental controls in accessible locations; and

c. Reinforcements in bathroom such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the Americans With Disabilities Act of 1990, being 42 U.S.C. §§ 12101 et seq., and of the American National Standard for Buildings and Facilities providing accessibility and usability for physically disabled people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of division (3)(C)3 above.

(5) Nothing in this division (F) requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(BCC Ord. 93-02, passed 2-1-1993; BCC Ord. 2012-05, passed 9-18-2012) Penalty, see § 10.99

§ 92.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE RELATED TRANSACTIONS.

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, disability, familial status, or national origin.

(B) As used in this section, the term **RESIDENTIAL REAL ESTATE RELATED TRANSACTION** means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

(a) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(b) Secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisal of real

property to take into consideration factors other than race, color, religion, national origin, sex, disability, or familial status.

(BCC Ord. 93-02, passed 2-1-1993; BCC Ord. 2012-05, passed 9-18-2012) Penalty, see § 10.99

§ 92.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, disability, familial status, or national origin.

(BCC Ord. 93-02, passed 2-1-1993; BCC Ord. 2012-05, passed 9-18-2012) Penalty, see § 10.99

§ 92.07 INTERFERENCE, COERCION, OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 92.03 through 92.06 of this chapter.

(BCC Ord. 93-02, passed 2-1-1993; BCC Ord. 2012-05, passed 9-18-2012) Penalty, see § 10.99

§ 92.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

(A) Any person because of his or her race, color, religion, sex, disability, familial status, or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or

contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;

(B) Any person because he or she is or has been, or in order to intimidate the person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, sex, disability, familial status or national origin in any of the activities, services, organizations or facilities described in division (A) above; or

(2) Affording another person or class of persons opportunity or protection so to participate; or

(C) Any citizen because he or she is or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, familial status or national origin in any of the activities, services, organizations or facilities described in division (A) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(BCC Ord. 93-02, passed 2-1-1993; BCC Ord. 2012-05, passed 9-18-2012) Penalty, see § 10.99

§ 92.09 EXEMPTIONS.

(A) Exemptions defined or set forth under I.C. 22-9.5-3 et seq. shall be exempt from the provisions of this chapter to include those activities or organizations set forth under divisions (B) and (C) of this section.

(B) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated,

supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to the persons, unless membership in the religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(C) (1) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, ***HOUSING FOR OLDER PERSONS*** means housing:

(a) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program);

(b) Intended for, and solely occupied by, persons 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit.

(BCC Ord. 93-02, passed 2-1-1993; BCC Ord. 2012-05, passed 9-18-2012)

§ 92.10 ADMINISTRATIVE ENFORCEMENT.

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commission as set forth in division (B) hereof shall be vested in the Board of County Commissioners.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, the county, because of a lack of financial

and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complaints of violation of this chapter by complainants to the State Civil Rights Commission for administrative enforcement actions pursuant to I.C. 22-9.5-6 and the Board of Commissioners shall refer all the complaints to the Commission as provided for under division (A) above to the Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. 22-9.5-6.

(C) All executive departments and agencies of the county shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Board of Commissioners and the Commission to further those purposes.

(D) The Board of County Commissioners or the Commissioner's designee, shall provide information on remedies available to any aggrieved person or complainant requesting the information. (BCC Ord. 93-02, passed 2-1-1993; BCC Ord. 2012-05, passed 9-18-2012)

CHAPTER 93: FOOD

Section

- 93.01 Definitions
- 93.02 Permit requirements; fees
- 93.03 Revocation of permit
- 93.04 Compliance with State Health Board requirements
- 93.05 Inspections
- 93.06 Meat products processed from game animals

- 93.99 Penalty

FOOD MARKET. Retail grocery, meat market, poultry market, fish market, fresh fruit and vegetable market, delicatessen, confectionery, candy kitchen, nut store, retail bakery store, or any other establishment, whether fixed or moveable, where food intended for human consumption off the premises is manufactured, produced, stored, prepared, processed, handled, transported, sold, or offered for sale at retail.

FOOD SERVICE ESTABLISHMENT. Any restaurant, coffee shop, cafeteria, short order café, luncheonette, grill, tea room, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, industrial feeding establishment, private, public or nonprofit organization or institution routinely serving food, a catering kitchen, a commissary or similar place in which food or drink are prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for human consumption with or without charge. The term **FOOD ESTABLISHMENT** however, shall not include an establishment licensed by the State Board of Health or one that is known as a food market.

HEALTH OFFICER. The health authority having jurisdiction in the County of Washington, State of Indiana, or his or her authorized representatives.

MOBILE FOOD SERVICE ESTABLISHMENT. Any food service establishment capable of being readily moved from location to location, one without a fixed location.

POTENTIALLY HAZARDOUS FOOD. Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other

§ 93.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF HEALTH. The Board membership of the County Health Department.

DEPARTMENT OF PUBLIC HEALTH. The County Health Department.

FOOD. Any raw, cooked, or processed edible substances, beverage or ingredient used or intended for use or for sale in whole or part for human consumption.

FOOD HANDLER. Includes, but is not necessarily limited to, any person who may come in contact with food during exposure by sale, processing, preparation, packaging, serving, or who comes in contact with any utensil or equipment of any kind during any like exposure, or who is employed in a room or rooms in which food is being processed, prepared, served, or sold.

food capable of supporting growth of infectious toxigenic micro-organisms.

SANITIZE. Effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved as being effective in destroying micro-organisms, including pathogens.

TEMPORARY FOOD SERVICE ESTABLISHMENT. Any food service establishment which operates for a temporary period of time, not to exceed two weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.

(BCC Ord. 88-04, passed 11-21-1988)

§ 93.02 PERMIT REQUIREMENTS; FEES.

(A) *Permit requirements.* No person or owner or person in possession shall operate a food service establishment, temporary food service establishment, food market, or temporary food market in the county without obtaining, possessing, and displaying a valid permit from the Health Officer. The provisions of this chapter shall not apply to fruit and vegetable stands maintained and operated by a person who sells direct to consumers, raw, unprocessed fruits and vegetables, obtained from grown and sold on land owned or controlled by him or her. The permit shall be posted in a conspicuous place in each food service establishment, temporary food service establishment, food market, temporary food market, or mobile food service establishment.

(1) Only persons who comply with the applicable requirements of the State Board of Health regulations 410 I.A.C. 7-15.1 and 410 I.A.C. 7-16.1 shall be entitled to receive and retain such a permit.

(2) The permit fee for a food service establishment or food market shall be due and payable between January 1 and March 1 of each year. Failure to pay the same will be assessed a delinquent fee of \$25, excluding new food service establishments and food markets.

(3) Any permit issued by the Health Officer shall contain the name, signature and address of the

person to whom the permit is granted, the address of the premises for which the same is issued, the expiration date and other pertinent data as may be required by the Health Officer.

(4) A separate permit shall be required for each food service establishment, temporary food service establishment, food market and temporary food market.

(5) A permit shall be issued subsequent to inspection and upon determination by the Health Officer, that the applicant for the food service establishment, temporary food service establishment, food market, temporary food market has complied with all the State Board of Health regulation, and can maintain a minimum of 75% on each inspection for two consecutive inspections, and has tendered the appropriate permit fee hereinafter specified.

(6) Under this chapter, no permit issued to any person shall be transferable to another person.

(7) Permits will be effective from January 1 of the current year to December 31 of the current year. A new permit will be issued at the beginning of every year.

(B) *Permit fees.* Permit fee or fees shall be required for all applicants to operate a food service, temporary food service, food market, temporary food market, and the fee or fees shall be tendered to the Health Department and shall be deposited into the Health Fund of the county. Amount of the fee or fees shall be in accordance with the schedule of fees in division (C) below.

(C) *Schedule of fees.* Inspection and processing fees shall be paid annually or for the lesser period hereafter specified in accordance with the following classifications.

(1) *Food service establishments and food markets.*

(a) One through ten employees: \$25;
and

(b) Eleven or more employees: \$50.

(2) *Temporary food service establishments and temporary food markets.* \$10.

(D) *Permit and fee exemptions.*

(1) No fee or no permit shall be required for any establishment operated by religious, educational, charitable, or not for profit organizations.

(2) No permit or fee shall be required for any establishment which is already licensed for operation by the State Board of Health. (BCC Ord. 88-04, passed 11-21-1988) Penalty, see § 93.99

§ 93.03 REVOCATION OF PERMIT.

Failure to maintain a 75% inspection rating constitutes a violation, which shall be corrected as soon as possible, but no later than ten days. Failure to do so may lead to an inspection by the State Board of Health, and subsequent revocation of permit. Should a permit be revoked, a new permit must be applied for under § 93.02, with applicable fees to again be paid in full. (BCC Ord. 88-04, passed 11-21-1988)

§ 93.04 COMPLIANCE WITH STATE HEALTH BOARD REQUIREMENTS.

All food service establishments, temporary food service establishments, food markets, and temporary food markets shall comply with the minimum requirements specified by the State Board of Health as now provided in its regulations, but not limited to, 410 I.A.C. 7-15.1 and 410 I.A.C. 7-16.1. (BCC Ord. 88-04, passed 11-21-88) Penalty, see § 93.99

§ 93.05 INSPECTIONS.

(A) Any person operating a food service establishment, temporary food service establishment, food market, and temporary food market shall permit

the Health Officer or his or her authorized representatives access to all parts of the establishment for inspection.

(B) Inspection schedule:

(1) Permanent establishments: once every six months;

(2) Temporary establishments: once within a five-day period; and

(3) Mobile food service: once every six months. (BCC Ord. 88-04, passed 11-21-1988)

§ 93.06 MEAT PRODUCTS PROCESSED FROM GAME ANIMALS.

There shall not be sold in the county, for purpose of human consumption, any meat product processed from game animals unless the same has been inspected and approved pursuant to the procedure established by the State Board of Health and/or U.S. Department of Agriculture except that meat products processed from game animals may be sold for human consumption without the inspection only at the location where that particular meat product was raised and processed. It is specific intent to permit the sale of certain meat products at the location of where the game animals were raised and processed for the purpose of sale to the public for direct consumption and not for resale purposes. (BCC Ord. 90-10, passed 11-5-1990) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person, owner or person in possession found operating an establishment without a valid permit is guilty of a misdemeanor. On conviction, the violator shall be punished on the first offense by a fine of not more than \$2,500, and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate those conditions as ordered by the County Board of

Health, or by the duly appointed Health Officer of the county, shall constitute a distinct and separate offense.

(B) Whoever violates § 93.06 shall be subject to the penalty provisions of § 10.99.

(BCC Ord. 88-04, passed 11-21-1988)

CHAPTER 94: PUBLIC PROPERTY

Section

Cemetery Maintenance

- 94.01 Cemetery Commission
- 94.02 Annual plan, budget and report
- 94.03 Funding of cemetery restoration and maintenance
- 94.04 Maintenance of cemeteries created after 1850

given and granted all the powers and authorities provided by I.C. 23-14-26. (1985 Code, § 3-2-1)

(B) The Commission shall consist of five residents of the county to be appointed by the Board of Commissioners, the original appointment to be of a nature and to be staggered by the Commissioners so as to permit an appointment or a reappointment of one Commission member each year. If an appointee recommends an alternate to fill in at meetings or perform cemetery work, the alternate shall be approved by the County Commissioners.

County Courthouse and Grounds

- 94.15 Hours property closed to the public
- 94.16 Public notice of regulations; posting of signs
- 94.17 Limitations of applicability and exceptions

(1985 Code, § 3-2-2) (BCC Res. passed 6-1-1970; BCC Ord. 1985-C3, passed - -1985)

County Hospital

- 94.30 County Hospital established
- 94.99 Penalty

§ 94.02 ANNUAL PLAN, BUDGET AND REPORT.

As provided by law, the County Cemetery Commission shall annually present to the County Commissioners and the County Council a plan for the restoration and maintenance of the cemeteries, and a budget for the approval of the County Commissioners and the County Council. Before December 31 each year, the County Cemetery Commission shall make its annual report to the County Commissioners and the County Council, specifying the budgeted expenditures from each funding source for each item in the plan, and specifying by location any cemetery needs that cannot be funded by monies derived from property taxes.

(1985 Code, § 3-2-3) (BCC Res. passed 6-1-1970; BCC Ord. 1985-C3, passed - -1985)

CEMETERY MAINTENANCE

§ 94.01 CEMETERY COMMISSION.

(A) Pursuant to the provisions of I.C. 23-14-67-2, there is hereby established the County Cemetery Commission, which Commission shall have as its function the maintenance, restoration and care of all cemeteries created in the county prior to 1850 that have no funds or sources of funds for their reasonable maintenance. The Cemetery Commission is hereby

§ 94.03 FUNDING OF CEMETERY RESTORATION AND MAINTENANCE.

(A) Pursuant to I.C. 23-14-67-3 and a budget and plan submitted by the Cemetery Commission in accordance with § 94.02, the Commissioners may request, and the County Council may levy and appropriate, an annual property tax levy not to exceed \$0.50 per \$100 assessed valuation to be used to carry out the purposes of § 94.01.

(B) In addition, the Commissioners may recommend and the Council may appropriate other monies of the county not derived from property taxes and not dedicated by law or ordinance to other purposes for the purposes of § 94.01.

(C) The Cemetery Commission may also accept specific gifts, endowments, grants, or bequests to be used for purposes of § 94.01.

(D) The use of all the additional, non-property tax monies shall be reflected in the Cemetery Commission's plan and budget, thereby reducing the reliance on property taxes.
(1985 Code, § 3-2-4) (BCC Res. passed 6-1-1970; BCC Ord. 1985-C3, passed - -1985)

§ 94.04 MAINTENANCE OF CEMETERIES CREATED AFTER 1850.

(A) Nothing in § 94.01 shall be necessarily construed to limit restoration and maintenance of cemeteries by the county to those established prior to 1850. The Board of Commissioners may by resolution elect to bring any other cemetery under the provisions of this act if it finds that the cemetery:

(1) Is without sources of funds for reasonable maintenance;

(2) Has suffered neglect and deterioration;
and

(3) Is or may be a place of burial for state pioneer leaders or veterans of any American war.

(B) No part of any property tax levy authorized under § 94.03 may be expended for restoration of a cemetery established later than 1849, and funding for restoration and maintenance of any more recently established cemetery must be limited to other sources as described in § 94.03.
(1985 Code, § 3-2-5) (BCC Res. passed 6-1-1970; BCC Ord. 1985-C3, passed - -1985)

COUNTY COURTHOUSE AND GROUNDS

§ 94.15 HOURS PROPERTY CLOSED TO THE PUBLIC.

(A) The county courthouse and the county courthouse annex shall be closed to the public from 4:00 p.m. local time until 8:30 a.m. on Monday, Tuesday, Wednesday, Thursday, and Friday; and shall be closed to the public on weekends from 6:00 p.m. on Friday until 8:30 a.m. the following Monday morning.
(1985 Code, § 3-1-1)

(B) The courtyard of the county courthouse shall be closed to the public daily from 12:00 midnight to 7:00 a.m. The courtyard is hereby defined to include all that part of the Salem Public Square located within the perimeter of the parking spaces on the interior of the paved public street portions of the Salem Public Square.
(1985 Code, § 3-1-2)
(BCC Ord. 1982-2, passed - -1982; BCC Ord. 1985-C6, passed - -1985) Penalty, see § 94.99

§ 94.16 PUBLIC NOTICE OF REGULATIONS; POSTING OF SIGNS.

The county shall place and maintain signs so as to afford adequate notice to the public stating the hours that the county courthouse and courtyard are closed to the public.
(1985 Code, § 3-1-3) (BCC Ord. 1982-2, passed - -1982; BCC Ord. 1985-C6, passed - -1985)

§ 94.17 LIMITATIONS OF APPLICABILITY AND EXCEPTIONS.

The provisions of this chapter do not apply to any person who is:

(A) An elected official, employee, or officer of the county, if the person is engaged in the performance of official duties of his or her position or office;

(B) Any officer of the County Circuit Court engaged in the use of the law library and legal research facilities of the County Circuit Court;

(C) Attending a public meeting of any governing body of an administrative agency or department of any unit of government in the county that meets in the county courthouse; or

(D) Attending any other meeting or assembly in the County Courthouse for which a permit has been issued by the Board of Commissioners.
(1985 Code, § 3-1-5) (BCC Ord. 1982-2, passed - -1982; BCC Ord. 1985-C6, passed - -1985)

county proceed with the acquisition of the necessary land and the construction of the hospital.

(1985 Code, § 3-4-1) (BCC Ord. passed 4-1-1946)

Statutory reference:

County hospitals, see I.C. 16-22-2 through 16-22-13

§ 94.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person who is found to have violated §§ 94.15 through 94.17 shall be subject to a fine not more than \$2,500.

(1985 Code, § 3-1-4) (BCC Ord. 1982-2, passed - -1982; BCC Ord. 1985-C6, passed - -1985)

COUNTY HOSPITAL

§ 94.45 COUNTY HOSPITAL ESTABLISHED.

The question of whether a county hospital should be established and maintained by the county was submitted to the legal voters of the county, at an election duly held on March 23, 1946, and the Board now finds that the ballot used in the election complied in all respects with the provisions of the governing statutes, and that the vote on the question, as shown by the certificate of the Board of Election Commissioners having charge of the election was 3,280 for the hospital and 149 against the project; it is hereby ordered by the Board of Commissioners that the County Hospital be established, and that the

CHAPTER 95: STREETS AND SIDEWALKS

Section

***Building and Roads
Numbering and Naming System***

***BUILDING AND ROADS NUMBERING
AND NAMING SYSTEM***

- 95.01 Title
- 95.02 Adoption of system, road numbers and road names
- 95.03 Changes in road numbers and names
- 95.04 Principles for numbering and naming roads
- 95.05 Adoption of building numbering system
- 95.06 Principles for numbering buildings
- 95.07 Display of building numbers
- 95.08 Administration
- 95.09 Enforcement; judicial review

§ 95.01 TITLE.

This subchapter shall be known as the “Building and Roads Numbering and Naming System of Washington County, Indiana”.
(BCC Ord. 05-1994, passed 5-2-1994)

§ 95.02 ADOPTION OF SYSTEM, ROAD NUMBERS AND ROAD NAMES.

For purposes of numbering and naming the roads in the county, the Board of Commissioners hereby acknowledge that there is more than one system which can be used for establishing the unified street road and block numbering system. This subchapter specifically does not select any one system or combination of systems, but rather authorized the County 911 Coordinator to continue his or her evaluation of the various systems available and to report to the Board of Commissioners his or her recommendations on that matter.
(BCC Ord. 05-1994, passed 5-2-1994)

Egress and Ingress on County Roads

- 95.20 Title
- 95.21 Purpose
- 95.22 Permit required; specifications
- 95.23 Sewer infrastructure
- 95.24 Limitations
- 95.25 Enforcement

§ 95.03 CHANGES IN ROAD NUMBERS AND NAMES.

(A) There is hereby established a County Street and Road-Renaming Committee, consisting of the Postmaster of the City of Salem, Indiana Post Office, the 911 Coordinator, and members of the Board of Commissioners, a member of the County Council and the County Attorney. The Committee shall meet periodically to consider changes in the numbering and

Easement Provisions

- 95.35 Easement granted
- 95.36 Contractor’s bond required
- 95.37 Method of burying conveyance and conductive materials
- 95.38 Liability of utility to provide barriers and safeguards; indemnification of county
- 95.39 Requirement to restore disturbed highway facilities
- 95.99 Penalty

naming of county roads. The Committee, upon determining that a change in the number or name of a particular road is necessary, shall recommend the change to the County Board of Commissioners.

(B) The recommended change shall be placed on the Board of Commissioner's agenda for consideration and shall be advertised in the same manner as other matters coming before the Board of Commissioners for consideration.

(BCC Ord. 05-1994, passed 5-2-1994)

§ 95.04 PRINCIPLES FOR NUMBERING AND NAMING ROADS.

(A) All roads shall be numbered in accordance with the system as selected under § 95.02 whenever practical.

(B) Roads that run at an angle of 45 degrees or less east or west of true north or true south shall be designated, and numbered where appropriate, as north-south roads.

(C) Roads that run at an angle of more than 45 degrees east or west of true north or true south shall be designated, and numbered where appropriate, as east-west roads.

(D) Roads may be named rather than numbered when, for reasons of length, variable direction or location, such a name designation is more appropriate and convenient for reference purposes.

(E) Numbered roads that curve in several directions shall be numbered for the entire length of the roads based upon the majority tendency of the road running north to south or east or west.

(F) Roads which are broken in continuity shall be numbered or named in the same manner as if they ran continuously.

(BCC Ord. 05-1994, passed 5-2-1994)

§ 95.05 ADOPTION OF BUILDING NUMBERING SYSTEM.

(A) All buildings within the county, whether used for residential, business, industrial or governmental purposes, shall be numbered according to the selected system. The addressing system shall be the system commonly called the "Lyman/Purdue University, Prevailing Direction Method". The baselines for the system shall be State Road 135 and a line running east-west through Base Road.

(B) Odd numbered addresses shall be assigned to structures on the right side of the road as addresses increase from the baselines. Even numbered addresses shall be assigned to structures on the left side of the road as addresses increase from the baselines.

(BCC Ord. 05-1994, passed 5-2-1994)

§ 95.06 PRINCIPLES FOR NUMBERING BUILDINGS.

(A) All buildings shall be numbered in a consistent manner in accordance with rules, procedures and guidelines established and modified from time to time by the Board of Commissioners.

(B) The rules, procedures and guidelines shall be available in the office of the County Surveyor for inspection by the general public at all reasonable times.

(BCC Ord. 05-1994, passed 5-2-1994)

§ 95.07 DISPLAY OF BUILDING NUMBERS.

(A) All owners or occupants of buildings within the county which have been assigned a number shall cause to be permanently attached in some public and conspicuous place near the outside front entrance of the building, a number plainly indicating by appropriate figures the number assigned to the building.

(B) If a building is not visible from a road or if a building is 200 feet or more from a road, the

assigned number shall be displayed at the entrance to the access road or driveway to the building by means of separate marker or by means of a mailbox as set forth below.

(C) All numbers attached to a building or placed on a separate marker indicating the number assigned to the building shall be of durable, weatherproof material and of a size not less than three by three inches.

(D) The assigned numbers shall also be placed on each side of any mailbox serving the building.

(E) Where mailboxes are grouped, the numbers shall be displayed on the front or lid of each box.

(F) Where a mailbox is on a different road than the building, the number of the building and the appropriate road name or number shall also be displayed on the mailbox.

(BCC Ord. 05-1994, passed 5-2-1994)

§ 95.08 ADMINISTRATION.

(A) The 911 Coordinator and the County Board of Commissioners shall be responsible for assigning numbers to buildings in accordance with the building numbering system set forth in this subchapter. At the time of the construction of a new home, building or structure requiring a number hereunder, or at a time thereafter, as the 911 Coordinator or the County Surveyor shall deem appropriate, the person, firm or corporation constructing the building shall provide the County Surveyor a site plan for the building, indicating:

- (1) The exact location of the building or buildings;
- (2) The exact location of any access road or driveway serving the building or buildings; and
- (3) The distance in feet from the center of each building to the nearest county road.

(B) Upon being informed of the exact existing or proposed location of a building, the 911 Coordinator or County Surveyor shall designate and verify to the owner, occupant or builder of any existing or proposed building the proper number of the building.

(1) Any decision of the 911 Coordinator or County Surveyor concerning the numbering of a building may be appealed to the County Board of Commissioners for review.

(2) In order for any such appeal to be considered by the Board of Commissioners, the person, firm or corporation seeking the review shall submit a written statement setting forth in appropriate detail the reason for the appeal.

(3) The Board of Commissioners shall have the authority to overturn and change any decision of the 911 Coordinator or County Surveyor concerning the numbering of a building.

(4) No owner or occupant of a building may change the number of the building without first obtaining the approval of the 911 Coordinator or the County Surveyor.

(5) The Surveyor shall maintain a current set of reproducible maps, covering all of the county showing the numbers assigned to buildings.

(6) Copies of the maps may be made available to persons, firms or corporations requesting the copies upon the approval of the Board of Commissioners.

(7) In order for any request to be considered by the Board of Commissioners, the person, firm or corporation making the request shall submit a written statement setting forth in appropriate detail the reason for the request.

(8) The Board of Commissioners, with the advice of the 911 Coordinator, shall determine the fee to be charged to any person, firm, or corporation receiving copies of the maps.

(BCC Ord. 05-1994, passed 5-2-1994)

§ 95.09 ENFORCEMENT; JUDICIAL REVIEW.

(A) The Board of Commissioners may institute a suit for injunction in the courts of the county to restrain any person, firm, or corporation who shall take down, alter, deface, destroy, or conceal any number assigned to or placed upon any building in compliance with this subchapter, or who shall place or substitute or permit to be placed or substituted upon any building an erroneous or improper number not in compliance with this subchapter.

(1) The Board of Commissioners may institute a suit for mandatory injunction directing a person, firm or corporation to correct any violation of the provisions of this subchapter.

(2) If the Board of Commissioners is successful in any such suit, the defendant or respondent shall bear the costs of the action, including reasonable attorney's fees.

(B) Any decision of the Board of Commissioners under this subchapter shall be subject to review by certiorari procedures.

(1) Any person, firm or corporation aggrieved by a decision of the Board of Commissioners under this subchapter may present to the County Circuit Court a petition, duly verified, setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality.

(2) The petition shall be presented to the court within 30 days after the entry of the decision of the Board of Commissioners in question.
(BCC Ord. 05-1994, passed 5-2-1994)

EGRESS AND INGRESS ON COUNTY ROADS**§ 95.20 TITLE.**

This subchapter shall be known as the "Ordinance Controlling Entrances for Egress and Ingress on County Roads".
(BCC Ord. 93-04, passed 4-19-1993)

§ 95.21 PURPOSE.

The purpose of this subchapter is to establish a procedure whereby control and notification can be accomplished for the provisions of entrances onto county roads and to establish appropriate procedures and payments required for the installation of required sewage infrastructures at these entrances being used by private individuals for egress and ingress purposes.

(BCC Ord. 93-04, passed 4-19-1993)

§ 95.22 PERMIT REQUIRED; SPECIFICATIONS.

(A) It is specifically provided that before a private landowner may create an entrance on the road system of the county, that private individual must apply for and receive a permit from the County Highway Department at the Highway Department with no fee for this permit; however, the private individual must provide the exact location of the entrance and a time frame in which its construction shall occur.

(B) No driveway shall be within 400 feet of any other driveway on either side of the highway, nor in a location which, in the judgment of the county Highway Department or the County Sheriff's Department, creates a hazard to passing traffic.

(C) A minimum of 300 feet sight distance is required in both directions.

(D) For all new and existing driveways the posting of appropriate warning signs in either or both directions may be required by county officials, the cost of which shall be borne by the property owner.

(E) (1) The driveway must be graveled or paved to the satisfaction of the County Highway Department for a distance of at least 100 feet from where the driveway intersects with the county highway, so as to minimize the hazards associated with the tracking of mud out onto the highway.

(2) All costs associated with the gravel shall be borne by the property owner.

(F) A driveway must have a sufficient turn-around area so that no vehicle of any size is required to back out onto the driveway.

(BCC Ord. 93-04, passed 4-19-1993; BCC Ord. 97-05, passed 4-16-1997) Penalty, see § 95.99

§ 95.23 SEWER INFRASTRUCTURE.

(A) The County Highway Department shall advise the landowner of the size, type and length of the sewer infrastructure required at the proposed entrance way.

(B) The installation must include any necessary structures to prevent the crushing of any legal magnitude.

(C) The landowner is responsible for the purchase of the initial sewer infrastructure required which purchase shall be paid to the County Auditor to reimburse the county for cost only for the sewer infrastructure or may be purchased by the landowner individually.

(D) The cost of the installation for the sewer infrastructure shall be borne by the county; however, it is the responsibility of the property owner to make provision for and pay for the relocation of any utilities which are in conflict with the driveway, whether the driveway is for a single residence or is a subdivision road.

(BCC Ord. 93-04, passed 4-19-1993; BCC Ord. 97-05, passed 4-16-1997)

§ 95.24 LIMITATIONS.

Nothing in this subchapter shall be interpreted to impose any obligations on the county to maintain private entrances or driveways beyond the entrance of the sewer infrastructure as provided herein.

(BCC Ord. 93-04, passed 4-19-1993)

§ 95.25 ENFORCEMENT.

The provisions of this subchapter are enforceable in any court of competent jurisdiction, and if legal

action is required to enforce the provisions of this subchapter then the landowner will be responsible for reasonable attorney fees for that purpose.

(BCC Ord. 93-04, passed 4-19-1993)

EASEMENT PROVISIONS

§ 95.35 EASEMENT GRANTED.

(A) The county, by and through its legally constituted Board of Commissioners, does now give, grant and permit any public utility company with a franchise to service areas in the county.

(B) The county also grants an easement and right-of-way to bury conveyance or conductive materials upon, along and over any county highway right-of-way located in the county, and over which the county has jurisdiction under the following specific conditions contained in this subchapter.

(1985 Code, § 2-1-1)

§ 95.36 CONTRACTOR’S BOND REQUIRED.

(A) Whenever any such utility elects to bury conveyance or conductive materials upon a county highway right-of-way, it shall require its contractor to post bond for the faithful performance of its plans and specifications, a copy of which bond shall be furnished to the county for the purpose of affording it protection in the fulfillment of the conditions contained in this general grant of easement.

(B) In the event the work should be done by the utility with its own labor force, the utility shall provide a bond for the faithful performance of its plans and specifications, a copy of which bond shall be furnished to the county for the purpose of protecting it under all the conditions of this general grant of easement.

(1985 Code, § 2-1-2)

**§ 95.37 METHODS OF BURYING
CONVEYANCE AND CONDUCTIVE
MATERIALS.**

(A) The cable shall be buried on the right-of-way of the county under generally accepted construction procedures so as not to damage or disturb, as well as reasonably may be done, existing blacktop berms or ditch lines.

(B) All cable shall be buried at a sufficient depth so as not to interfere with the general construction, maintenance, operation and repair of the county roads, it being understood that, except in unusual situations, the cable will be buried to a depth of at least 24 inches.

(C) No county blacktop highway shall be ditched across, and any such installation of buried cable under blacktop highways shall be augered under the blacktop highway, except in those instances where to do so would be impractical and then the blacktop may be cut only upon the specific permission of the Superintendent of the County Highway Department and only under circumstances as the blacktop will be restored to the condition in which it existed prior to the construction.

(D) Where, in burying the cable to existing bridges on the county highway system, the attachment shall be made in a form as not to damage the basic construction of any such bridge and in a generally accepted construction manner.
(1985 Code, § 2-1-3)

**§ 95.38 LIABILITY OF UTILITY TO PROVIDE
BARRIERS AND SAFEGUARDS;
INDEMNIFICATION OF COUNTY.**

During any construction, the contractor and/or the utility involved, shall provide all barriers, markers, warning signs and all other material which may be reasonably necessary to protect the public from damage during the construction period and the contractor and public utility, by the act of using the county highway right-of-way for burying cable,

assumes all liability and responsibility which may result from damage to the traveling public by reason of the construction, and must agree to indemnify the county because of any loss or claim made against it by reason of any such work, including, without limitation, court costs, attorney fees and all other costs of defending the claim.

(1985 Code, § 2-1-4)

**§ 95.39 REQUIREMENT TO RESTORE
DISTURBED HIGHWAY FACILITIES.**

(A) The plans and specifications for all the work shall provide, and each utility and its contractor, if any, shall be required, as a condition of this general easement, to restore all berms, rights-of-way, ditch lines or other portions of the county highway right-of-way to the same condition as the same existed prior to the commencement of the work.

(1985 Code, § 2-1-5)

(B) Upon the completion of any such work, the public utility shall provide the county with a set of as-built plans in order that the county may be fully advised as to the exact location of any buried cable. At no time shall the county be responsible or liable for any damage caused to any such cable by reason of cutting the same or otherwise disturbing the same by any act of the county, its Highway Department or any employer or employee thereof resulting from work on any county roads of whatever form or character.
(1985 Code, § 2-1-6)

§ 95.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation who violates any provision of this chapter for which no other specific penalty is provided shall be fined a sum of not more than \$2,500 for each day's violation.
(BCC Ord. 05-1994, passed 5-2-1994)

CHAPTER 96: WEED CONTROL

Section

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|-------|-----------------------------------------------|------------------------------------------------------------------------|
| 96.01 | Definitions | (2) A supervisor from the County Soil and Water Conservation District; |
| 96.02 | Weed Control Board membership and appointment | |
| 96.03 | Powers and duties of Board | (3) A representative of the agricultural community of the county; |
| 96.04 | Marijuana eradication program | |

§ 96.01 DEFINITIONS.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

NOXIOUS WEED.

- (1) Canada thistle (*Cirsium Arvense*);
- (2) Johnson grass;
- (3) Sorghum almun (*Sorghum halepense*);

or

- (4) Any other plant hereafter defined as a noxious weed.
(1985 Code, § 4-4-1) (BCC Ord. 1983-1, passed 3-21-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C13, passed - -1985)

§ 96.02 WEED CONTROL BOARD MEMBERSHIP AND APPOINTMENT.

(A) The County Weed Control Board is hereby established. The Weed Control Board shall consist of members as follows:

- (1) A trustee of a township in the county;

(4) A representative appointed by the Board of Commissioners, who may be a person from the County Highway Department or another county officer or employee, or any resident of the county; and

(5) The County Cooperative Extension Service Agent, who shall be a nonvoting advisory member.

(B) The members described, in divisions (A)(1) through (4) above shall all be appointed by the Board of Commissioners, and shall serve for four-year terms. The Cooperative Extension Service agent shall serve ex officio.

(1985 Code, § 4-4-2) (BCC Ord. 1983-1, passed 3-21-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C13, passed - -1985)

§ 96.03 POWERS AND DUTIES OF BOARD.

The County Weed Control Board shall have all powers and duties as set out in I.C. 15-6-7 and all acts amendatory thereof and supplemental thereto, with the powers and duties to include the following:

(A) Taking all necessary and proper steps to control and contain noxious weeds which have adverse significance on agricultural production in this state;

(B) Entering upon any land, public or private, at any reasonable time after giving 48 hours notice to the

person in possession of the land to inspect for noxious weeds, unless permission is granted to enter earlier;

(C) Purchasing supplies, material, and equipment;

(D) Acquiring by gift or purchase, holding, or disposing of, any real property in the name of the Board, to include such facilities as offices, laboratories, operational buildings, rights-of-way, and easements;

(E) Making contracts for the purpose of carrying out the duties of the Board;

(F) Entering into cooperative agreements with appropriate organizations for the purpose of assuring technical assistance in developing and carrying out the purposes of the Board;

(G) Identifying problems determined to be of importance to the public welfare and developing control programs appropriate to each situation;

(H) Undertaking investigations to determine the extent of infestation of noxious weed species, along with their effect on agricultural production in the county;

(I) Employing the latest technological advances to control and contain noxious weeds in the county;

(J) Accepting gifts and grants of money, services or property for any use consistent with the objectives of the Board;

(K) Exercising all of the powers necessary to carry out the purposes of I.C. 15-16-7-1 et seq.; and

(L) Performing additional duties as the County Commissioners may prescribe.

(1985 Code, § 4-4-3) (BCC Ord. 1983-1, passed 3-21-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C13, passed - -1985)

§ 96.04 MARIJUANA ERADICATION PROGRAM.

(A) Pursuant to I.C. 15-16-7-8, there is established, in addition to the powers as provided in § 96.03, the power of the County Weed Control Board to establish a marijuana eradication program designed to eliminate and destroy wild marijuana plants found within the county.

(B) The costs of the marijuana eradication program shall be paid out of a fund hereby established and entitled the Marijuana Eradication Fund.

(C) The costs of the establishment of the marijuana eradication program and the use of the Marijuana Eradication Fund shall be by the receipt of additional court costs ordered by the judges of all courts of competent jurisdiction in criminal cases involving violations of I.C. 35-48-4 that are prosecuted in any court of competent jurisdiction in the county.

(D) The clerk of the courts of competent jurisdiction shall, from the assessment of the fee as added to court costs, collect the fee and deposit it with the County Auditor, to be carried in the special Marijuana Eradication Fund as herein established. (1985 Code, § 4-4-5) (BCC Ord. 1983-1, passed 3-21-1983; BCC Ord. 1985-C4, passed - -1985; BCC Ord. 1985-C13, passed - -1985)