

16 & 17, 21  
Void

2005 COUNCIL & COMMISSIONERS' ORDINANCES	NUMBER	DATE
Council - Flexible Spending Plan from General Fund	2005-01	2/10/05
Amending Chapter 5.2 Development Plan Review	2005-02	2/15/05
ZA-320/04 Gregory & Nancy Eliff from RA to GB	2005-03	2/15/05
ZA-325/04 WDC Equity Partners PUD 28/04 Wynne sums from RA PUD to Re Multifamily	2005-04	2/15/05
ZA-328-05 Windchase LLC Between 650N & 700N	2005-05	3/15/05
ZA-330-05 ERS Telecom from RA to AGB   Ag Business	2005-06	3/15/05
ZA 331-05 Steven & Tamara Baker from RA to GB Business	2005-07	3/15/05
ZA-326/05 Platinum Properties from RA to PUD Center/Washington Township	2005-08	4-5-05
Council - Flexible Spending Plan from General Fund	2005-09A	4-14-05
ZA 332/05 Cingular Wireless Clay Township 5114 SCR 650W	2005-10A	4-19-05
ZA 333/05 Charles Samler from RA to AGB Lincoln Township	2005-11	4-19-05
ZA 336-05 from RA to RSS Jim Shroet Washington Township	2005-12	4-19-05
Ordinance Amending HC Drainage Uniform Fee Schedule & Establishing the H.C. Dept of Surveyor Uniform Fee Schedule	2005-13	4-26-05
Ordinance Amending from RA to RB ZA 337-05 Heritage Development Washington Township	2005-14	4-26-05
ZA 338/05 Countrytime Residential Blown Township 80.54 acres	2005-15	4-26-05
Hendricks County Food Ordinance	2005-09	4-5-05
Board of Health Ordinance for Collection of Fees	2005-10	4-5-05
Eq 11 Amending Fee (Council)	2005-18	5-12-05
ZA 335/05 Lacey Kawncare Brown Twp. from RA to AGB	2005-19	5-24-05
ZA 340/05 Stallong & Mark Cooper Liberty Twp. from RA to GB	2005-20	5-24-05
Emergency Loan from General Fund to H.C. Sheriff	2005-21	6-9-05
Council Adopting Food & Beverage Tax	2005-22	6-27-05
ZA 344/05 from RA Rural Residential to RAA Single Family	2005-23	6-28-05
Emergency Management of Emergency Vehicles	2005-24	7-19-05
Amendment to HC Zoning Ordinance	2005-25	7-14-05
Amending 5802 Home Occupations	2005-26	7-14-05
Authorizing a loan from Rainy Day Fund to the Juvenile Dept. 2004 & thru 6/30/05	2005-27	8-9-05
ZA 343/05 Union Township Div. Mgrs. Corp from RA to OB		

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2005



ZA 345/05 Elite Property from RA to NB Liberty Township	2005-28	8-9-05
ZA 346/05 John Shelton Lincoln Township from RR & GB to RA/GB+WI	2005-29	8-9-05
ZA 347-05 Perry & Dundasville Franklin Township from GB to OTC Old Town Center District	2005-30	8-16-05
Ordinance prohibiting parking at all times on certain streets	2005-31	8-23-05
ZA 153/05 PUD 40 Acres DS Development, LLC	2005-32	8-23-05
ZA 349/05 from <del>GB</del> RB/Singer to GB commercial business 3.54 acres Washington	2005-33	8-23-05
Ordinance amending enterprise tax from 5% to 8% effective 10/1/05	2005-34	8-25-05
Ordinance to vacate alley Town of New Windsor Delaugh, Craighead, Farley	2005-35	9-13-05
ZA 351/05 H & M Development from OB to GB Washington Township	2005-36	9-27-05
ZA 352/05 avon health care mgmt from RA to RAA	2005-37	9-27-05
TZA 03/05 amending chapter 40 section 40.04 add H & M Development	2005-38	9-27-05
ZA 334-05 from RA to RAA Falcon Properties Washington Township	2005-39	10-25-05
TZA 04/05 add section 58.14 Mineral Extraction Operations	2005-40	10-25-05
for determination of waste load allocation - Regional Sewer	2005-41	11-15-05
TZA 05/05 amending Chapter 28 adding 28.02 Banquet Hall	2005-42	11-22-05
ZA 353-05 from RA to RAA Brown Township Hamilton Property DU LLC	2005-43	11-22-05
ZA 354/05 Lawrence Wynn from to include RAA Lincoln Tship 575 E. 25 N of 250	2005-44	11-22-05
ZA 355/05 Jessica Rogers from to include RAA Liberty Township CR 6005	2005-45	11-22-05
TZA 06/05 Amendment to HC zoning Ordinance	2005-46	12-20-05
ZA 356/05 SC S, LLC 351.02 Great Liberty Township from HB Highway Business to RSS <sup>Regional</sup> support services	2005-47	12-20-05
	2005-48	
	2005-49	
	2005-50	
	2005-51	



2005 COUNCIL & COMMISSIONERS' RESOLUTIONS	NUMBER	DATE
Council - Joining Central Indiana Regional Transportation Authority	05-01	5-12-05
Council - Brownsburg Library Capital Project	05-02	5-12-05
Council - Resolution to pay Juvenile Delit.	05-03	8-25-05
Council - Maximum Levy Appeal	05-04	8-25-05
Commissioners Ronald Reagan Corridor Master Plan & Ronald Reagan Corridor Design Guidelines	05-05	12-20-05
	05-06	
	05-07	
	05-08	
	05-09	
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Resolution 05-05  
 You will need to  
 wait for signatures  
 on revised copy.

American Consulting, Inc.



AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE  
BY AMENDING CHAPTER 52 - DEVELOPMENT PLAN REVIEW

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 52 Development Plan Review;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

CHAPTER 52  
DEVELOPMENT PLAN REVIEW


52.02 Applicability

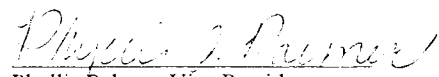
Add a paragraph three as follows:

The Plan Commission may assign certain classes of development plan review to a committee of the Plan Commission for hearing. Such a review shall be held on the same notice and heard in the same manner that they would be if heard by the Plan Commission.

APPROVED by the Board of Commissioners of Hendricks County, Indiana, this 15<sup>th</sup> day  
of January, 2005.

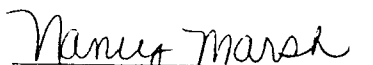
BOARD OF COMMISSIONERS

  
Ed Schrier, President

  
Phyllis Palmer, Vice President

\_\_\_\_\_  
Sonya R. Cleveland, Member

Attest

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-03

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA-320/04: GREGORY & NANCY A. ELLIFF; WASHINGTON TOWNSHIP, PARCEL TOTALING 8.18 ACRES, LOCATED ON THE NORTH SIDE OF EAST MAIN STREET, APPROXIMATELY 0.19 MILE WEST OF COUNTY ROAD 500 EAST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the GB/General Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-320/04: Gregory & Nancy A. Elliff, S5-T15N-R1E, 8.18 acres, Washington Township, located on the north side of East Main Street, approximately 0.19 mile west of County Road 500 East.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-320/04: Gregory & Nancy Elliff and in the "Findings of Fact" as well as the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Findings of Fact and Development Commitment Recording Form as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 15<sup>th</sup> day of February, 2005.

Board of Commissioners

Ed Schrier, Pres  
Ed Schrier, President

Phyllis A. Palmer  
Phyllis A. Palmer, Vice-President

Sonya R. Cleveland, Member

Attest:

Nancy Marsh  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-04

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT, RB/SINGLE FAMILY (12,500) RESIDENTIAL DISTRICT AND PUD/PLANNED UNIT DEVELOPMENT DISTRICT TO RE/MULTI-FAMILY (6) RESIDENTIAL DISTRICT AND GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA-325/04: WCC EQUITY PARTNERS, LLC AND PUD-28/04: WYNNE FARMS (AMENDMENT); WASHINGTON TOWNSHIP, PARCEL TOTALING 14.15 ACRES, LOCATED ON THE WEST SIDE OF COUNTY ROAD 800 EAST, APPROXIMATELY 0.50 MILE NORTH OF COUNTY ROAD 200 NORTH.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RE/Multi-Family (6) Residential District and GB/General Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-325/04: WCC Equity Partners, LLC and PUD-28/04: Wynne Farms (Amendment), S26-T16N-R1E, 14.15 acres, Washington Township, located on the west side of County Road 800 East, approximately 0.50 mile north of County Road 200 North.

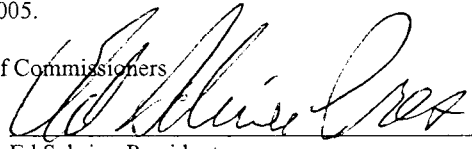
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-325/04: WCC EQUITY PARTNERS, LLC and PUD-28/04: WYNNE FARMS (AMENDMENT) and in the "Findings of Fact" as well as the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Findings of Fact and Development Commitment Recording Form as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 15<sup>th</sup> day of February, 2005.

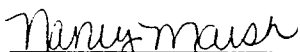
Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

\_\_\_\_\_  
Sonya R. Cleveland, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-05

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO RAA/SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA-328/05: WINDCHASE, LLC; BROWN TOWNSHIP, PARCEL TOTALING 62.00 ACRES, LOCATED ON THE WEST SIDE OF COUNTY LINE ROAD (RACEWAY ROAD) BETWEEN COUNTY ROAD 650 NORTH AND COUNTY ROAD 700 NORTH.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RAA/Single Family (15,000) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-328/05: Windchase, LLC, S05-T16N-R2E, 62.00 acres, Brown Township, located on the west side of County Line Road (Raceway Road), between County Road 650 North and County Road 700 North.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-328/05: *Windchase, LLC*, and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Development Commitment Recording Form as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 15<sup>th</sup> day of MARCH, 2005.

Board of Commissioners

Ed Schrier  
Ed Schrier, President

Phyllis A. Palmer  
Phyllis A. Palmer, Vice-President

Sonya R. Cleveland  
Sonya R. Cleveland, Member

Attest:

Nancy L. Marsh  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-06

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO AGB/AGRICULTURAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA-330/05: RICKY PARR (ERS TELECOM), CENTER TOWNSHIP, PARCEL TOTALING 8.24 ACRES, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 236, APPROXIMATELY 0.23 MILE NORTHEAST ALONG AN EXISTING ACCESS DRIVE.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the AGB/Agricultural Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-330/05: Ricky Parr (ERS Telecom), S29-T16N-R1W, 8.24 acres, Center Township, located on the north side of U.S. Highway 236, approximately 0.23 mile northeast along an existing access drive.

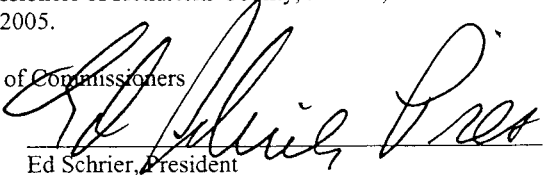
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-330/05: *Ricky Parr (ERS Telecom)*, and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Development Commitment Recording Form as a part of this Ordinance.

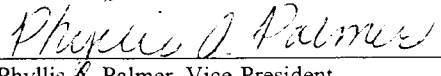
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

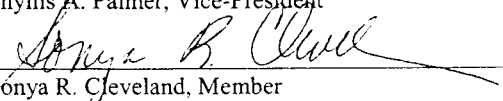
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 15<sup>th</sup> day of MARCH, 2005.

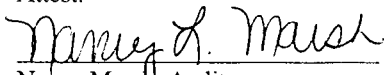
Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
Sonya R. Cleveland, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-7

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA-331/05: STEVEN & TAMARA BAKER, WASHINGTON TOWNSHIP, PARCEL TOTALING 4.84 ACRES, LOCATED ON THE WEST SIDE OF RACEWAY ROAD, APPROXIMATELY 0.24 MILE SOUTH OF COUNTY ROAD 100 NORTH.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the GB/General Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-331/05: Steven & Tamara Baker, S05-T15N-R2E, 4.84 acres, Washington Township, located on the west side of Raceway Road, approximately 0.24 mile south of County Road 100 North.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-331/05: Steven & Tamara Baker, and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Development Commitment Recording Form as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

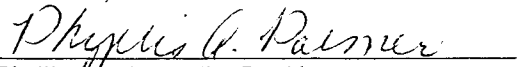
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 15<sup>th</sup> day of MARCH, 2005.

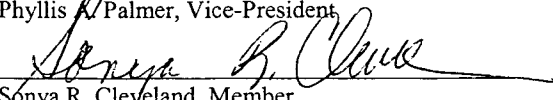
Board of Commissioners



Ed Schrier, President

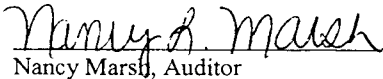


Phyllis A. Palmer, Vice-President



Sonya R. Cleveland, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-08

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO PUD/PLANNED UNIT DEVELOPMENT DISTRICT, COMMONLY KNOWN AS ZA-326/05: PLATINUM PROPERTIES, LLC, CENTER/WASHINGTON TOWNSHIP, PARCEL TOTALING 207.9 ACRES, LOCATED ON THE NORTH SIDE OF OLD U.S. HIGHWAY 36, BETWEEN COUNTY ROAD 300 EAST AND COUNTY ROAD 450 EAST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the PUD/Planned Unit Development District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-326/05: Platinum Properties, LLC, S05.06-T15N-R1E, 207.9 acres, Center/Washington Townships, located on the north side of Old U.S. Highway 36, between County Road 300 East and County Road 450 East.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-326/05: *Platinum Properties, LLC*, and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said Development Commitment Recording Form as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

5<sup>th</sup> Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of April, 2005.

Board of Commissioners

Ed Schrier  
Ed Schrier, President

Phyllis A. Palmer  
Phyllis A. Palmer, Vice-President

Sonya R. Cleveland  
Sonya R. Cleveland, Member

Attest:

Nancy Marsh  
Nancy Marsh, Auditor



## HENDRICKS COUNTY

### FOOD ORDINANCE

ORDINANCE NO. 2005- 09

An Ordinance pertaining to establishments requiring Permits and Permit fees for operation of a Retail Food Establishment, Temporary Food Establishment, Mobile Food Establishment, or Bed and Breakfast Establishment; prohibiting the sale of adulterated, unwholesome, or misbranded food; regulating the inspection of food and Bed and Breakfast Establishments; providing for enforcement of this Ordinance; providing for the fixing of penalties for violations of said Ordinance; and providing for incorporation by reference the following Indiana State Department of Health Rules: Retail Food Establishment Sanitation Requirements Title 410 Indiana Administrative Code (IAC) 7-24 or as amended; and Bed and Breakfast Establishment Rules, 410 IAC 7-15.5, Indiana Code (IC) 16-42-1, IC 16-42-2, IC 16-42-5, 410 IAC 7-21-47, 410 IAC 7-22, and 410 IAC 7-23.

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

#### **DEFINITIONS**

**Bed and Breakfast Establishment** - means an Operator occupied residence that provides sleeping accommodations to the public for a fee, has no more than fourteen (14) guest rooms, provides breakfast to its guests as part of the fee, and provides sleeping accommodations to a particular guest no more than thirty (30) consecutive days.

**Catering** - means the preparation of food in an approved Retail Food Establishment and may include the transportation of such food for service and consumption at some other site.

**Commissary** - means a registered Catering establishment, restaurant, or any Retail Food Establishment in which food, food containers, or food supplies are kept, handled, prepared, packaged, or stored from which meals are catered and Mobile Retail Food Establishments or pushcarts are serviced.

**Critical Violation** - means a violation that contributes to food contamination, illness, or environmental degradation. These may include items marked in the "C" column denoting Critical Violations on the Inspection Report form.

**Habitual Non-compliance** - means any repeat violation shown on three (3) consecutive Hendricks County Inspection Report forms.

**Health Officer** - means the Director of Public Health of the Hendricks County Health Department in Indiana or the Health Officer's Authorized Representative.



**Imminent Health Hazard** – means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the number of potential injuries or illnesses, and nature, severity, and duration of the anticipated injury or illness.

**Inspection Report** – means the document prepared by the Hendricks County Health Department that is completed as a result of the inspection and provided to the Person-in-charge.

**Mobile Retail Food Establishment** - means a retail food establishment that is wheeled; on skids; mounted on a vehicle; a marine vessel; or otherwise readily movable; such as a pushcart or trailer that changes location too frequently to be a candidate for permanent utility connections, as determined by the Health Officer.

**Not-for-Profit Organization** - means an organization exempt from the Indiana Gross Income Tax under IC 6-2.1-3-20 through IC 6-2.1-3-22.

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

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

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

**Person-in-charge** – means the individual present at a Retail Food Establishment who is responsible for the operation at the time of inspection.

**Retail Food Establishment-** means an operation as follows that:

(1) Stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as the following:

- (A) A restaurant.
- (B) A satellite or catered feeding location.
- (C) A Catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people.
- (D) A market.
- (E) A grocery store.
- (F) A convenience store.
- (G) A conveyance used to transport people.
- (H) An institution.
- (I) A food bank.
- (J) A Commissary.
- (K) A cottage industry.
- (L) A health facility as defined in IC 16-18-2.



(M) An assisted living facility as defined in IC 12-10-15.

(2) Relinquishes possession of food to a consumer directly or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(a) The term includes the following:

(1) An element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.

(2) An operation that is conducted in a:

- (a) mobile;
- (b) stationary;
- (c) temporary; or
- (d) permanent;

facility or location, where consumption is on or off the premises and regardless of whether there is a charge for the food.

(b) The term does not include the following:

(1) An establishment that offers only prepackaged foods that are not potentially hazardous.

(2) A produce stand that offers only whole, uncut fresh fruits and vegetables.

(3) A food processing plant operated under IC 16-42-5.

(4) A private home where food is prepared by a member of an organization that is operating under IC 16-42-5-4.

(5) An area where food that is prepared as specified in subdivision (4) is sold or offered for human consumption.

(6) A Bed and Breakfast Establishment as defined and regulated under IC 16-41-31 and 410 IAC 7-15.5.

(7) A private home that receives catered or home-delivered food.

(8) A private home.

**Temporary Food Establishment** - means a Retail Food Establishment that operates for a period of time no more than fourteen (14) consecutive calendar days, in conjunction with a single event or celebration with the approval of the organizers of the event or celebration.



## **SECTION I            APPROVAL OF PLANS**

### **A.        Submit Plan Review**

All Retail Food Establishments, except for those listed under Subsection I B, that are hereafter constructed or re-constructed shall conform to the applicable requirements of the Indiana State Department of Health and the Indiana Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted to and approved by the Hendricks County Health Department, in writing, before starting any construction work. Any new or remodeled establishment must submit a completed plan review application on forms provided by the Hendricks County Health Department at least thirty (30) working days prior to scheduling the pre-opening compliance inspection.

### **B.        Establishments Exempt from Hendricks County Food Permit Plan Review**

Regulated establishments are exempt from the plan review requirements of this Ordinance if:

- (1)      The entire operation of the establishment is receiving inspections by an appropriate State or Federal governmental agency, or
- (2)      The establishment is a Bed and Breakfast Establishment, or
- (3)      The establishment is a Mobile Retail Food Establishment, or
- (4)      The establishment is a Temporary Food Establishment.

## **SECTION II           PERMITS**

It shall be unlawful for any Person to operate a Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment in Hendricks County, who does not possess a valid Permit from the Health Officer; except when the entire operation of the establishment is receiving inspections by an appropriate State or Federal governmental agency. Valid Hendricks County Food Permits shall be posted in a conspicuous place at the establishment at all times.

A. Only Persons who comply with the applicable requirements of this Ordinance will be entitled to receive and retain such a Permit.

B. A Permit shall be for a term of one year beginning from the date of issuance and shall be applied for by the establishment annually. The Permit for a Temporary Food Establishment shall be for the term of one continuous event at one location. This Permit is not to exceed fourteen (14) consecutive days.

C. Any Permits issued by the Health Officer shall contain the name of the establishment, the address of the establishment, duration of Permit, and other pertinent information required by the Health Officer.

D. Required Permits shall be provided by the Hendricks County Health Officer subject to a completed application, payment of fees, and compliance with all applicable state statutes, rules and regulations and local Ordinances. The applicant must be an owner and/or Operator of the Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment.



E. Public events where catered food is served or prepared shall occur at a facility holding a valid Hendricks County Establishment Permit. This permitted establishment shall obtain a current copy of the caterer's local health department food Permit. If the site or the caterer is not permitted, the caterer must obtain a Temporary Food Establishment Permit for the event.

F. Any Person who desires to operate a Temporary Food Establishment in Hendricks County shall obtain from the Health Officer a Permit for a Temporary Food Establishment. Such temporary Permit shall be provided by the Health Officer if a completed application for a Permit and appropriate fees are presented and the Temporary Food Establishment demonstrates compliance with all critical requirements.

G. A Temporary Permit will not be issued to a Temporary Food Establishment in operation in one location for more than thirty (30) days in one calendar year.

H. A separate Permit shall be required for each Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment operated or to be operated by any Person. Any Permit issued under this Ordinance is not transferable from one Person to another, from one establishment to another, from one mobile unit to another, or from one type of operation to another.

I. A nonrenewable provisional Permit is available for a Person taking over an existing, permitted establishment. The following conditions apply:

- (1) The provisional Permit shall be provided by the Hendricks County Health Officer if a completed application and the appropriate fee are received by the Hendricks County Health Department.
- (2) The provisional Permit will be valid for ninety (90) days from the date of issue. No extensions will be provided.
- (3) An annual Permit must be obtained before the expiration of the provisional Permit. The annual Permit will not be issued until all outstanding violations, if any, have been corrected and an acceptable compliance inspection by the Hendricks County Health Department is recorded.
- (4) The annual Permit shall have the anniversary date of the original date of provisional Permit.

### **SECTION III      PERMIT FEES**

#### **A.      Permit Fees**

Except as provided in Subsection III B, all permitted establishments must pay Permit fees as specified in the Hendricks County Board of Health Ordinance for Collection of Fees. A receipt for the payment of such fee shall be provided by the Hendricks County Health Department. The fees paid under this Ordinance are not transferable or refundable. A Permit may not be issued to any establishment where outstanding or unpaid fees or penalties are due.

#### **B.      Permit Fee Exception**



No Permit fee shall be required for food establishments operated by Public School Corporations as defined in Indiana Code 20-5, or for food establishments owned and operated by Hendricks County Government.

**C. Exemption From Compliance**

- (1) An organization that is exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D) and that offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from complying with the requirements of this Ordinance that may be imposed upon the sale of food at that event if the following conditions are met:
  - (a) Members of the organization prepare the food that will be sold.
  - (b) Events conducted by the organization under this section take place for not more than thirty (30) days in a calendar year.
  - (c) The name of each member who has prepared a food item is attached to the container in which the food item has been placed.
- (2) This section does not prohibit an exempted organization from waiving the exemption and applying for a Permit.

**SECTION IV MINIMUM REQUIREMENTS**

**A. General Requirements**

All Retail Food Establishments, Mobile Retail Food Establishments, Temporary Food Establishments, and Bed and Breakfast Establishments shall comply with the minimum requirements specified in the applicable Indiana Administrative Code, 410 IAC 7-24 or 410 IAC 7-15.5. Copies of each are kept on file in the Hendricks County Health Department Office, Danville, Indiana, for public inspection.

**B. Water Source**

Each facility must have an adequate supply of potable water at all times of operation. In addition, the following requirements must be met:

- (1) Those facilities regulated by the Indiana Department of Environmental Management (IDEM) and/or Indiana Administrative Code 327 IAC 8 must be in substantial compliance with applicable regulations.
- (2) Facilities with a private water supply not subject to IDEM regulations must submit satisfactory water samples results at least one time a year to the Hendricks County Health Department.
- (3) The Hendricks County Health Department must be notified of any interruption in water service. If there is a possibility of water supply contamination, an establishment must cease operation until water is restored and until two separate water samples tested twenty-four hours apart show satisfactory results. An establishment must receive approval from the Hendricks County Health Department before resuming operations after an interruption of water service.

**C. Wastewater Treatment**



Each facility must have adequate wastewater treatment and disposal at all times of operation as determined by the Health Officer. In addition, sewage shall be disposed through an approved facility that is:

- (1) a public sewage treatment plant; or
- (2) an individual sewage disposal system that is:
  - (a) sized;
  - (b) constructed;
  - (c) maintained; and
  - (d) operated;according to law.

**D. Responsibilities of the Operator**

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

- (1) Comply with the provisions of this Ordinance and all laws and rules adopted by reference herein and the conditions of any variances granted by the Indiana State Department of Health;
- (2) Immediately discontinue affected operations and notify the Hendricks County Health Department if an Imminent Health Hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health;
- (3) If a Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment has discontinued operations for the reasons stated above or otherwise according to law, the Operator must obtain approval from the Hendricks County Health Department before resuming operations;
- (4) Allow representatives of the Hendricks County Health Department access to all parts of the Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment at all reasonable times; to collect evidence and/or exhibits; and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance;
- (4) Comply with the directives of the Hendricks County Health Department including time frames for corrective actions specified in Inspection Reports, notices, orders, warnings, and other directives issued by the Hendricks County Health Department in regard to the Operator's Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, Bed and Breakfast Establishment, property or facility, or in response to community emergencies;
- (5) Accept notices issued and served by the Hendricks County Health Department;
- (6) Be subject to the administrative, civil, injunctive, and criminal remedies authorized by law for failure to comply with this Ordinance or a directive of the Hendricks County Health Department.



**SECTION V                    SALE, EXAMINATION, AND CONDEMNATION OF**  
**UNWHOLESOME, ADULTERATED OR MISBRANDED FOOD.**

A.        It shall be unlawful for any Person to sell through a Retail Food Establishment, Temporary Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment any food which is unwholesome, adulterated or misbranded, as provided in the Indiana Food, Drug and Cosmetic Act; IC 16-42-1 through IC 16-42-2.

B.        Samples of food may be taken and examined by the Health Officer as often as may be necessary to determine freedom from contamination, adulteration, or misbranding. The Health Officer may, on written notice to the owner or Operator, impound and forbid the sale of any food which is unwholesome, adulterated or misbranded, or which he has probable cause to believe is unfit for human consumption, unwholesome, adulterated, or misbranded; provided that in the case of misbranding which can be corrected by proper labeling, such food may be released to the Operator for correct labeling under the supervision of the Health Officer. The Health Officer may also cause to be removed or destroyed, any dairy product, meat, meat product, seafood, poultry, poultry product, confectionery, bakery product, vegetable, fruit, or other perishable articles which the Health Officer determines are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.

**SECTION VI                INSPECTIONS**

**A.        Schedule of Inspection**

The Health Officer shall establish an inspection schedule, the frequency of which is at the discretion of the Health Officer. The schedule will be based on public health risk associated with the establishment's menu; type of operation including the methods and extent of food storage, preparation, and service; the number of people served; and past performance.

**B.        Procedure when Violations Are Noted**

If during an inspection of any establishment, the Health Officer discovers a violation of this Ordinance, he shall issue a written order in the form of an Inspection Report listing such violation to the Operator, or in the Operator's absence, to the Person-in-charge, and setting a date by which the violation shall be abated. A copy of the Inspection Report shall be filed with the records of the Hendricks County Health Department.

**C.        Public Access to Inspection Records**

After the Inspection Report is completed, the establishment, under IC 16-20-8-5, has the opportunity to review the reports and submit to the Hendricks County Health Department a written response. The public will have access to Inspection Reports either ten (10) days after the completion of the inspection; or after a written response to the Inspection Report has been submitted to the department under IC 16-20-8-5, whichever is earlier, except as provided in IC 16-20-8-8.

The Inspection Report and related public records may be inspected and copied under IC 5-14-3 if the Hendricks County Health Department takes any of the following actions with respect to an establishment that is the subject of the records:

- (1)        schedules a hearing by the local health department or designee,



- (2) orders closure,
- (3) requests revocation of a Permit,
- (4) finds the existence of an imminent danger to the public health or a gross deception of or fraud upon the consumer.

#### **D. Refusal to Sign Acknowledgement**

Refusal to sign an acknowledgment of receipt will not affect the Operator's obligation to correct the violations noted in the Inspection Report within the date by which the violation shall be abated.

### **SECTION VII COMPLIANCE AND ENFORCEMENT**

#### **A. Application Denial**

If an application for a Permit to operate a Retail Food Establishment, Mobile Retail Food Establishment, or Bed and Breakfast Establishment is denied, the Hendricks County Health Department shall provide the applicant with a notice that includes:

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

#### **B. Follow-up Inspection - Health Officer Response to Violators**

If upon a follow-up inspection, the Health Officer finds that a food operation, Person, or employee is violating any provisions of this Ordinance which were in violation on the previous inspection concerning which a written order was issued, and the date by which the violation shall be abated has passed, the Health Officer may do any or all of the following:

- (1) Offer the alleged violator an opportunity to enter into an agreed order providing for:
  - (a) the actions required to correct the violation; and
  - (b) if appropriate, the payment of a civil penalty.

The Health Officer is not required to extend the offer for more than thirty (30) days.

- (2) Promptly issue a written order to the permittee of the food operation to appear at a certain time and place in the County, in order to show cause why the Permit issued under the provision of Section II should not be revoked.
- (3) Furnish evidence of the violation to Hendricks County legal representatives for enforcement.

#### **C. Suspension of Permit**

Any Permit issued under this Ordinance may be temporarily suspended by the Health Officer, without notice or hearing, for a period not to exceed thirty (30) days if the Health Officer determines through inspection, or examination of employee, food, records, or other means as specified in this Ordinance, that an Imminent Health Hazard exists.

#### **D. Revocation of Permit**

The Health Officer, may revoke the Permit and promptly give written notice of the action to the permittee due to any of the following:



- (1) Upon a meeting with the Operator, as described in Subsection VII B(2), if the Operator should fail to show cause why their Permit should not be revoked;
- (2) Interference with the Health Officer in the performance of their duties;
- (3) Habitual Non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

#### **E. Permit Reinstatement**

Any Person whose Permit has been suspended or revoked may, at any time, make application with demonstration of compliance to the Health Officer for reinstatement of his/her Permit.

### **SECTION VIII APPEALS SECTION**

Any Person(s) aggrieved by an application denial, as described in Subsection VII A, or revocation of Permit, as described in Subsection VII D, shall be entitled to a review of the final order before the Hendricks County Health Board by filing a written request therefore with the Health Officer. The written request must be mailed certified or hand delivered to Health Officer; 355 South Washington Street #210; Danville, IN 46122 and must be received within fifteen (15) days after such final order is issued.

Upon the Health Officer's receipt of such request, the Hendricks County Health Board shall hear the matter in an open hearing after at least five (5) days written notice of the time, place and nature thereof to the aggrieved Person. (A shorter period of time may be granted, if requested by either party and agreed upon.)

The notice of the hearing shall be served upon the Person requesting the review by hand delivering or mailing by certified mail the notice to the address listed on the Permit application or such other address as the Person shall designate in the letter, of request to the Health Officer.

The Hendricks County Health Board establishes the Rules of Procedure and advises the parties prior to the start of the proceedings.

The minutes from the hearing may act as the final order or determination of this matter. This completes the Appeals procedure.



## **SECTION IX            INSPECTION OF TEMPORARY FOOD ESTABLISHMENTS**

### **A.        Schedule of Inspection**

The Health Officer shall establish a routine inspection schedule, the frequency of which is at the discretion of the Health Officer.

### **B.        Procedure to Follow When Any Violation is Noted**

If during the inspection of any Temporary Food Establishment the Health Officer discovers a violation of the requirements of this Ordinance, he may order immediate correction of the violation or set a reasonable time for correction.

### **C.        Revocation of Permit for Continued Operation**

Upon failure of any Person maintaining or operating a Temporary Food Establishment to comply with any order of the Health Officer, it shall be the duty of the Health Officer to revoke the Permit of the establishment and to forbid the further sale or serving of food therein.

### **D.        Temporary Food Establishment Application Denial**

If an application for a Permit to operate a Temporary Food Establishment is denied, the Hendricks County Health Department shall provide the applicant with a notice that includes:

- (1)     The specific reasons and rule citations for the application and/or Permit denial;
- (2)     The actions, if any, that the applicant must take to qualify for the application and/or Permit.



## **SECTION X      PENALTIES**

### **1.      Certification of Food Handler Requirements Penalties**

Unless adjusted by an administrative order, the following schedule of monetary penalties shall be used if penalties are to be assessed for violations of Indiana Administrative Code 410 IAC 7-22:

<i>Indiana Code (IC) Section</i>	<i>Penalty Range</i>
<i>Section 15(a), (b), (c), (d), (e), and (f) [Section 15(a) through 15(f) of 410 IAC 7-22]</i>	<i>\$0-100 per day per violation</i>
<i>Section 16(a) of 410 IAC 7-22</i>	<i>\$0-100 per day per violation</i>
<i>Section 16(b) 410 IAC 7-22</i>	<i>\$0-50 per day per violation</i>
<i>Section 17(a), 1, 2, 3 and 4 [Section 17(1) through 17(4) of 410 IAC 7-22]</i>	<i>\$0-100 per day per violation</i>

### **2.      Civil Penalties**

(a) The Hendricks County Health Department may commence an action, under IC 16-42-5-28, to levy civil penalties against a person who:

- (1) fails to comply with IC 16-42-5, 410 IAC 7-21, or 410 IAC 7-24; or
- (2) interferes with or obstructs the Hendricks County Health Department or its designated agent in the performance of duties under IC 16-42-5, 410 IAC 7-21, or 410 IAC 7-24.

(b) A civil penalty in an amount in the appropriate range specified in subsection (d), (e), or (f), or any combination thereof, may be sought for each day of each violation.

(c) In determining the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the Hendricks County Health Department will consider, but is not limited to, the following:

- (1) The potential for harm or imminent threat to public health.
- (2) The extent of deviation from statutory or regulatory requirements.
- (3) Degree of willfulness or negligence.
- (4) History of noncompliance.

The absence of direct harm will not result in assessment of a lower penalty for a violation.

(d) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a food establishment, as defined in IC 16-42-5, then they shall be assessed in accordance with the following:



<i>INDIANA CODE (IC) SECTION</i>	<i>PENALTY RANGE</i>
<i>IC 16-42-5-6; IC 16-42-5-11; IC 16-42-5-19; IC 16-42-5-21</i>	<i>\$0 to \$1,000</i>
<i>IC 16-42-5-7; IC 16-42-5-12; IC 16-42-5-13; IC 16-42-5-14; IC 16-42-5-15; IC 16-42-5-17; IC 16-42-5-18; IC 16-42-5-20</i>	<i>\$0 to \$500</i>
<i>IC 16-42-5-8; IC 16-42-5-9; IC 16-42-5-10; IC 16-42-5-16; IC 16-42-5-22</i>	<i>\$0 to \$100</i>

(e) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a retail food establishment, as defined in 410 IAC 7-24, then they shall be assessed in accordance with the following:

<i>SECTIONS OF 410 IAC 7-24</i>	<i>PENALTY RANGE</i>
<i>107; 121; 129; 139; 142; 165; 171; 182; 269; 376; 423</i>	<i>\$0-\$500</i>
<i>108; 109; 110; 111; 114; 117; 120; 137; 141(d); 143; 144; 146; 147; 149; 150; 151; 153; 154; 155; 157; 160; 162; 164; 166; 167; 168; 169; 172; 173; 181(a); 183; 186; 187; 188; 189; 193; 195; 196; 205; 241; 274; 294; 303; 320; 321; 322; 323; 324(a)(1); 325; 329; 334; 336; 337; 339; 343; 344; 350; 357; 375; 377; 415; 437; 438; 439; 440; 441; 442; 443; 444; 445; 446; 447; 448; 450</i>	<i>\$0-\$250</i>
<i>113; 115; 118; 123; 128; 131; 132; 135; 136; 141(a); 141(b); 141(c); 152; 156; 190; 191; 201; 204; 229; 240; 259; 264; 295(a); 296; 297; 326; 368; 424; 435; 436</i>	<i>\$0-\$100</i>
<i>119; 122; 130; 133; 134; 138; 140; 145; 148; 158; 159; 161; 163; 170; 174; 175; 176; 177; 178; 179; 180; 181(b); 181(c); 185; 197; 198; 199; 202; 203; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; 216; 217; 218; 219; 220; 221; 222; 223; 224; 225; 226; 227; 228; 230; 231; 232; 233; 234; 235; 236; 237; 238; 239; 242; 243; 244; 245; 246; 247; 248; 249; 250; 251; 252; 253; 254; 255; 256; 257; 258; 260; 261; 262; 263; 265; 266; 267; 268; 270; 271; 272; 273; 275; 276; 277; 278; 279; 280; 281; 282; 283; 284; 285; 286; 287; 288; 289; 290; 291; 292; 293; 295(b); 295(c); 298; 301; 302; 304; 305; 306; 307; 308; 309; 310; 311; 312; 313; 314; 315; 316; 317; 318; 324(a)(2); 327; 328; 330; 331; 332; 333; 335; 338; 340; 341; 342; 345; 346; 347; 348; 349; 351; 352; 353; 354; 355; 356; 358; 359; 360; 361; 362; 363; 364; 365; 366; 367; 369; 371; 372; 373; 378; 379; 380; 381; 382; 383; 384; 385; 386; 387; 388; 389; 390; 391; 392; 393; 394; 395; 396; 397; 398; 399; 400; 401; 402; 403; 404; 405; 406; 407; 408; 409; 410; 411; 412; 413; 414; 416; 417; 418; 419; 420; 421; 425; 426; 427; 428; 429; 430; 431; 432; 433; 434; 449; 451</i>	<i>\$0-\$50</i>

(f) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a wholesale food establishment, as defined in 410 IAC 7-21, then they shall be assessed in accordance with the following:



<i>SECTIONS OF 410 IAC 7-21</i>	<i>PENALTY RANGE</i>
35; 36(1); 36(2); 36(3); 36(4); 36(5); 39(b)(8); 40; 41; 42(b); 45(c); 45(n); 45(p); 45(q); 45(r); 46; 47(9)(B); 48; 49(d); 49(e); 50(d)	\$0-\$1,000
36(8); 37; 38; 39(a); 39(b)(1); 39(b)(2); 39(b)(3); 39(b)(4); 39(b)(5); 39(b)(6); 39(b)(7); 42(a); 42(d); 42(e); 44(i); 45(a); 45(b); 45(d); 45(e); 45(f); 45(g); 45(h); 45(i); 45(j); 45(k); 45(l); 45(m); 45(o); 45(s); 47(2); 47(3); 47(4); 47(5); 47(6); 47(7); 47(9)(A); 47(9)(C); 50(c); 50(f); 51(a); 51(c); 51(d)	\$0-\$500
36(6); 36(7); 42(c); 43(b); 43(c); 43(d); 44(c); 44(e); 44(h); 47(1); 47(8); 49(a); 49(b); 49(c); 50(b); 51(b)	\$0-\$250
36(9); 43(a); 43(e); 44(a); 44(b); 44(d); 44(f); 44(g); 45(t); 47(10); 47(11); 47(12); 47(13); 47(14); 47(15)	\$0-\$100

(g) After re-inspection and determining the appropriate penalty based on the schedule in subsection (d), (e), or (f), or any combination thereof, the Hendricks County Health Department, or its authorized representative, may adjust the penalty to reflect a good faith effort to comply as follows:

(1) Each individual penalty will be multiplied by the number of days the particular violation has been documented by the Hendricks County Health Department, or its authorized representative.

(2) Penalties for violations documented in two (2) consecutive inspections by the Hendricks County Health Department, or its authorized representative, shall be assessed on the basis that the violations have remained uncorrected over the period of time between the two (2) inspections.

(3) If the person found in violation has requested re-inspection and has produced substantive evidence that the violation or violations have been corrected, the penalties shall be assessed for the period between initial discovery of violation and the receipt of request for re-inspection.

(4) Penalties for all violations documented in an inspection or series of inspections at an establishment will be totaled and sought under one (1) cause of action.

(h) After filing an action under IC 4-21.5, and in an attempt to resolve violations of said Indiana Code and this rule without resort to a hearing, the Hendricks County Health Department may negotiate and enter into agreed orders. An agreed order may suspend all or part of the civil penalty calculated under the requirements and deadlines established in this Ordinance.

In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any Person who violates any provision of this Ordinance.

In the event a lawsuit is necessary to collect the cost of fees, penalties, or services for this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.



**SECTION XI            UNCONSTITUTIONALITY CLAUSE**

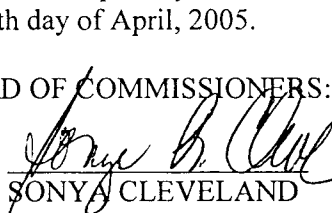
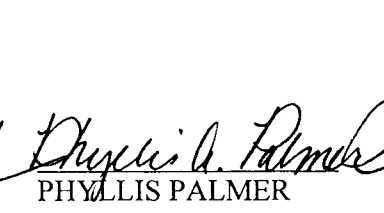

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

**SECTION XII            REPEAL AND DATE OF EFFECT**

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this fifth day of April, 2005.

BOARD OF COMMISSIONERS:

		
SONYA CLEVELAND	PHYLLIS PALMER	ED SCHRIER

ATTEST:

  
Nancy Marsh  
HENDRICKS COUNTY AUDITOR



**ORDINANCE NO. 2005- 10**

**HENDRICKS COUNTY BOARD OF HEALTH**

**ORDINANCE FOR COLLECTION OF FEES**

**WHEREAS**, the legislature of the state of Indiana granted certain powers to the board of each local health department dealing with the collection of fees within their jurisdiction, pursuant to Indiana Code IC16-20-1-27; and

**WHEREAS**, the Board of Commissioners of Hendricks County, Indiana held a hearing in the Commissioner's office on the fifth day of April, 2005 at approximately 11:55 a.m.; and

**NOW THEREFORE**, be it ordained by the Board of Commissioners of Hendricks County, Indiana that the Hendricks County Board of Health fee schedule ordinance entitled "Hendricks County Board of Health Ordinance for Collection of Fees", Ordinance 1985-5, 1992-10, 1993-14, and 1997-23 amended by ordinance dated 10-25-1988 and 2-10-1992, 1997-23, and 2001- 15 enacted by the Board of Commissioners of Hendricks County, Indiana on the fifth day of April, 2005 be amended to read as follows:

**SECTION I. PUBLIC HEALTH NURSING**

**A. Personal Health Services**

Tuberculosis (Mantoux)	\$3.00 per test
Immunization (state provided)	\$0.50 per vaccine
(No charge if the patient is indigent)	
Child Health Clinic	\$1.00 per child
Immunization (county purchased) and Blood Chemistries.	Prices shall be based on cost of supplies, vaccines and other necessary components of service.

**B.** All communicable disease outbreak control situations where it is necessary to immunize all persons at a place of business to protect those individuals exposed or endangered by the possible communicable disease and to protect the health of the general public, the business entity or owners of the business shall pay for the cost of all vaccines, supplies, and other necessary components of service received by all individuals at the place of business.



## **SECTION II. VITAL RECORDS**

### **A. Vital Record Services**

#### **1. Birth Records**

Birth Certificate (per copy) \$ 5.00

Legitimization \$10.00

Affidavit of Amendment \$10.00

Paternity Affidavits \$25.00

Genealogy search (per name) \$ 3.00

#### **2. Death Records**

Death Certificate, First Copy \$ 5.00

Additional Copies \$ 2.00 each

## **SECTION III. ENVIRONMENTAL HEALTH**

### **A. Food Establishments**

#### **1. Plan Review Fees:**

Plan Review \$125.00

Pre-opening inspections (for 3rd and subsequent visits) \$ 25.00 per inspection visit

#### **2. Food Establishment Permit Fees**

Pre-packaged potentially hazardous foods only \$ 75.00 per year

Minimal food preparation \$175.00 per year

Extensive handling of raw ingredients \$250.00 per year

Pushcart with all food prepackaged \$ 25.00 per unit per year

Mobile Retail Food Establishment with no food preparation \$ 40.00 per unit per year

Mobile Retail Food Establishment with food preparation \$ 75.00 per unit per year

Temporary Food Establishments \$ 25.00 per event

Bed and Breakfast Establishments \$ 50.00 per year

#### **3. Re-inspection Fees**

A fee of \$50.00 may be imposed for each additional visit or inspection conducted by the Health Department due to previous inspection findings.

A fee of \$50.00 may be imposed for any additional visit or inspection conducted by the Health Department as a result of a fire or other emergency in a food establishment.



## **B. On-Site Sewage Disposal (Septic) Systems**

### **1. Permit Fees** (Valid one (1) year from date of issue)

New and Replacement - gravity system	\$ 75.00
New and Replacement - pump assisted system	\$125.00
New and Replacement - Sand Mound or other system	\$200.00
Repair of a system component (ie: pipe, tank or pump)	\$ 25.00

### **2. Other Septic Inspection and On-Site visit fees**

On-Site Investigation for Construction/Maintenance	
Record of Health Inspection available –	
Record dated January 1, 2000 to present	no charge
Record dated prior to January 1, 2000	\$ 25.00
No Health Inspection record available	\$ 50.00

### **3. Re-inspection Fees**

A fee of \$50.00 may be imposed for each additional inspection that is scheduled due to previous inspection findings or incomplete installation.

## **C. Well Protection** (Valid one (1) year from date of issue)

New Well and Pump Permit	\$ 40.00
Replacement Pump Permit	\$ 15.00

## **D. Solid Waste**

Landfill Operating Permit (Annually)	\$30,000.00
Refuse Processing Facility (Annually)	\$500.00

## **E. Temporary Campground License**

Temporary Campground License	\$ 40.00 per event
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## **F. Pools**

### **1. Permit Fees:**

Annual permit for public pool – outdoor (first per location)	\$125.00
Outdoor seasonal pool permits are valid from January 1 to December 31 of that year	

Annual permit for public pool – indoor (first per location)	\$125.00
Indoor pool permits are valid from January 1 to December 31 of that year	

Annual permit for second public pool (same location/owner)	\$ 75.00
The term "public pool" includes a wading pool, hot tub, or spa	

### **2. Additional Inspection Fees:**

An additional fee of \$50.00 may be imposed for each inspection that is scheduled due to previous inspection findings.



**SECTION IV. REPEAL AND DATE OF EFFECT**

In the event a lawsuit is necessary to collect the cost of fees, penalties or services under this Ordinance, the individual or business entity found to be liable shall also pay for reasonable attorney fees and cost of litigation to the county.

Each of the foregoing fees are non-refundable and shall be paid at the time the application for service is made.

Any failure to obtain a permit and/or payment of the fee, shall be considered a violation of this ordinance.

Any entity, private or commercial, who is in violation of this ordinance may be enjoined from any further and continuing violation.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effect from and after its passage and approval accordingly.

If any section, clause, paragraph, provision or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, paragraph, provision or portion of this amendment.

Passed and approved by the Board of Commissioners of Hendricks County, Indiana this fifth day of April, 2005.

BOARD OF COMMISSIONERS

  
Ed Schrier

  
Phyllis Palmer

  
Sonya Cleveland

ATTEST:

  
Nancy Marsh  
Hendricks County Auditor



ORDINANCE NO. 2005-10 A

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO AGB/AGRICULTURAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 332/05: CINGULAR WIRELESS, CLAY TOWNSHIP, PARCEL TOTALING 1.00 ACRES, LOCATED AT 5114 SOUTH COUNTY ROAD 650 WEST, COATESVILLE.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the AGB/Agricultural Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 332/05: Cingular Wireless, S04-T14N-R2W, 1.00 acres, Clay Township, located on the at 5114 South County Road 650 West, Coatesville.

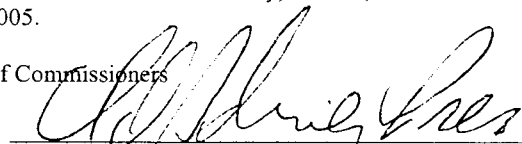
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 332/05: *Cingular Wireless*, and the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" as a part of this Ordinance.

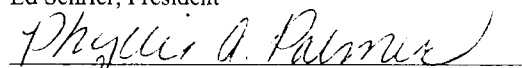
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

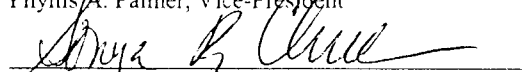
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 19th day of April, 2005.

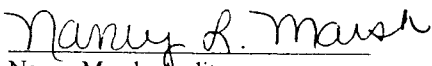
Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
Sonya R. Cleveland, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-11

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO AGB/AGRICULTURAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 333/05: CHARLES J. DAMLER, III, LINCOLN TOWNSHIP, PARCEL TOTALING 65.68 ACRES, LOCATED ON THE NORTH AND SOUTH SIDE OF COUNTY ROAD 350 NORTH, APPROXIMATELY 0.50 MILE WEST OF STATE ROAD 267.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the AGB/Agricultural Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 333/05: Charles J. Damler, III, S22-T16N-R1E, 65.68 acres, Lincoln Township, located on the north and south side of County Road 350 North, approximately 0.50 mile west of State Road 267.

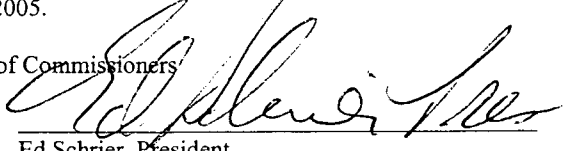
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 333/05: Charles J. Damler, III, and the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" as a part of this Ordinance.

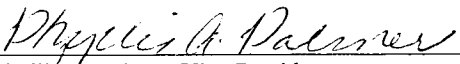
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

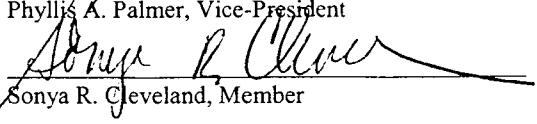
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the  
19th day of April, 2005.

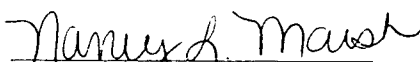
Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
Sonya R. Cleveland, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-12

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO RSS/REGIONAL SUPPORT SERVICES DISTRICT, COMMONLY KNOWN AS ZA 336/05: TIMMY J. SHROUT, WASHINGTON TOWNSHIP, PARCEL TOTALING 10.191 ACRES, LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 100 SOUTH, APPROXIMATELY 0.06 MILE WEST OF COUNTY ROAD 1050 EAST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RSS/Regional Support Services District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 336/05: Timmy J. ShROUT, S17-T15N-R2E, 10.191 acres, Washington Township, located on the south side of County Road 100 South, approximately 0.06 mile west of County Road 1050 East.

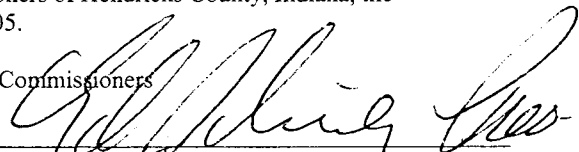
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 336/05: *Timmy J. ShROUT*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

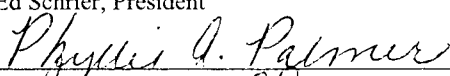
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 19<sup>th</sup> day of April, 2005.

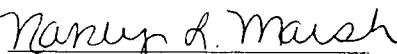
Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
Sonya R. Cleveland, Member

Attest:

  
Nancy Marsh, Auditor



**ORDINANCE NO. 2005- 13**

***AN ORDINANCE AMENDING THE HENDRICKS COUNTY DRAINAGE BOARD  
UNIFORM FEE SCHEDULE AND ESTABLISHING THE HENDRICKS COUNTY  
DEPARTMENT OF SURVEYOR UNIFORM FEE SCHEDULE***

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana, need to amend the Drainage Board Uniform Fee Schedule, which includes the amending, setting and collecting of all Drainage Board administrative fees, and need to establish a Department of Surveyor Uniform Fee Schedule, which includes the establishing, setting and collecting all Department of Surveyor fees, and

**WHEREAS**, Section 36-9-27-73 of the Indiana Code allows the Hendricks County Drainage Board the authority to set reasonable fees and collect associated costs from petitioners in drainage proceeding, and

**WHEREAS**, 327 IAC 15-13 (Rule 13), specified by State regulation, requires Hendricks County to develop and implement a comprehensive Storm Water Quality Management Plan (SWQMP) and allows the County the ability to self-fund such a program;

**NOW THEREFORE, BE IT ORDAINED** by the Hendricks County Board of Commissioners that there is hereby amended a Drainage Board Uniform Fee Schedule and established a Department of Surveyor Uniform Fee Schedule as follows:



**DRAINAGE BOARD UNIFORM FEE SCHEDULE:**

**I. SUBDIVISION:**

A. Minor Subdivision	
1. Primary & Secondary	\$250.00
B. Major Subdivision	
1. Primary	\$500.00 + \$15/Lot/Acre/Unit
2. Secondary	\$500.00 + \$10/Lot/Acre/Unit
C. Revision - (Change to an Approved Plat, not Recorded)	\$250.00
D. Amendment - (Change to a Recorded Plat)	\$250.00
E. Re-plat - (Vacation of a Recorded Plat)	\$500.00
F. Divisional Lot Split	\$250.00

**II. SHOPPING CENTER:**

A. Preliminary Development Plan	\$1,000.00 + \$15.00/Lot/Acre/Unit
B. Final Development Plan	\$1,000.00 + \$10.00/Lot/Acre/Unit
D. Amendment to an Approved Final Development Plan	\$1,000.00 + \$10.00/Lot/Acre/Unit

**III. PLANNED UNIT DEVELOPMENT:**

A. Preliminary Development Plan	\$500.00 + \$15.00/Lot/Acre/Unit
B. Final Development Plan	\$500.00 + \$10.00/Lot/Acre/Unit
C. Amendment to an Approved Planned Unit Development	\$500.00 + \$10.00/Lot/Acre/Unit

**IV. DEVELOPMENT PLAN REVIEW:**

A. Preliminary Development Plan	\$500.00 + \$15.00/Lot/Acre/Unit
B. Final Development Plan	\$500.00 + \$10.00/Lot/Acre/Unit
C. Amendment to a Development Plan	\$500.00 + \$10.00Lot/Acre/Unit

**V. AMENITY AREA:**

A. Preliminary Development Plan	\$500.00 + \$15.00/Lot/Acre/Unit
B. Final Development Plan	\$500.00 + \$10.00/Lot/Acre/Unit
C. Amendment to a Development Plan	\$500.00 + \$10.00Lot/Acre/Unit

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**VI. COMMERCIAL/INDUSTRIAL:**

A. Principal \$1,000.00 + \$10.00/Lot/Acre/Unit

**VII. INDIVIDUAL RESIDENCE AND FARMS:**

A. Regulated Drain Outlet Permit \$100.00/outlet

B. Regulated Drain Crossing Permit \$250.00/crossing

C. Regulated Drain Encroachment Permit \$250.00/encroachment

(NOTE: All fees in this section can be waived or modified by the Hendricks County Surveyor and/or the Hendricks County Drainage Board.)

**VIII. UTILITIES:**

A. Regulated Drain Crossing Permit \$250.00/crossing

B. Regulated Drain Encroachment Permit \$0.25/foot (Min. \$250.00)

(NOTE: All fees in this section can be waived or modified by the Hendricks County Surveyor and/or the Hendricks County Drainage Board. All fees will be waived if the permit is for work within a new subdivision. A new subdivision refers to a development granted final approval by the Hendricks County Plan Commission within the last 24 months.)

**IX. OTHER:**

A. Copy of the Hendricks County Drainage Handbook \$100.00

B. Removal of Obstruction Application \$250.00

C. Variance of a Regulated Drainage Easement \$250.00

**X. MISCELLANEOUS FEES:**

A. Returned Check Fee \$25.00

B. Two-foot Contour Maps (via Accu-Air) \$30.00/Acre

C. Copies \$1.00/Page

**XI. ENGINEERING REVIEW FEES:**

All engineering projects will require a review fee above and beyond the application fee(s). The review fee shall equate to the contract rate of the reviewing engineer, not to exceed \$110.00/hour. This fee shall be paid to the Hendricks County Drainage Board and shall be paid in full before any project approval is given.

**\*ALL FEES ARE NON REFUNDABLE\***

(Unless so permitted by the Drainage Board)



## **CLEAN WATER DEPARTMENT UNIFORM FEE SCHEDULE**

### **I. RESIDENTIAL**

A. Principal	
1. Single Family Dwelling	\$250.00
2. Multi-Family Dwelling	\$500.00/Building
3. Demolition	\$250.00
4. Additions	\$100.00
5. Accessory Structures	\$100.00
6. Detached Garage	\$100.00
7. Swimming Pools	\$100.00
8. Relocation	\$100.00

### **II. SUBDIVISION:**

A. Minor Subdivision	
1. Secondary	\$250.00
B. Major Subdivision	
1. Secondary	\$500.00 + \$10.00/Lot/Acre/Unit

### **III. SHOPPING CENTER:**

A. Final Development Plan	\$1,000.00 + \$10.00/Lot/Acre/Unit
B. Amendment to Approved Final Development Plan	\$1,000.00 + \$10.00/Lot/Acre/Unit

### **IV. PLANNED UNIT DEVELOPMENT:**

A. Final Development Plan	\$500.00 + \$10.00/Lot/Acre/Unit
B. Amendment to an Approved PUD	\$500.00 + \$10.00/Lot/Acre/Unit

### **V. DEVELOPMENT PLAN REVIEW:**

A. Final Development Plan	\$500.00
B. Amendment to a Development Plan	\$500.00

### **VI. AMENITY AREA:**

A. Final Development Plan	\$500.00
B. Amendment to a Development Plan	\$500.00

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**VII. COMMERCIAL/INDUSTRIAL:**

A. Principal \$1,000.00 + \$10.00/Lot/Acre/Unit

**VIII. STOP WORK ORDERS:**

A. Permit Re-Instatement Fee Minimum \$500.00 or two (2) times the filing fee, whichever is greater

B. Fine For Continued Construction after Stop Work Order  
\$1,000.00 first day and up to \$500.00 for each additional day

**IX. MISCELLANEOUS FEES:**

A. Returned Check Fee \$25.00

B. Two-foot Contour Maps (via Accu-Air) \$30.00/Acre

C. Copies \$1.00/Page

**X. ENGINEERING REVIEW FEES:**

All engineering projects that require a Stormwater Pollution Prevention Plan for Construction Sites will require a review fee above and beyond the Clean Water Permit fee. The review fee shall equate to the contract rate of the reviewing engineer, not to exceed \$110.00/hour. This fee shall be paid to the Hendricks County Drainage Board and shall be paid in full before any Clean Water Permit is issued.

**\*ALL FEES ARE NON REFUNDABLE\***  
(Unless so permitted by the Drainage Board)



This Ordinance shall be in full force and effect from and after its passage and approval.

Presented to the Board of Commissioners of Hendricks County, Indiana, and approved on this 26<sup>th</sup> day of April, 2005:

**BOARD OF COMMISSIONERS OF HENDRICKS COUNTY:**

Ed Schrier Pres.  
Ed Schrier, President

Phyllis A. Palmer  
Phyllis A. Palmer, Vice-President

Sonya R. Cleveland  
Sonya R. Cleveland, Member

ATTEST:

David L. Gaston  
David L. Gaston, P.L.S., Hendricks County Surveyor



ORDINANCE NO. 2005-14

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT AND RB/SINGLE FAMILY (12,500) RESIDENTIAL DISTRICT TO RAA/SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 337/05: HERITAGE DEVELOPMENT OF INDIANA, LLC, WASHINGTON TOWNSHIP, PARCEL TOTALING 27.931 ACRES, LOCATED ON THE NORTH SIDE OF COUNTY ROAD 300 SOUTH, BETWEEN STATE ROAD 267 AND COUNTY ROAD 625 EAST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RAA/Single Family (15,000) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 337/05: Heritage Development of Indiana, LLC, S22-T15N-R1E, 27.931 acres, Washington Township, located on the north side of County Road 300 South, between State Road 267 and County Road 625 East.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 337/05: *Heritage Development of Indiana, LLC*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 26<sup>th</sup> day of April, 2005.

Board of Commissioners

*Ed Schrier*  
Ed Schrier, President

*Phyllis A. Palmer*  
Phyllis A. Palmer, Vice-President

*Sonya R. Cleveland*  
Sonya R. Cleveland, Member

Attest:

*Nancy R. Marsh*  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-15

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO RAA/SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 338/05: COUNTRYTYME, BROWN TOWNSHIP, PARCEL TOTALING 20.54 ACRES, LOCATED ON THE WEST SIDE OF STATE ROAD 267, NORTH OF COUNTY ROAD 900 NORTH.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RAA/Single Family (15,000) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 338/05: Countrytyme, S22-T17N-R1E, 20.54 acres, Brown Township, located on the west side of State Road 267, north of County Road 900 North.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 338/05: Countrytyme, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 26th day of April, 2005.

Board of Commissioners

Ed Schrier  
Ed Schrier, President

Phyllis A. Palmer  
Phyllis A. Palmer, Vice-President

Sonya R. Cleveland  
Sonya R. Cleveland, Member

Attest:

Nancy A. Marsh  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-19

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO AGB/AGRICULTURAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 335/05: LACEY LAWN CARE & LANDSCAPING; BROWN TOWNSHIP, PARCEL TOTALING 5.04 ACRES, LOCATED ON THE NORTH SIDE OF MALONEY ROAD, EAST OF COUNTY ROAD 925 EAST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the AGB/Agricultural Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 335/05: Lacey Lawn care & Landscaping, S25-T17N-R1E, 5.04 acres, Brown Township, located on the north side of Maloney Road, east of County Road 925 East.


**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 335/05: *Lacey Lawn care & Landscaping*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 24<sup>th</sup> day of May, 2005.

Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-20

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO NB/NEIGHBORHOOD BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 340/05: STACI LONG & MARK COOPER; LIBERTY TOWNSHIP, PARCEL TOTALING 5.714 ACRES, LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 40, APPROXIMATELY 0.38 MILE WEST OF COUNTY ROAD 100 WEST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the NB/Neighborhood Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 340/05: Staci Long & Mark Cooper, S08-T14N-R1W, 5.714 acres, Liberty Township, located on the south side of U.S. Highway 40, approximately 0.38 mile west of County Road 100 West.

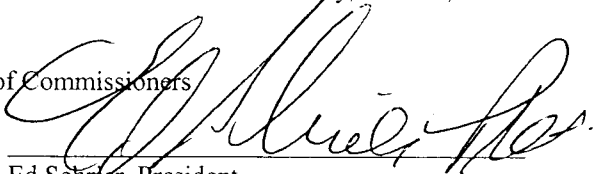
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 340/05: *Staci Long & Mark Cooper*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

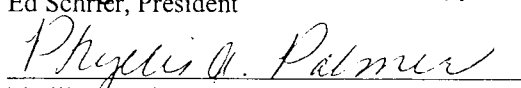
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

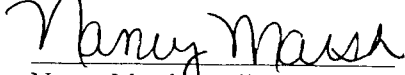
24<sup>th</sup> Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of May, 2005.

Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-23

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO RAA/SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 344/05: PAUL S. & SUSAN D. JOHNSON; CENTER TOWNSHIP, PARCEL TOTALING 20.439 ACRES, LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 50 SOUTH, APPROXIMATELY 0.20 MILE WEST OF COUNTY ROAD 200 WEST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RAA/Single Family (15,000) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 344/05: Paul S. & Susan D. Johnson, S07-T15N-R1W, 20.439 acres, Center Township, located on the south side of County Road 50 South, approximately 0.20 mile west of County Road 200 West.

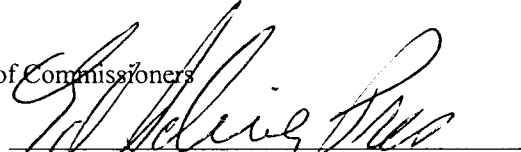
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 344/05: *Paul S. & Susan D. Johnson*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

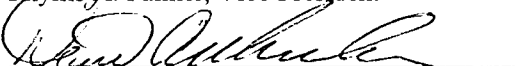
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 28th day of June, 2005.

Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE # 2005-24


AN ORDINANCE ESTABLISHING THE HENDRICKS COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT AND OTHER RELATED MATTERS CONCERNING THE EXERCISE OF EMERGENCY POWERS

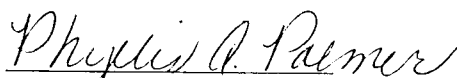
BE IT ORDAINED THAT a new ordinance be added to the Hendricks County Code. The attached Exhibit A, Sections 1 through 4, containing the substantive provisions of this Ordinance is incorporated into said Code as part of this Ordinance.

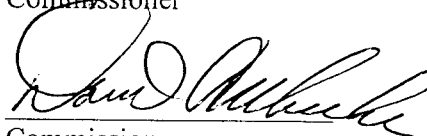
All ordinances or parts of ordinances in conflict with provisions of this Ordinance are hereby repealed.

Should any Section, Paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid the remainder of said Ordinance shall continue in full force and effect.

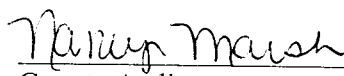
Adopted by the Board of Commissioners of the County of Hendricks State of Indiana on the 19<sup>th</sup> day of July, 2005 : effective upon Passage.

  
Commissioner

  
Commissioner

  
Commissioner

Attest:

  
County Auditor



**EXHIBIT A**

                     COUNTY CODE  
EMERGENCY MANAGEMENT



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## SECTION 1: PURPOSE

To establish in \_\_\_\_\_ County a Department of Emergency Management and to provide for the exercise of necessary powers during disaster emergencies.

## SECTION 2 COUNTY EMERGENCY MANAGEMENT PROGRAM; DEFINITIONS AND GENERAL PROVISIONS

### A. DEFINITIONS

As used in this chapter hereinafter the following words and terms have the meanings indicated.

1. **"Advisory Council"** means the \_\_\_\_\_ County Emergency Management Advisory Council as established under this Chapter, pursuant to Indiana Code 10-14-3-17.
2. **"Board"** means the Board of County Commissioners, as elected pursuant to Indiana Code 36-2-2.
3. **"Chairman"** means the Chairman of the \_\_\_\_\_ County Emergency Management Advisory Council as established under this Chapter, pursuant to Indiana Code 10-14-3-17.
4. **"County"** means \_\_\_\_\_ County
5. **"Department"** means the County Department of Emergency Management as established under this Chapter, pursuant to Indiana Code 10-14-3-17.
6. **"Director"** means the County Emergency Management Director as established and appointed pursuant to this Ordinance in accordance with Indiana Code 10-14-3-17.
7. **"Disaster"** has the meaning established in Indiana Code 10-14-3-1; which at the time this ordinance is adopted means:
  - (a) An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause.
  - (b) The term includes the following:
    - (1) Fire.
    - (2) Flood.
    - (3) Earthquake.
    - (4) Wind.
    - (5) Storm.
    - (6) Wave action.
    - (7) Oil spill.
    - (8) Other water contamination requiring emergency action to avert danger



- or damage.
- (9) Air contamination.
- (10) Drought.
- (11) Explosion.
- (12) Riot.
- (13) Hostile military or paramilitary action.

8. **“Emergency Management”** has the meaning established in Indiana Code 10-14-3-2; which at the time this ordinance is adopted means the preparation for and the coordination of all emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. The functions include the following:
  - (1) Firefighting services.
  - (2) Police services.
  - (3) Medical and health services.
  - (4) Rescue.
  - (5) Engineering.
  - (6) Warning services.
  - (7) Communications.
  - (8) Radiological, chemical, and other special weapons defense.
  - (9) Evacuation of persons from stricken areas.
  - (10) Emergency welfare services.
  - (11) Emergency transportation.
  - (12) Plant protection.
  - (13) Temporary restoration of public utility services.
  - (14) Other functions related to civilian protection.
  - (15) All other activities necessary or incidental to the preparation for and coordination of the functions described in subdivisions (1) through (14).
9. **“Emergency Management Volunteer”** means any person who serves without compensation in the Department of Emergency Management, being first duly given the Loyalty Oath mandated by Indiana Code 10-14-3-27 and rostered and appointed by the Director, including persons and private agencies or governmental units offering services to the county during emergency situations or mutual aid to other emergency services who request assistance.
10. **“Participating Emergency Service”** means:
  - (a) Any County department or agency designated in the emergency operations plan to participate in emergency management activities, and,
  - (b) Any department or agency of the state, another county, a municipal corporation, or a volunteer organization designated to participate in the county's emergency management programs and activities pursuant to a cooperative or mutual aid agreement entered into pursuant to Indiana



Code 10-14-3-17.

11. **"Personnel"** means county officers and employees and emergency management volunteers, unless otherwise indicated.
12. **"Plan" or "Emergency Plan"** means the current local Comprehensive Emergency Management Plan whose preparation and updating are mandated by Indiana Code 10-14-3-17(h).
13. **"Principal Executive Officer"** of the County as referred to in Indiana Code 10-14-3-29(a) for purposes of declaring a local disaster emergency, and as referred to hereinafter, means the County Board of Commissioners established under Indiana Code 36-2-2. If a quorum of the County Board of Commissioners (two of the three Commissioners) is unavailable or is incapacitated, then the following establishes the line of succession for the Principal Executive Officer:
  - (a) Regularly Designated President of the County Board of Commissioners  
If a quorum of the County Board of Commissioners (two of the three Commissioners as established under Indiana Code 36-2-4-3) is unavailable or is incapacitated, then the regularly designated President of the County Board of Commissioners shall serve as the Principal Executive Officer for the purposes of this ordinance until such time that a quorum of the County Board of Commissioners is no longer unavailable or incapacitated.
  - (b) President Pro-Tem of the Board of County Commissioners  
If both a quorum of the County Board of Commissioners and the regularly designated President of the County Board of Commissioners are unavailable or are incapacitated, then the President Pro-Tem of the County Board of Commissioners shall serve as the Principal Executive Officer for the purposes of this ordinance until such time that either the regularly designated President or a quorum of the County Board of Commissioners is no longer unavailable or incapacitated.
  - (c) Remaining Commissioner of the Board of County Commissioners  
If a quorum of the Board of County Commissioners, the regularly designated President of the Board of County Commissioners, and the President Pro-Tem of the County Board of Commissioners are all unavailable or are incapacitated, then the remaining Commissioner of the County Board of Commissioners shall serve as the Principal Executive Officer for the purposes of this ordinance until such time that the President Pro-Tem, the regularly designated President, or a quorum of the County Board of Commissioners is no longer unavailable or incapacitated.
  - (d) County Auditor  
If all of the County Commissioners are unavailable or incapacitated, then the County Auditor shall serve as the Principal Executive Officer for the



purposes of this ordinance until such time that a County Commissioner is no longer unavailable or incapacitated.

- (e) County Clerk  
If all of the County Commissioners and the County Auditor are unavailable or incapacitated, then the County Clerk shall serve as the Principal Executive Officer for the purposes of this ordinance until such time that the County Clerk or a County Commissioner is no longer unavailable or incapacitated.
- (f) County Recorder  
If all of the County Commissioners, the County Auditor, and the County Clerk are unavailable or incapacitated, then the County Recorder shall serve as the Principal Executive Officer for the purposes of this ordinance until such time that the County Auditor, the County Clerk or a County Commissioner is no longer unavailable or incapacitated.
- (g) Director of Emergency Management  
If all of the County Commissioners, the County Auditor, the County Clerk and the County Recorder are unavailable or incapacitated, then the Director of Emergency Management shall serve as the Principal Executive Officer for the purposes of this ordinance until such time that the County Recorder, the County Auditor, the County Clerk or a County Commissioner is no longer unavailable or incapacitated.

14. “SEMA” means the State Emergency Management Agency established under Indiana Code 10-14-2-1.

**B. GENERAL SCOPE AND INTENT: LIBERAL CONSTRUCTION OF POWERS**

The general intent of this Ordinance is to provide for all necessary and indispensable powers and procedures reasonably needed to mitigate, prepare for, respond to and recover from emergency conditions. To this end, all powers, both ministerial and discretionary, as conferred herein shall be liberally construed to supplement and augment, not to limit, any other powers or reasonable exercise of discretion which may ordinarily pertain to county officers, employees, department, and agencies.

**C. LIMITATIONS: NONSUPERSESSION OF EMERGENCY POWERS OF COUNTY SHERIFF**

Nothing in this Ordinance is intended to supersede or delimit any statutory powers of the County Sheriff.



**D. LIMITATIONS: NONSUPERSESSION OF EMERGENCY MANAGEMENT POWERS OF POLITICAL SUBDIVISIONS; CONFORMANCE OF POLITICAL SUBDIVISION EMERGENCY MANAGEMENT RULES AND REGULATIONS WITH COUNTY'S EMERGENCY MANAGEMENT PROGRAM AND EMERGENCY PLAN**

Nothing in this Ordinance is intended to supersede or delimit the powers granted under Indiana Code 10-14-3-17 to any political subdivision to adopt and implement emergency plans and promulgate and enforce emergency management rules and regulations in the advent of an actual emergency affecting such political subdivision. However, pursuant to Indiana Code 10-14-3-22, such regulations and procedures as promulgated by the political subdivision may not be inconsistent with the County emergency management program and emergency plan established in accordance with this ordinance.

**SECTION 3 COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL;  
COUNTY EMERGENCY MANAGEMENT DIRECTOR;  
ORGANIZATION AND ADMINISTRATION OF DEPARTMENT OF  
EMERGENCY MANAGEMENT**

**A. COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL: ESTABLISHMENT**

The County Emergency Management Advisory Council is established by Indiana Code 10-14-3-17(c) and under this statute consists of the following individuals or their designees.

1. The president of the Board of County Commissioners or, if the Board of County Commissioners does not have a president, a member of the Board of County Commissioners appointed from the membership of the Board of County Commissioners.
2. The president of the County fiscal body.
3. The mayor of each city located in the County.
4. An individual representing the legislative bodies of all towns located within the County.
5. One (1) commander of a local civil air patrol unit in the County or the commander's designee.
6. Representatives of such private and public agencies or organizations which can be of assistance to emergency management as the organizing group considers appropriate, or as may be added later by the County Emergency Management Advisory Council.



**B. COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL: POWER AND DUTIES**

The powers and duties of the County Emergency Management Advisory Council are established by Indiana Code 10-14-3-17(d) and under this statute consist of the following:

1. The Advisory Council shall exercise general supervision and control over the emergency management and disaster program of the County.
2. The Advisory Council shall select, or cause to be selected, with the approval of the Board of County Commissioners, a County Emergency Management Director.
2. The statute establishing the powers and duties of the Advisory Council does not describe the procedure to be used to terminate a County Emergency Management Director. However, the statute does require the Advisory Council to select the Director and obtain approval for the Board for this selection before a Director can be appointed. Therefore, an Advisory Council may make a determination to terminate a Director, but this determination is subject to the approval of the Board before the termination is final.

**C. DIRECTOR OF EMERGENCY MANAGEMENT: GENERAL POWERS AND DUTIES**

The Director, subject to the direction and control of the Advisory Council, shall be executive head of the Department, and pursuant to Indiana Code 10-14-3-17(d)(2)(A) has direct responsibility for the organization, administration and operation of the Department, including the following specific powers and duties:

1. The Director, pursuant to Indiana Code 10-14-3-17(d)(2)(B), is responsible to the chairman of the Advisory Council, and as such shall keep the chairman fully informed on emergency management activities and shall provide such reports to the Advisory Council if so directed by the chairman of the Advisory Council.
2. Keep the Board fully informed on emergency management activities.
3. Submit to the Advisory Council and the County Commissioners a yearly report on the county's comprehensive emergency management, including mitigation, preparedness, response and recovery taken in the previous year and planned and recommended for the year to come.
4. Assure that all of the duties and responsibilities of the Emergency Management Agency are completed.
5. Assure that all county employees and rostered volunteers with responsibilities as part of the Comprehensive Emergency Management Plan receive training in the functions that they are to perform under the Plan.
6. Design and conduct exercises of the Comprehensive Emergency Management Plan, as required by the State Emergency Management Agency.



7. Assure that the Comprehensive Emergency Management Plan addresses all hazards and includes all cities, towns and other population centers within the county.
8. Submit to State Emergency Management Agency the assessment specified in SEMA's required format and within SEMA's required time frame for submission.
9. Provide to the State Emergency Management Agency Director annual reports and documentation as mandated.
10. Competently manage the department's various functions, including among others financial, personnel, and logistic.
11. Timely obey to the directives of superior state authorities;
12. Assure that the activities of the Department at all times comport with Indiana Code 10-14-3 and other applicable statutes, rules and County ordinances.
13. Develop an emergency operating center ("EOC") as a site from which key officials can direct and control operations during a disaster or emergency.
14. Attend, and attain passing grades in, the Emergency Management Professional Development Series for emergency management presented by the State Emergency management Agency and Public Safety Training Institute within four (4) years of first assuming the position of Director.
15. Attend, and attain passing grades in, such emergency management training as may be required by SEMA in subsequent years.
16. Assure the Deputy Director's attendance at, and passing grades in, the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within four (4) years of first assuming the position of Deputy Director.
17. Assure the Deputy Director's and all paid emergency management staff's attendance at, and passing grades in, such emergency management training as may be required by SEMA in subsequent years.
18. Assure ongoing attendance by the Director, the Deputy Director and all paid emergency management staff at further emergency management courses presented by the Public Safety Training Institute to assure continued knowledge of the latest information on emergency management.
19. Assume responsibility for public relations, information and education regarding all phases of emergency management.



20. Assure coordination within the County of all activities for emergency management.
21. Maintain liaison and coordinate with all other affected agencies, public and private.
22. Coordinate the recruitment and training for volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes.
23. Seek, negotiate and enter into (with the approval or ratification of the County Commissioners and consistent with the State Emergency Operations Plan and program) mutual aid arrangements with other public and private agencies for emergency management purposes, and taking all steps in accordance with such arrangements to comply with or take advantage thereof in the event of an actual emergency affecting the parties;
24. Accept any offer of the Federal Government to provide for the use of the county any services, equipment, supplies, materials, or funds for emergency management purposes by way of gift, grant or loan, when the Governor has approved such offer.
25. Seek and accept from any person, firm or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds, or licenses or privileges to use real estate or other premises, to the county for emergency management purposes.
26. Issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management.
27. Assure that all volunteers meet the criteria set forth in this Ordinance prior to accepting them as members of the Department.
28. Make rapid and accurate assessment of:
  - (a) Property damage;
  - (b) Personal injuries;
  - (c) Fatalities;
  - (d) Basic needs; and
  - (e) Special needsas soon as an emergency or disaster declaration has been made.
29. In addition to the powers and duties expressly provided above, the Director shall be construed to have all powers and duties of a local emergency management Director as provided under Indiana Code 10-14-3. In particular, but not by limitation, the Director, through the Department, may perform or cause to be



performed with respect to the county, any function parallel or analogous to those performed on a statewide basis by SEMA under Indiana Code 10-14-3.

**D. DEPARTMENT OF EMERGENCY MANAGEMENT: ESTABLISHMENT; STAFFING; OATH; AND PROHIBITION OF POLITICAL ACTIVITY**

1. There is hereby established a Department of Emergency Management within the executive branch of the County government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing county departments and agencies to prepare for and meet any disaster as defined in this ordinance. The Director of Emergency Management shall be responsible for its organization, administration and operation.
2. The Department shall consist of the following:
  - (a) The Director of Emergency Management.
  - (b) A Deputy Director appointed by the Director with the approval of the Advisory Council. The Deputy Director shall fulfill the duties of the Director in the absence or incapacity of the Director to serve; and assist the Director in the performance of Director's duties.
  - (c) Emergency management volunteers, as deemed necessary and appointed by the Director. In addition to the other requirements in this Section, the Director shall ensure that all volunteer personnel meet the following qualifications before being placed on the roster as a member of the Department:
    - (i) Be at least eighteen (18) years of age or older;
    - (ii) Not be convicted of a felony; and
    - (iii) Have completed and have on file with the Department an application form.
  - (d) The employees, equipment and facilities of all county departments and agencies suitable for, or adaptable to emergency management and designated by the Emergency Plan to participate in emergency management activity.
  - (e) Staff officers with responsibility for Communications and Warning, Radiological, Health and Medical Care, Law Enforcement, Fire and Search and Rescue, Public Works and Public Information in accordance with the Comprehensive Emergency Management Plan.
  - (f) Such assistants, clerical help, and other employees as deemed necessary as deemed necessary and appointed by the Director in accordance with the



Comprehensive Emergency Management Plan.

3. Pursuant to Indiana Code 10-14-3-27(a), no person shall be employed or associated in any capacity in any emergency management organization established under this Ordinance who:
  - (a) advocates a change by force or violence in the constitutional form of the government of the United States or the overthrow of any government in the United States by force or violence; or
  - (b) has been convicted of or is under indictment or information charging any subversive act against the United States.
4. Pursuant to Indiana Code 10-14-3-27(b), each individual who is appointed to serve in an organization for emergency management shall, before entering upon the individual's duties, take a Loyalty Oath, in writing, before a person authorized to administer oaths in Indiana.
  - (a) The loyalty oath shall be substantially as follows:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Indiana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the County Department of Emergency Management I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence.”
  - (b) In accordance with Indiana Code 10-14-3-27(c), the Director of the State Emergency Management Agency and the County Emergency Management Director may administer this Loyalty Oath and may delegate the authority to administer the Loyalty Oath to designated deputies and assistants approved by the Director of the State Emergency Management Agency.
5. Pursuant to Indiana Code 10-14-3-26, the Department shall not:
  - (a) Participate in any form of political activity; or
  - (b) Be employed directly or indirectly for political purposes.



6. The County Council shall not have any power of approval over particular candidates for any position, but the County Council shall have general statutory powers to determine the numbers of officers, deputies, and employees of county departments, classify positions, and adopt schedules of compensation pursuant to Indiana Code 36-2-5-3(a). Notwithstanding any other provision of this Ordinance, with the exception of the Director, a compensated position may not be established within the Department of Emergency Management nor shall any person be appointed to such position without authorization and sufficient funding from the County Council.

**E. DEPARTMENT OF EMERGENCY MANAGEMENT: DUTIES**

The Department, subject to the direction and control of the Director, shall prepare and implement the Comprehensive Emergency Management Plan, including the following specific duties:

1. Prepare and distribute to all appropriate officials a clear and complete written statement of the emergency responsibilities of all local agencies and officials and the disaster chain of command in accordance with Indiana Code 10-14-3-17(i).
2. Work closely with officers and employees of incorporated and unincorporated areas of the County to develop a hazard mitigation program to eliminate or reduce potential hazards.
3. Write and implement the Comprehensive Emergency Management Plan, which shall conform to the guidelines contained in the most current state and federal guidance documents (The County cannot receive state and/or federal matching funds unless this is done), and the requirements established in this Ordinance. As part of the preparation of this Plan, the Department shall:
  - (a) Identify and analyze the effects of hazards that threaten the County.
  - (b) Inventory manpower and material resources from governmental and private sector sources that would be available in a disaster or emergency.
  - (c) Establish a system to alert key officials in event of a disaster or emergency.
  - (d) Identify resource deficiencies and work with appropriate officials on measures to correct them.
  - (e) Develop and maintain an emergency communications system, thus assuring proper functioning of emergency communications throughout the county, including all cities and towns.
  - (f) Take all actions necessary to ensure the continuity of government



procedures and systems in the event of a disaster.

- (g) Establish and maintain a shelter and reception and care system for both people and animals.
  - (h) Develop a training program for emergency response personnel ensuring that mitigation, training and exercising have been performed for all such personnel.
  - (i) Coordinate with industry to develop and maintain industrial emergency plans and capabilities in support of the Comprehensive Emergency Management Plan.
- 4. Update the Comprehensive Emergency Management Plan as needed to keep it current, as required by Indiana Code 10-14-3-17(h).
  - 5. Develop a program to test and exercise the Emergency Plan.

**F. DEPARTMENT OF EMERGENCY MANAGEMENT: BUDGET AND FINANCE**

- 1. The Advisory Council shall advise the Director in the preparation of the budget.
- 2. The County Council shall appropriate such funds, as it may deem necessary for the purpose of emergency management.
- 3. All funds appropriated or otherwise available to the Department of Emergency Management shall be administered by the Director.

**G. COMPREHENSIVE EMERGENCY MANAGEMENT PLAN: FORMULATION; CONTENT AND ADOPTION**

- 1. A County Comprehensive Emergency Management Plan, referred to as the interjurisdictional disaster emergency plan by Indiana Code 10-14-3-17(h), shall be adopted by resolution of the County Board of Commissioners. In the preparation of this Plan, as it pertains to county organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent possible.
- 2. The Comprehensive Emergency Management Plan shall include, at minimum, the following:
  - (a) An Administrative Section which includes
    - (i) Authorities and Directives.
    - (ii) Terms and Definitions.
    - (iii) Acronyms/Abbreviations.
    - (iv) Financial Management.



- (b) A Hazards Specific Section which includes:
    - (i) Unique hazards.
    - (ii) Special Events.
  - (c) An Operations Section which includes:
    - (i) Coordination and Control Emergency Support Function
    - (ii) Communications and Warning Emergency Support Function
    - (iii) Public Information Emergency Support Function
    - (iv) Resource Management Emergency Support Function
    - (v) Information and Planning Emergency Support Function
  - (d) An Emergency Services Section which includes:
    - (i) Military Emergency Support Function
    - (ii) Law Enforcement Emergency Support Function
    - (iii) Firefighting Emergency Support Function
    - (iv) Transportation Emergency Support Function
    - (v) Health and Medical Emergency Support Function
    - (vi) Search and Rescue Emergency Support Function
    - (vii) Public Works/Engineering Emergency Support Function
  - (e) A Consequent Effects Section which includes:
    - (i) Evacuation Emergency Support function
    - (ii) Shelter/Mass Care Emergency Support Function
    - (iii) Damage Assessment Emergency Support Function
    - (iv) Hazardous Materials Emergency Support Function
    - (v) Radiological Protection Emergency Support Function
    - (vi) Energy Emergency Support Function
3. In addition, all emergency services within the county shall:
- (a) Develop Standard Operating Procedures, Standard Operating Guides and checklists that are drafted subject to the requirements of the Comprehensive Emergency Management Plan;
  - (b) Coordinate Standard Operating Procedures, Standard Operating Guides and checklists with the Department of Emergency Management;
  - (c) Assure inclusion of the Standard Operating Procedures, Standard Operating Guides and checklists within the county Comprehensive Emergency Management Plan;
  - (d) Perform the functions and duties assigned by the County Comprehensive Emergency Management Plan; and
  - (e) Maintain their portion of the Comprehensive Emergency Management Plan in a current state of readiness at all times.



**H. JURISDICTION: DEPARTMENT OF EMERGENCY MANAGEMENT; COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN; AND POLITICAL SUBDIVISIONS**

1. Except as provided by Sections 2.C. and 2.D., the jurisdiction of the County Department of Emergency Management shall be comprehensive and inclusive Countywide and effective in both the incorporated and unincorporated areas of the County.
2. The jurisdiction and applicability of the County Comprehensive Emergency Management Plan, as adopted pursuant to Section 3.G., and the exercise of any powers of the Principal Executive Officer of the County and of the County Board of Commissioners under Section 4, shall be comprehensive and inclusive Countywide and effective in both the incorporated and unincorporated areas of the County.
3. All political subdivisions in the County shall:
  - (a) If they develop a plan for their political subdivision:
    - (i) Ensure that the plan is consistent with the requirements of the County Comprehensive Emergency Management Plan;
    - (ii) Coordinate the development of the plan with the Department of Emergency Management; and
    - (iii) Ensure inclusion of the plan within the County Comprehensive Emergency Management Plan.
  - (b) Perform the functions and duties assigned by the County Comprehensive Emergency Management Plan.
  - (c) Maintain their portion of the Comprehensive Emergency Management Plan in a current state of readiness at all times.

**I. TESTS OF THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN; OTHER EMERGENCY TESTS**

1. Tests of the Comprehensive Emergency Management Plan may be conducted at any time with or without prior notification to persons other than the Director.
2. All emergency tests conducted within the boundaries of the County shall be coordinated with the Department.

**J. COUNTY BOARD OF COMMISSIONERS: GENERAL ADMINISTRATIVE POWERS AND DUTIES**

In time of normal county operations, powers and duties of the County Commissioners pertaining to emergency management shall be:



1. Maintaining general supervision over the planning and administration for the Department;
2. Adopting the Comprehensive Emergency Management Plan;
3. Coordinating emergency management activities consistent with the Comprehensive Emergency Management Plan;
4. Making assignments of county personnel to emergency management activities consistent with the Comprehensive Emergency Management Plan;
5. Making assignments of County personnel to emergency management duties in order to meet situations not covered in the normal duties and powers of such agencies consistent with the Comprehensive Emergency Management Plan;
6. Taking all necessary action in coordination with the Department to conduct tests of the Comprehensive Emergency Management Plan; and
7. Educating themselves as to their responsibilities under the Comprehensive Emergency Management Plan.

#### **SECTION 4 COUNTY EMERGENCY MANAGEMENT PROGRAM: EMERGENCY POWERS, REGULATIONS AND PROCEDURES**

##### **A. APPLICABILITY OF SECTION**

This Section shall apply whenever:

1. The Governor, pursuant to Indiana Code 10-14-3-12 has declared a disaster emergency affecting all or part of the county.
2. The Principal Executive Officer of the County, pursuant to Indiana Code 10-14-3-29(a) and Section 4.C. hereof, is preparing to, or has declared a local disaster emergency affecting all or part of the County.
3. The County Board of Commissioners has implemented a test of the County's Comprehensive Emergency Management Plan and procedures in accordance with and to the extent necessary or dispensable to such test.

##### **B. SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER: DECLARATION OF LOCAL DISASTER EMERGENCY**

1. In the event of an actual or threatened disaster emergency affecting the County, if feasible, the Principal Executive Officer of the County shall seek the advice and input of the Director as to the advisability of declaring a local disaster emergency.



2. If the County Board of Commissioners, acting as the Principal Executive Officer of the County, is the entity declaring the local disaster emergency, then the statutory requirements contained in Indiana Code 36-2-2-8 and Indiana Code 5-14-1.5-5(d) regarding special and emergency meetings of the County Board of Commissioner must be met.
3. The Principal Executive Officer of the County may, in the event of an actual or threatened disaster emergency affecting the County declare a local disaster emergency, pursuant to Indiana Code 10-14-3-29(a). This declaration shall:
  - (a) Be in writing.
  - (b) State the nature of the disaster.
  - (c) State the conditions that have brought the disaster about.
  - (d) State the area or areas threatened.
  - (e) State the area or areas to which the local disaster emergency declaration applies (this may include the entire County or only designated parts thereof).
  - (f) State the effective period of the local disaster emergency declaration. The disaster declaration shall not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the County Board of Commissioners.
4. The declaration of a local disaster emergency, as well as any continuation or termination of such declaration shall be:
  - (a) Announced or disseminated to the general public by the best means available.
  - (b) Filed promptly in the offices of the County Clerk; the County Auditor, and the Clerk of any incorporated municipality located in the declared disaster area.
5. The declaration shall not be invalidated or ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances.
6. Upon a declaration, the County's Comprehensive Emergency Management Plan or such component parts thereof as may be relevant to the emergency shall be activated and implemented.



**C. COUNTY BOARD OF COMMISSIONERS; CONVENTION OF SPECIAL EMERGENCY MEETING**

1. As allowed by Indiana Code 36-2-2-8 and Indiana Code 5-14-1.5-5(d), a special meeting of the County Board of Commissioners shall be called as soon as possible after the disaster emergency that affects the county has been declared, either by the Governor or by the Principal Executive Officer of the County, to perform their legislative and administrative functions as the situation may demand.
2. As required by Indiana Code 36-2-2-8(b) and Indiana Code 5-14-1.5-5(d), the following conditions must be met for this meeting:
  - (a) The notice for the meeting must include a specific statement of the purpose of the meeting.
  - (b) News media that have requested notice of meetings must be given the same notice as is given the members of the County Board of Commissioners.
  - (c) The public must be notified of this meeting by posting a copy of the notice at the principal office of the County Board of Commissioners, or if no such office exists, at the building where the meeting is to be held.
  - (d) The County Board of Commissioners may not conduct any business at this meeting that is unrelated to the disaster emergency declaration.
  - (e) All other such requirements that are applicable to a meeting that is called to deal with an emergency.
3. In addition, such a meeting may:
  - (a) Be held in any convenient and available place.
  - (b) Continue without adjournment for the duration of the disaster emergency.
  - (c) Be recessed for reasonable periods of time as necessary and permitted by the circumstances.

**D. PRINCIPAL EXECUTIVE OFFICER: SPECIAL EMERGENCY POWERS AND DUTIES**

1. In the event that a disaster emergency has been declared that affects all or part of the County, and a quorum of the County Board of Commissioners cannot be assembled for purposes of the meeting needed under Section 4.C., the Principal Executive Officer of the County shall have, on an interim basis, all powers of the County Board of Commissioners and may take all such actions with respect to the disaster emergency declaration that the County Board of Commissioners would



have been authorized to take.

2. When a quorum of the County Board of Commissioners is assembled, these interim powers of the Principal Executive Officer of the County shall cease.

**E. COUNTY BOARD OF COMMISSIONERS: SPECIAL EMERGENCY POWERS AND DUTIES**

1. At the meeting convened under Section 4.C., the County Board of Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith.
2. In addition to the powers enumerated in Section 4.E.1., the Board may also exercise any of the following special and extraordinary powers:
  - (a) The County Board of Commissioners may extend the period of a local disaster emergency declared by the Principal Executive Officer of the County, pursuant to Section 4.B., to last more than 7 days if necessary.
  - (b) The County Board of Commissioners may terminate the local disaster emergency.
  - (c) The County Board of Commissioners may assemble and utilize emergency management resources, including:
    - (i) Personnel of the Department of Emergency Management;
    - (ii) Participating emergency services; and
    - (iii) Any other resources at the disposal of the Commissioners hereunder for emergency management purposes.
  - (d) The County Board of Commissioners may order volunteer forces which have been activated pursuant to the Comprehensive Emergency Management Plan to the aid of the county, state or political subdivisions thereof as soon as practicable. These volunteer forces shall be under the direction of the Department of Emergency Management.
  - (e) In order to control the local disaster emergency and provide for public health, safety and welfare, the County Board of Commissioners may, to the extent permitted by Indiana Code 10-14-3-31 and subject to its provisions, command services and/or requisition the use of:
    - (i) Equipment;
    - (ii) Facilities;
    - (iii) Supplies; or
    - (iv) Other property.
  - (f) The County Board of Commissioners may order the evacuation of all or part of the population from stricken areas of the county, and prescribe:



- (i) Routes;
  - (ii) Modes of transportation; and
  - (iii) Evacuation destinations.
- (g) The County Board of Commissioners may make provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations, etc., which would govern the use and location of premises for housing purposes during normal times.
- (h) Except in accordance with Section 4.E.2.i., the County Board of Commissioners shall not suspend any provisions of ordinances or procedures, which are mandated by statute.
- (i) In the event of a disaster emergency that has been declared by the Governor, the County Board of Commissioners, in accordance with Indiana Code 10-14-3-17(j)(5), may waive any procedures or requirements of statute, or of county ordinances reflecting statutory requirements and mandates, pertaining to:
  - (i) The performance of public works.
  - (ii) The entering into contracts.
  - (iii) The incurring of obligations.
  - (iv) The employment of permanent and temporary workers.
  - (v) The utilization of volunteer workers.
  - (vi) The rental of equipment.
  - (vii) The purchase and distribution of supplies, materials and facilities.
  - (viii) The appropriation and expenditure of public funds.
- (j) The County Board of Commissioners may assign any special emergency duties and functions to county:
  - (i) Offices;
  - (ii) Departments; and
  - (iii) Agencies.
- (k) Any unexpended and unencumbered monies budgeted and appropriated but not otherwise dedicated by law to different purposes may, within the scope of each major budget and appropriation category (major object classification), be utilized and expended for the purpose of carrying out such special emergency duties and functions.
- (l) Pursuant to Indiana Code 10-14-3-22, the County Board of Commissioners may make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of the provisions of this Ordinance. Such orders, rules, and regulations:
  - (i) Cannot be inconsistent with any orders, rules, or regulations



- promulgated by the Governor or by any State agency exercising a power delegated to it by the Governor.
- (ii) Cannot be inconsistent with the County's emergency management program or Emergency Plan.
  - (iii) Shall have full force and effect of law when filed in the office of the County Clerk;
  - (iv) Are enforceable by any local or state law enforcing authority in accordance with Indiana Code 10-14-3-24.
- (m) The County Board of Commissioners may, in accordance with the Emergency Plan, request the State or the United States or their agencies and political subdivisions to send aid (including financial assistance) if the situation is beyond the control of the regular and emergency county forces and resources.
3. All actions taken by the County Board of Commissioners under this Section shall be:
- (a) Adopted by ordinance or resolution pursuant Indiana Code 10-14-3-22;
  - (b) Consistent with, and subordinate to, any actions, orders, or regulations made by the Governor or a state agency implementing the State Comprehensive Emergency Management Plan.

**F. OFFICERS AND EMPLOYEES OF INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY: GENERAL DUTIES DURING EMERGENCY**

During a declared disaster emergency, all officers and employees of incorporated and unincorporated areas of the County shall:

1. Cooperate with and give active support to the County Board of Commissioners and the County Emergency Management Director.
2. Comply with all orders, rules and regulations issued pursuant to this Ordinance by the County Board of Commissioners or the County Emergency Management Director.

**G. NONCOMPLIANCE WITH EMERGENCY ORDERS, RULES AND REGULATIONS: OBSTRUCTION OR IMPERSONATION OF EMERGENCY MANAGEMENT AUTHORITIES; PENALTIES AND ENFORCEMENT**

1. Whenever this Ordinance applies it shall be unlawful and a penal ordinance violation for any person to:
  - (a) Willfully obstruct, hinder or delay the County Board of Commissioners, the Director of Emergency Management, participating emergency services, authorized emergency management volunteers or other authorities from



implementing, carrying out and enforcing the Emergency Plan;

- (b) Fail to observe, abide by, and comply with any emergency management duties, orders, regulations and procedures as made applicable to such person by the appropriate authorities; or
  - (c) Falsely wear or carry identification as a member of the County Department of Emergency Management or to otherwise falsely identify or purport to be a County emergency management authority.
2. Any person who commits an offense as described above shall be liable to a fine of \$2,500.00; such fine to be subject, however, to the discretion of the court of jurisdiction.
3. Any regular or reserve police officer of Indiana or any of its political subdivisions is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above.

**H. LIMITATION OF LIABILITY DURING DISASTER EMERGENCY OR EMERGENCY OR EMERGENCY MANAGEMENT TESTS**

During an emergency management test or declared disaster emergency, the County, the County's assigned personnel, participating emergency services, and rostered emergency management volunteers shall be immune from liability to the full extent provided by Indiana Code 10-14-3 and any other applicable law.

**I. COMPENSATION FOR PROPERTY COMMANDEERED OR USED DURING DISASTER EMERGENCY**

Pursuant to Indiana Code 10-14-3-31, compensation for property shall be paid only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was ordered by the Governor or a member of the disaster emergency forces of the state. Any person claiming compensation for the use, damage, loss, or destruction of such property shall make a claim for it. This claim shall be filed and adjudicated as provided in Indiana Code 1971, 32-11.



ORDINANCE NO. 2005-25

**AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY  
AMENDING SECTION 58.02 HOME OCCUPATIONS; AMENDING CHAPTER  
2.02 DEFINITIONS TO CHANGE THE DEFINITION FOR HOME  
OCCUPATION AND ADD A DEFINITION FOR HOME BUSINESS;  
AMENDING SECTION 10.04E, 10.05E, 14.03B, 14.04H, 15.03B, 15.04I, 16.03B,  
16.04G, 18.03B, 18.04G, 20.03B, 20.04H, 22.03B, 22.04H, 24.03C, 24.04G, 41.03B,  
41.04A, 42.03B, 42.04A, 43.03B, AND 43.04G**

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective on November 5, 2001;

**WHEREAS**, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended

**WHEREAS**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA 02/05) and voted to forward a favorable recommendation to the County Commissioners;

**WHEREAS**, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

Amendment of Section 58.02 HOME OCCUPATIONS as follows:

**58.02 HOME BASED BUSINESSES**

A. Purpose

The purpose of the this Chapter is to provide standards for the operation of home based businesses in order to protect the residential character of the neighborhood, preserve property values, and prevent the hazards to persons and property that result from residential-commercial land use conflicts, plus clearly establishing the secondary or incidental status of the home based business in relation to the primary use for dwelling purposes.

B. Classifications



Home based businesses shall be either permitted uses or special exception uses consistent with the provisions of this Section. For the purposes of establishing a degree to which home based businesses are secondary to the primary use of the dwelling and relating them to the uses permitted in the various zoning districts, the home based businesses are classified as either Home Occupation or Home Business, and described as follows:

C. Home Occupation

Home occupations are those which meet the following standards; representing requirements which permit minimal business practices within residential zoning districts while maintaining residential character. Home occupations shall be permitted without County approval.

1. Business Type

The home occupation shall not involve retail sales or manufacturing, and shall be limited to small home-office operations.

2. Business Equipment

The equipment used for the home occupation shall be limited to computers, fax machines, telephones, copy machines, and other small business office equipment.

a. There shall be no equipment or process used in the home occupation which creates noise, vibration, glare, smoke, fumes, odors, or electrical interference which is detectable outside of the primary structure, or any other obvious objectionable activity.

b. There shall be no electrical or mechanical equipment utilized in the home occupation which will create any visual or audible interference with radio or television reception.

3. Employees and Operator

The home occupation must not involve the on-site employment of any person other than those residing at the location of the home occupation and at least one (1) person residing within the dwelling must be the primary operator of the home occupation.

4. Outdoor Storage/Display



The home occupation must not involve any exterior storage of any kind, or the display of products, equipment or materials.

5. Business Area

The home occupation must utilize no more than 25% of the total floor area of the dwelling. The home occupation shall not be conducted in any accessory structure.

6. Structural Alterations

The home occupation must not require any structural or aesthetic alterations to any structures that change its residential character.

- a. The dwelling shall not be altered in its appearance, and the home occupation shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by use of colors, materials, construction, or lighting.
- b. The home occupation shall not require any additional entrances to the structure.
- c. The home occupation must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
- d. There shall be no alterations to the interior of the dwelling to accommodate a home occupation which would render the structure undesirable for residential use.

7. Customers/Parking

The home occupation must not involve clients, associates, or persons shopping, meeting, or otherwise doing business at the location of the home occupation, and therefore not require the addition of any off-street parking spaces.

8. Deliveries

The home occupation must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers.

9. Signs



No signs of any type, including signs located on vehicles, shall be permitted advertising the home occupation.

10. Commercial Vehicles

One (1) vehicle which does not exceed 16,000 pounds Gross Vehicle Weight is permitted.

D. Home Business

Home businesses are those which meet the following standards; representing requirements which permit reasonable business practices in certain residential zoning districts while maintaining residential character. Home businesses shall be special exception uses as regulated in Chapter 56 of this Ordinance.

1. Business Equipment

- a. There shall be no equipment or process used in the home business which creates noise, vibration, glare, smoke, fumes, odors, electrical interference which is detectable at the property lines of the parcel on which the dwelling is located, or any other obvious objectionable activity.

2. Employees/Operator

The home business must not involve the on-site employment of more than one (1) person who does not reside at the location of the home business and at least one (1) person residing within the dwelling must be the primary operator of the home business.

3. Outdoor Storage/Display

The home business must not involve any exterior storage of any kind, or the display of products, equipment or materials.

4. Business Area

The home business shall be limited to no more than 1,500 square feet of area used in the operation of the business, including storage, in the dwelling and/or any accessory structures.

5. Structural Alterations



- a. The dwelling shall not be altered in its appearance, and the home business shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by use of colors, materials, construction, or lighting.
- b. The home business must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
- c. There shall be no alterations to the interior of the dwelling to accommodate a home business which would render the structure undesirable for residential use.

6. Customer/Parking

The home business must not require that more than two (2) additional parking spaces be added to the parcel on which the residence is located. All parking spaces shall be consistent with the Parking Standards of Chapter 48.

7. Deliveries

The home business must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers.

8. Signs

One (1) sign for the home business shall be permitted. The sign shall not exceed two (2) square feet and shall not be illuminated. No off-site signs shall be permitted.

9. Commercial Vehicles

One (1) vehicle which does not exceed 16,000 pounds Gross Vehicle Weight is permitted.

E. Prohibited Home Businesses

The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to increase beyond the limits specified above for Home Businesses and impair the use, value, and quiet enjoyment of adjacent residential properties. Therefore, the following uses or similar uses shall not be permitted as Home Businesses:

1. Auto/Vehicle Sales, Service and Repair.
-



2. Barber/Beauty Shop greater than a one (1) chair operation.
3. Commercial Kennel.
4. Freight, Trucking.
5. Heavy Manufacturing.
6. Landscaping/Nursery, Plant Materials.
7. Restaurants, Eating or Drinking Establishments.
8. Salvage Yards.
9. Veterinary Clinic/Animal Hospital.
10. Well Drilling/Contractor Storage Yard.

F. Special Exception Application Procedure

The special exception application procedure shall comply with the procedures and requirements of Chapter 56.

G. Interpretation

The Director of the Planning and Building Department, or other person(s) as he or she may designate, may determine to what extent any proposed or existing home occupation or home business is consistent with the requirements of this Section. The decision made by the Director of Planning and Building may be appealed to the Board of Zoning Appeals in accordance with Section 5.06 B 1.

Amendment of Sections 10.04E, 14.03B, 15.03B, 16.03B, 18.03B, 20.03B, 22.03B, 24.03C, 41.03B AND 43.03B to read: **HOME OCCUPATION, as regulated by Chapter 58.**

Amendment of Sections 10.05E, 14.04H, 15.04I, 16.04G, 18.04G, 20.04H, 42.04A, and 43.04G to read: **HOME BUSINESS, as regulated by Chapter 58.**

Remove: **HOME OCCUPATION II, as regulated by Chapter 58** in Sections 22.04H, 24.04G and **HOME OCCUPATION II AND III, as regulated by Chapter 58** in Section 41.04A.

Amendment of Chapter 2 – Definitions

Amend: HOME OCCUPATION: A business based in the dwelling of its owner or operator which results in minimal business practices within residential zoning districts, the scope and character of which is defined by the requirements of the Home Occupation standards of Section 58.02C of this Ordinance.

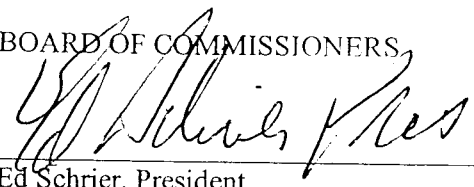


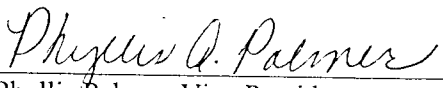
Add: HOME BUSINESS: A business based in the dwelling and/or accessory structures of its owner or operator which results in limited business practices within certain single family residential districts, the scope and character of which is defined by the requirements of the Home Business standards of Section 58.02D of this Ordinance.

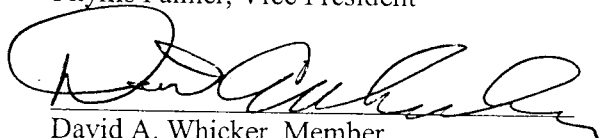
**APPROVED**, by the Board of Commissioners of Hendricks County, Indiana this

19<sup>th</sup> day of July, 2005

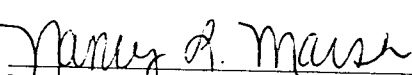
BOARD OF COMMISSIONERS

  
Ed Schrier, President

  
Phyllis Palmer, Vice President

  
David A. Whicker, Member

Attest

  
Nancy Marsh, Auditor



ORDINANCE NO. 205-27

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM **RB/SINGLE FAMILY (12,500) RESIDENTIAL DISTRICT** AND **GB/GENERAL BUSINESS DISTRICT** TO **OB/OFFICE BUSINESS DISTRICT**, COMMONLY KNOWN AS **ZA 343/05: DEVELOPMENT MANAGERS CORPORATION**; UNION TOWNSHIP, PARCEL TOTALING 6.34 ACRES, LOCATED ON THE WEST SIDE OF STATE ROAD 39, APPROXIMATELY 0.50 MILES SOUTH OF COUNTY ROAD 800 NORTH.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the OB/Office Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 343/05: Development Managers Corporation, S32-T17N-R1W, 6.34 acres, Union Township, located on the west side of State Road 39, approximately 0.50 miles south of County Road 800 North.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 343/05: *Development Managers Corporation*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

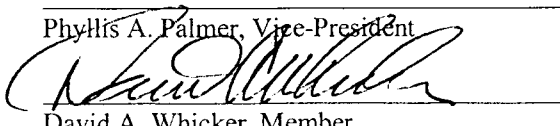
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

9th Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of August, 2005.

Board of Commissioners

  
Ed Schrier, President

Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-28

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO NB/NEIGHBORHOOD BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 345/05: ELITE PROPERTY, INC.; LIBERTY TOWNSHIP, PARCEL TOTALING 1.81 ACRES, LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 40, APPROXIMATELY 0.38 MILE WEST OF COUNTY ROAD 100 WEST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the NB/Neighborhood Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 345/05: Elite Property, Inc., S08-T14N-R1W, 1.81 acres, Liberty Township, located on the south side of U.S. Highway 40, approximately 0.38 mile west of County Road 100 West.

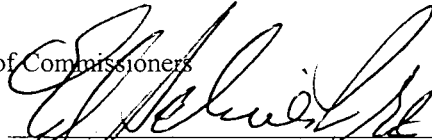
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 345/05: *Elite Property, Inc.*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

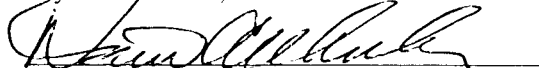
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

9th Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of August, 2005.

Board of Commissioners

  
Ed Schrier, President

Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-29

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT AND GB GENERAL BUSINESS DISTRICT TO RA/RURAL RESIDENTIAL DISTRICT, GB/GENERAL BUSINESS DISTRICT AND WI/WHOLESALE INDUSTRIAL DISTRICT, COMMONLY KNOWN AS ZA 346/05: JOHN SHELTON.; LINCOLN TOWNSHIP, PARCEL TOTALING 12.00 ACRES, LOCATED ON THE WEST SIDE OF RACEWAY ROAD AND THE NORTH SIDE OF U.S. HIGHWAY 136, APPROXIMATELY 0.04 MILE FROM THE INTERSECTION OF RACEWAY ROAD AND U.S. HIGHWAY 136.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RA/Rural Residential District, GB/General Business District and WI/Wholesale Industrial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 346/05: John C. Shelton., S20-T16N-R2E, 12.00 acres, Lincoln Township, located on the west side of Raceway Road and the north side of U.S. Highway 136, approximately 0.04 mile from the intersection of Raceway Road and U.S. Highway 136.

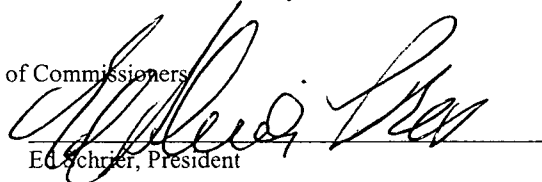
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 346/05: John Shelton, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

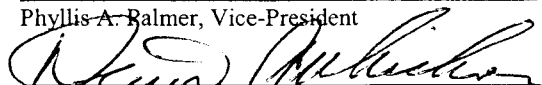
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

9th Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of August, 2005.

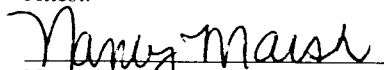
Board of Commissioners

  
Ed Schrier, President

Phyllis A. Balmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nandy Marsh, Auditor



ORDINANCE NO. 2005-30

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM GB/GENERAL BUSINESS DISTRICT TO OTC/OLD TOWN CENTER DISTRICT, COMMONLY KNOWN AS ZA 347/05: JERRY & LINDA SMITH, FRANKLIN TOWNSHIP, PARCEL TOTALING 0.53 ACRES, LOCATED ON THE NORTHWEST CORNER OF COUNTY ROAD 550 WEST AND U.S. HIGHWAY 40, BEING PART OF LOT 94 AND ALL OF LOT 95 IN WILCOX'S ADDITION TO THE TOWN OF STILESVILLE.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the OTC/Old Town Center Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 347/05: Jerry & Linda Smith, S22-T14N-R2W, 0.53 acres, Franklin Township, located on the northwest corner of County Road 550 West and U.S. Highway 40, being part of Lot 94 and all of Lot 95 in Wilcox's addition to the Town of Stilesville.

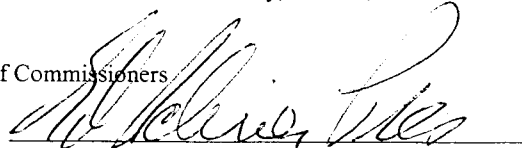
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 347/05: *Jerry & Linda Smith*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

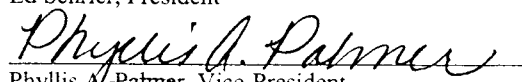
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

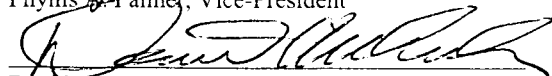
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

16<sup>th</sup> Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of August, 2005.

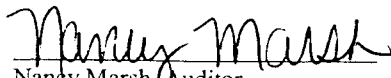
Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



**ORDINANCE No. 2005-31****AN ORDINANCE PROHIBITING PARKING AT ALL TIMES  
ON CERTAIN STREETS**

WHEREAS, it is in the public interest to enact and enforce motor vehicle parking regulations within the County's corporate limits.

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

1. The foregoing Recitals are fully incorporated herein by reference.

**ARTICLE I. Parking Regulations****Section 1.1 General Provisions**

- (a) The provisions contained in Chapter of the Code apply to all vehicles, whether they are self-propelled, animal drawn or towed, except for (i) emergency vehicles when responding to an emergency call or in pursuit of an alleged law violator, (ii) highway construction vehicles when engaged in construction work, and (iii) other vehicles that are exempt from municipal parking ordinances under applicable law.
- (b) The fine for the violation of any provision of Article 1 of this Chapter shall not exceed the sum of Five Hundred Dollars (\$500) per violation, each day constituting a separate violation. In addition to the fine assessed pursuant to this Section, a vehicle violating any provision of this ordinance may be towed and impounded at the owner's expense, such towing and impoundment costs to be paid in full prior to the release of said vehicle.
- (c) Any police officer who observes the violation of any provision of this ordinance shall attach to the offending vehicle a notice to the owner/operator thereof that such vehicle has been parked in violation of the same and advising that such person may, within seven (7) days from the date of such notice, pay to the Hendricks Superior Court as a fine for and in full satisfaction of such violation, the sum of Ten Dollars (\$10), except that, in the case of a vehicle that is unlawfully parked in a properly marked handicapped parking space, such fine shall be in the sum of Fifty Dollars (\$50). Upon the failure of the owner/operator to make such payment within the seven (7) day period, the original parking fine shall increase from Ten Dollars (\$10) to Twenty Dollars (\$20), or from Fifty Dollars (\$50) to Seventy Dollars (\$70) as applicable. If this enhanced parking fine is not paid in full through the Hendricks Superior Courts on or before the date and time set forth on the



parking ticket for the hearing on the parking violation, the owner/operator who has been issued said ticket shall be required to appear before the County Court and be subject to the general penalties provided for violations of the provisions of this ordinance. Nothing contained in this sub-section shall limit the County's right to also tow and impound any vehicles found to be parked in violation of any provision of this ordinance, the costs of such towing and impoundment to be paid by the vehicle owner in addition to the payment of any fine assessed hereunder.

- (d) All fines received by the County for violations of this ordinance shall be deposited into the County's General Fund pursuant to applicable law.
- (e) The Hendricks Superior Courts shall have jurisdiction over all violations of the provisions of Article 1 of this Chapter.

#### Section 2.1 General Parking Restrictions


- (a) No person shall stand or park any vehicle on a County street other than parallel with the edge of the street, headed in the direction of lawful traffic movement and with the right-hand wheels of said vehicle within twelve (12) inches of the curb or edge of the street, except on street signs approved for angle parking and identified as such by appropriate signs or markings.
- (b) No freight carrying vehicle of one (1) ton capacity or more nor any vehicle more than twenty (20) feet in length shall park upon any county street except when engaging in the loading or unloading of freight.

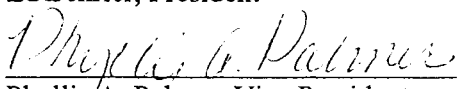
#### Section 3. No Parking Areas

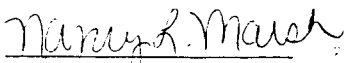
- (a) No person shall park a vehicle at any time in the following locations:
  - (1) James Drive
  - (2) Marla Lane
  - (3) Windmill Drive
  - (4) Dutchman Drive


Approved this 23<sup>rd</sup> day of August, 2005

Hendricks County Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice President

ATTEST:   
Auditor, Nancy L. Marsh

  
David A. Whicker, Member



ORDINANCE NO. 2005-32

AN ORDINANCE TO AMEND THE PREVIOUSLY APPROVED **PUD/PLANNED UNIT DEVELOPMENT DISTRICT ON THE ZONING MAP OF HENDRICKS COUNTY**, BY AMENDING THE DEVELOPMENT STANDARDS OF SAID **PUD/PLANNED UNIT DEVELOPMENT DISTRICT**, COMMONLY KNOWN AS **ZA 153/05: DS DEVELOPMENT, LLC, WASHINGTON TOWNSHIP, PARCEL TOTALING 10.40 ACRES, LOCATED AT THE NORTHWEST CORNER OF COUNTY ROAD 100 NORTH AND RACEWAY ROAD.**

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the previously approved PUD/Planned Unit Development District, amended development standards for the following described real estate located in the County of Hendricks, Indiana, namely: ZA 153/05: DS Development, LLC, S32-T16N-R2E, 10.40 acres, Washington Township, located at the northwest corner of County Road 100 North and Raceway Road.

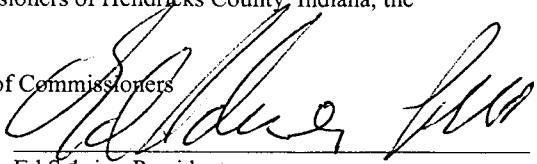
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 153/05: DS Development, LLC, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

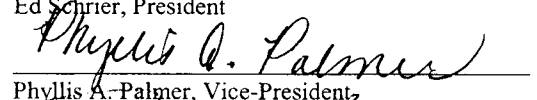
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

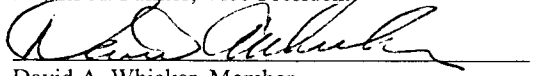
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

23rd Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of August, 2005.

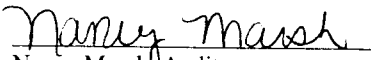
Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-33

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RB/SINGLE FAMILY (12,500) BUSINESS DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 349/05: ASCENSION PROPERTIES, LLC, WASHINGTON TOWNSHIP, PARCEL TOTALING 3.54 ACRES, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF COUNTY ROAD 100 NORTH AND STATE ROAD 267 (LOTS 5-8 TERESA ACRES).

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the GB/General Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 349/05: Ascension Properties, LLC, S03-T15N-R1E, 3.54 acres, Washington Township, located at the southwest corner of the intersection of County Road 100 North and State Road 267 (Lots 5-8 Teresa Acres).

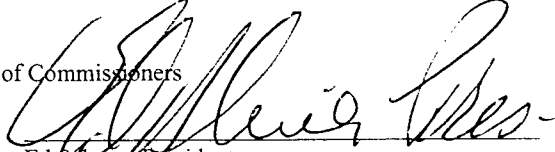
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 349/05: *Ascension Properties, LLC*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.


**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

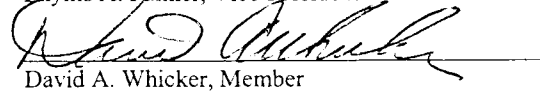
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

23rd Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of August, 2005.

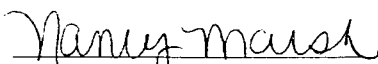
Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-35

ORDINANCE VACATING PUBLIC ALLEYS

BE IT ORDAINED by the County of Hendricks, Indiana, that:

WHEREAS, Karen R. Furby, Douglas E. Orebaugh and Tamara S. Orebaugh, and Brian R. Craighead and Lori Ann Craighead, have filed a Petition to Vacate certain Alleys with the Clerk of the Board of Commissioners of Hendricks County, Indiana, pursuant to statute; and

WHEREAS, notice has been given by certified mail, return receipt requested, to each owner of the land that abuts the property proposed to be vacated; and

WHEREAS, notice of publication has been given as prescribed by I.C. 5-3-1, and the proof of publication having been filed with the Clerk of the Board of Commissioners of Hendricks County, Indiana; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, having held a public hearing on such "Petition to Vacate Alleys" on Tuesday, September 13, 2005 at 9:30 a.m.; and

WHEREAS, after reviewing all of the pertinent facts relative to the request of the "Petition to Vacate Alleys" and all interested persons having had an opportunity to be heard at the public hearing;

NOW, THEREFORE, by the powers vested in the Board of Commissioners of Hendricks County, Indiana, pursuant to I.C. 36-7-3-12, is hereby ordered and ordained that the relief requested in said "Petition to Vacate Alleys" is now granted.

IT IS, THEREFORE, ORDERED AND ORDAINED that the following alleys heretofore platted be, and the same are hereby vacated which alleys are more particularly described as follows, to-wit:

A certain alleyway lying south of Lots 1, 2, and 3 in Block 3 said alleyway also lying north of Lots 10, 11 and 12 in said Block 3 in the Original Town of New Winchester, Hendricks County, Indiana, as shown on the attached drawing.

A certain alleyway lying east of Lots 4 and 9 in Block 3 said alleyway also lying west of Lots 3 and 10 in said Block 3 in the Original Town of New Winchester, Hendricks County, Indiana, as shown on the attached drawing.

A certain alleyway lying between the land described as: Twenty-one (21) feet in width from East to West off of and across the entire East side of Lot Numbered Four (4) in Block Three (3) and Twenty-one (21) feet off and across the entire East side of Lot Numbered Nine (9) in Block Numbered Three (3) in the Original Town of New Winchester, Hendricks County, Indiana, as shown on the attached drawing.

IT IS FURTHER ORDAINED AND ORDERED that the Clerk of the Board of Commissioners of Hendricks County, Indiana, shall furnish a copy of this Ordinance to the County Recorder for recording, and to the County Auditor, all pursuant to the provisions of I.C. 36-7-3-12.



requested. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF CELL PHONES - HR

There was discussion of a request from Ron Love, Director Human Resources, for a County cell phone. It was the consensus of the Commissioners to table this request for a cell phone at this time.

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IN THE MATTER OF COUNTYWIDE GUIDES

A revised introductory letter for the 2006 edition of Countywide Guides was presented. Commissioner Palmer moved to approve and execute the letter that will go in the Countywide Guides. Commissioner Whicker seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF CORRESPONDENCE AND CALENDAR

Commissioner Schrier acknowledged the following calendar and correspondence:

Today at 1:00 PM, Regional Sewer Board will discuss the Lewis project and Solid Waste will meet at 4:00 PM  
Tourism Commission will meet on Thursday, September 15  
Notice of new address for Financial Solutions, 901 S. Rogers St. Room A, Bloomington, IN 47403  
Blood Drive will be Thursday, September 15 from 8:00 AM -Noon on the Government Center south parking lot  
September 20 at 1:00 will be Regional Sewer Northeast Master Plan-followed by Fair Board at 3:30 PM  
September 27 Highway will be discussed at 1:00 PM  
September 28 will be Joint Commissioner and Council Meeting with Work Release being discussed at 5:30 PM

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IN THE MATTER OF VACATION OF ALLEY IN NEW WINCHESTER

Attorney Lee Comer presented a request to vacate an alley in New Winchester on behalf of Karen R. Furby, Douglas E. and Tamara S. Orebaugh and Brian R. and Lori Ann Craighead. Ms. Furby stated this alley is currently a grass area. Commissioner Palmer moved to approve the vacation of the alley in New Winchester, as described in the legal description. Commissioner Whicker seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Palmer moved to approve Ordinance 2005-35 for the vacation of the alley in New Winchester.

Commissioner Whicker seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF EMPLOYEE HEALTH INSURANCE

Jeff Fox, H. J. Spier Co., presented a summary for Hendricks County Employee Group Health Plan with the first eight months reinsurance analysis for Hendricks County. Mr. Fox reported on the Insurance Committee meeting on August 25 with Unified Group Services making a presentation and that the next meeting will be September 15 with Nyhart. The aggregate claims are still running well. Mr. Fox advised that he had accompanied Mike Graham and Ron Love to visit Nyhart on September 12.

---

IN THE MATTER OF CLEAN WATER

There was discussion that the Stormwater Phase II NPDES Permit #INRO40125 had been discussed during the Drainage Board meeting earlier this date. Commissioner Whicker moved to approve and for the President to sign the Stormwater Phase II, Part C Amendment and attachments. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF INCENTIVE COMMITTEE

Receipt was acknowledged of the report from Ron Love on the Incentive Committee meeting held on Monday.

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IN THE MATTER OF EASTERN STANDARD OR DAYLIGHT SAVINGS TIME

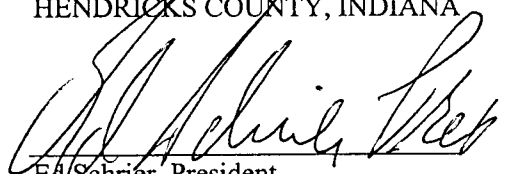
Mike Graham presented a draft letter to Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement Office of General Counsel of the US Department of Transportation, Washington, D.C., requesting that Hendricks County remain in the same time zone as Indianapolis. Commissioner Whicker moved to approve and execute the

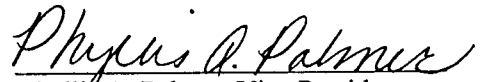
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THIS ORDINANCE ADOPTED THIS 13<sup>th</sup> DAY OF September, 2005.

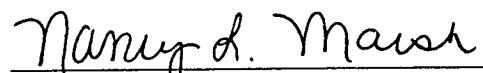
BOARD OF COMMISSIONERS OF  
HENDRICKS COUNTY, INDIANA

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice President

  
David A. Whicker, Member

ATTESTED BY:

  
CLERK OF THE BOARD OF  
COMMISSIONERS OF HENDRICKS COUNTY

This instrument prepared by Lee T. Comer, Attorney-at-law, P.O. Box 207, Danville, IN 46122;  
317-745-4300.



## LEGAL NOTICE

Notice is hereby given that the Hendricks County Commissioners will meet at the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana, in the Commissioner's Room, at 9:30 a.m. on September 13, 2005 to consider the Petition of Karen R. Furby, Douglas E. Orebaugh and Tamara S. Orebaugh, and Brian R. Craighead and Lori Ann Craighead to Vacate certain alleyways, which alleyways are described as follows, to-wit:

That certain alleyway lying south of Lots 1, 2, and 3 in Block 3, said alleyway also lying north of Lots 10, 11 and 12 in said Block 3 in the Original Town of New Winchester, Hendricks County, Indiana.

Also that certain alleyway lying east of Lots 4 and 9 in Block 3, said alleyway also lying west of Lots 3 and 10 in said Block 3 in the Original Town of New Winchester, Hendricks County, Indiana.

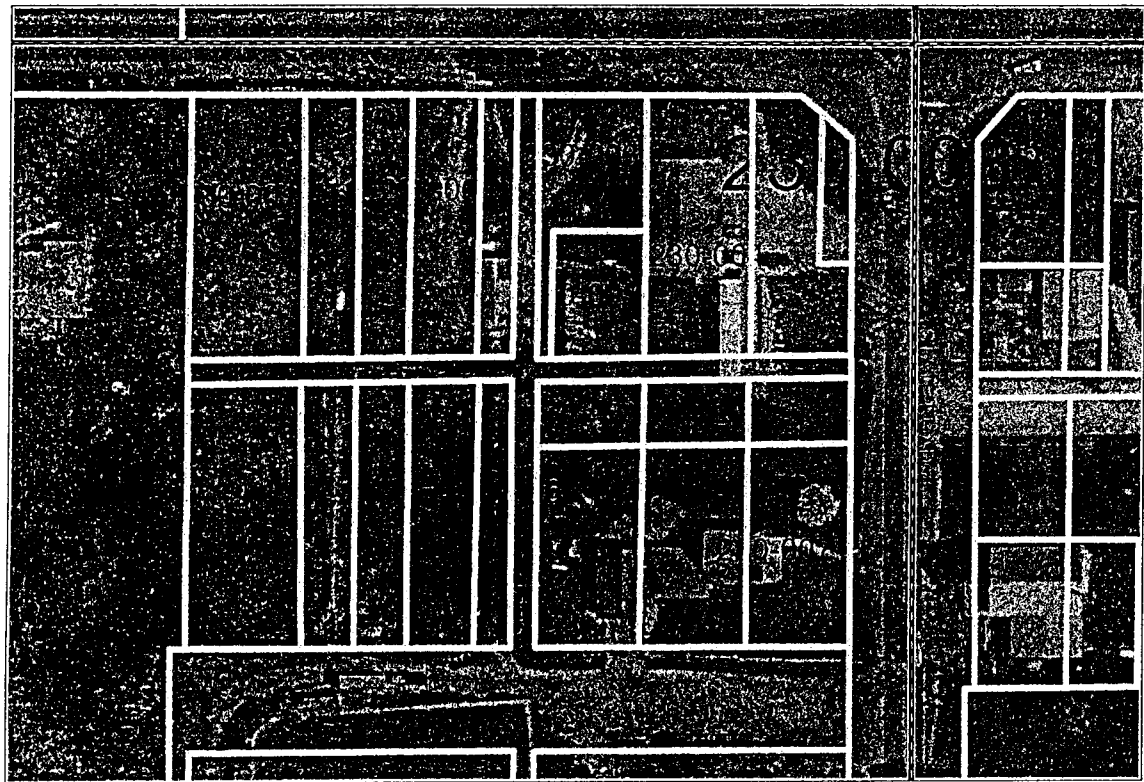
Also that certain alleyway lying between the land described as: Twenty-one (21) feet in width from East to West off of and across the entire East side of Lot Numbered Four (4) in Block Three (3) and Twenty-one (21) feet off and across the entire East side of Lot Numbered Nine (9) in Block Numbered Three (3) in the Original Town of New Winchester, Hendricks County, Indiana

At the above stated time and place you may appear and be heard.

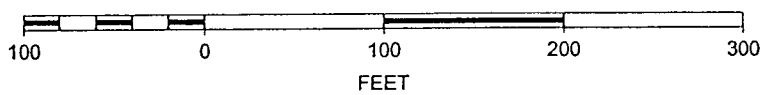
HENDRICKS COUNTY COMMISSIONERS



# Block 3 New Winchester

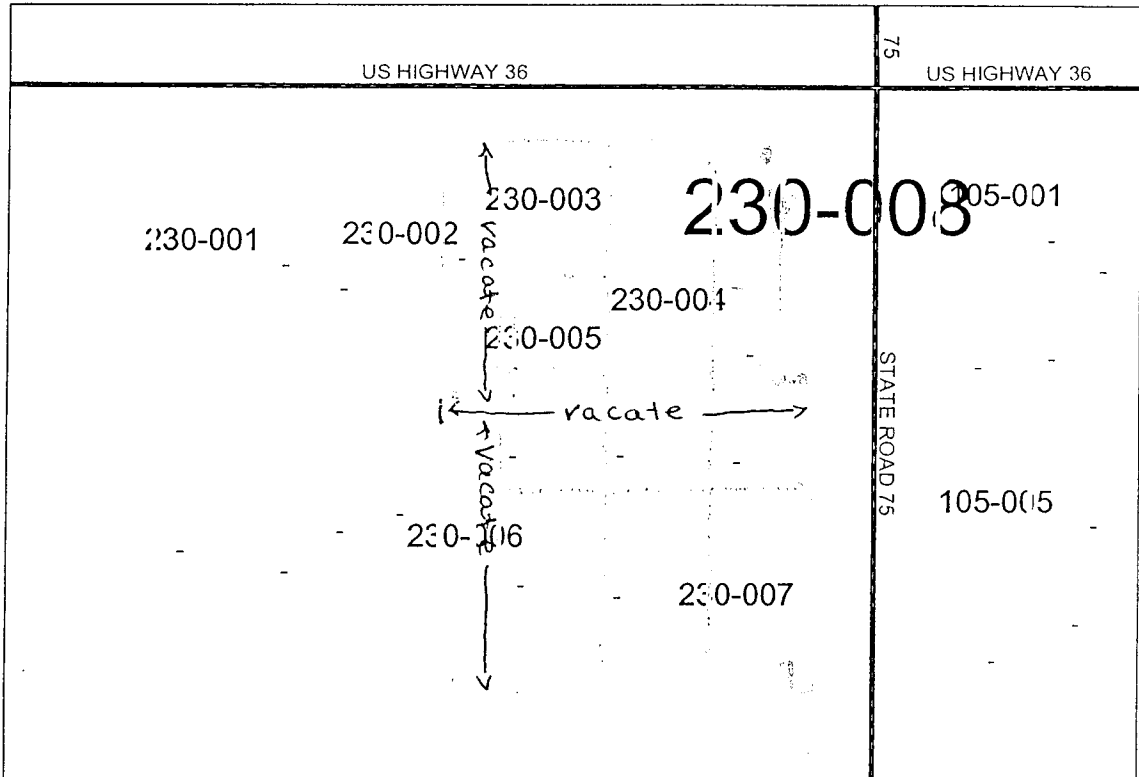


SCALE 1 : 1,200

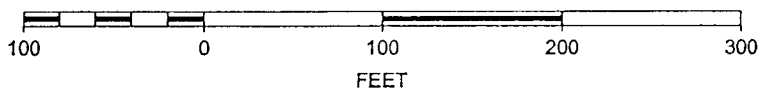




# Furby

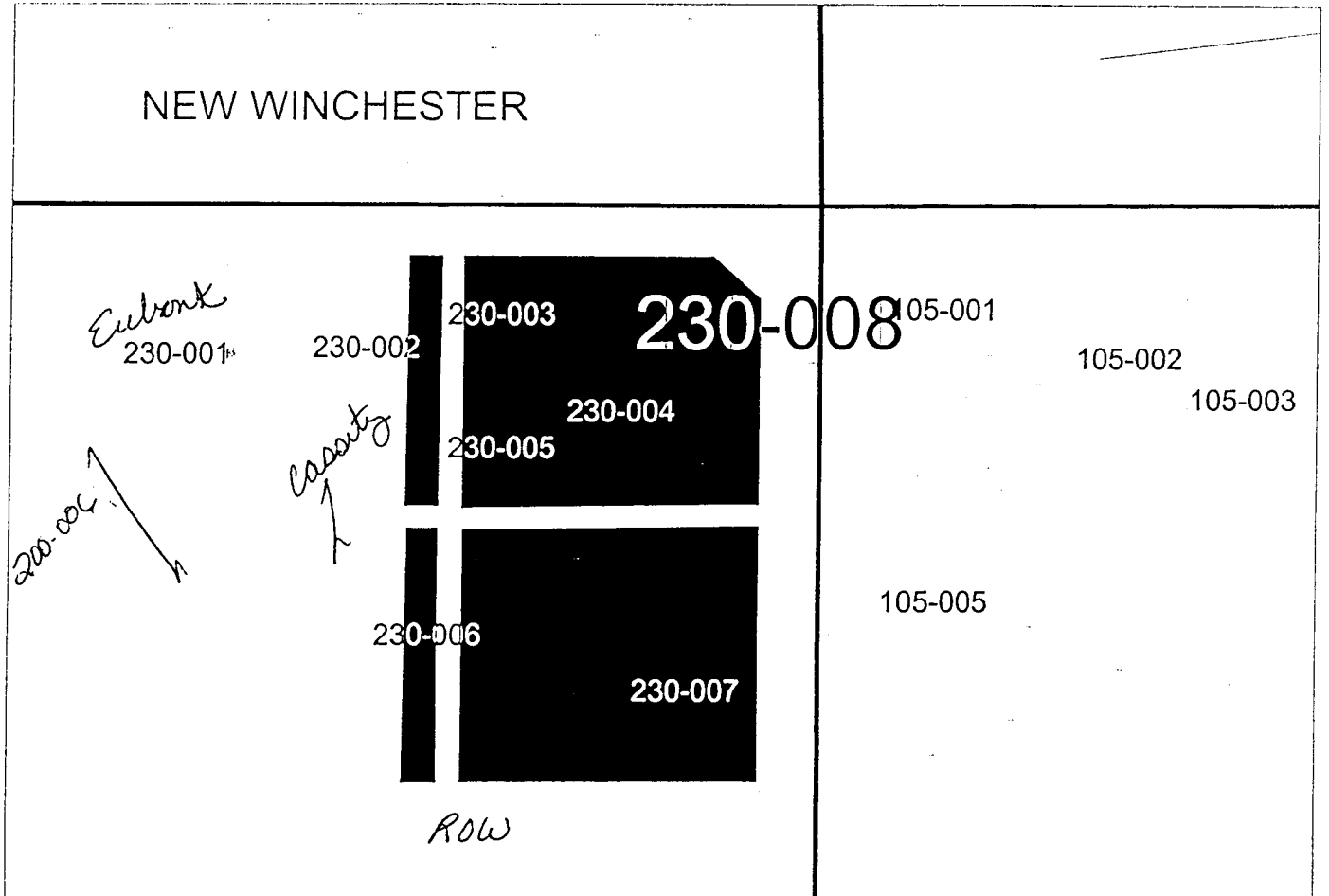


SCALE 1 : 1,200

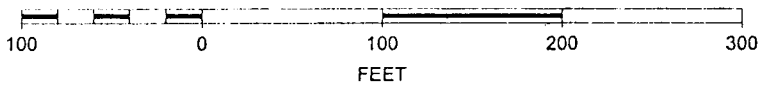




# Furby



SCALE 1 : 1,200



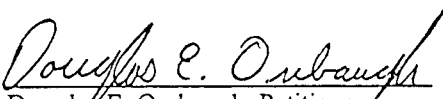


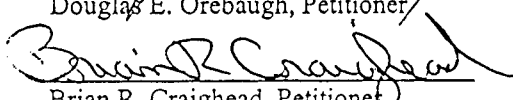
## PETITION TO VACATE ALLEYWAY

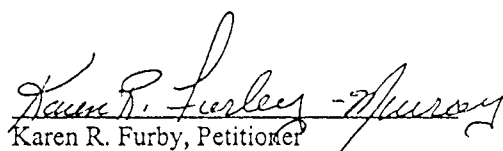
COMES NOW, Karen R. Furby, Douglas E. Orebaugh and Tamara S. Orebaugh, husband and wife, and Brian R. Craighead and Lori Ann Craighead, husband and wife, pursuant to I.C.36-7-3-12 and state the following:

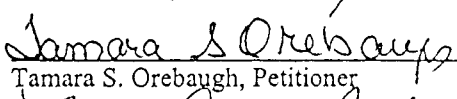
1. That Karen R. Furby is the owner of Lot 3 in Block 3, part of Lot 4 in Block 3, and part of Lot 9 in Block 3 all in the Original Town of New Winchester, Hendricks County, Indiana.
2. That Douglas E. Orebaugh and Tamara S. Orebaugh are the owners of part of Lot 1 in Block 3, part of Lots 10, 11 and 12 in Block 3, and part of Lots 1 and 2 in Block 3 all in the Original Town of New Winchester, Hendricks County, Indiana.
3. That Brian R. Craighead and Lori Ann Craighead are the owners of part of Lots 10, 11 and 12 in Block 3 in the Original Town of New Winchester, Hendricks County, Indiana.
4. That a certain alleyway lies south of Lots 1, 2, and 3 in Block 3 said alleyway also being north of Lots 10, 11 and 12 in said Block 3 in the Original Town of New Winchester, Hendricks County, Indiana, as shown on the attached drawing.
5. That a certain alleyway lies east of Lots 4 and 9 in Block 3 said alleyway also being west of Lots 3 and 10 in said Block 3 in the Original Town of New Winchester, Hendricks County, Indiana, as shown on the attached drawing.
6. That a certain alley lies between the land described as : Twenty-one (21) feet in width from East to West off of and across the entire East side of Lot Numbered Four (4) in Block Three (3) and Twenty-one (21) feet off and across the entire East side of Lot Numbered Nine (9) in Block Numbered Three (3) in the Original Town of New Winchester, Hendricks County, Indiana, as shown on the attached drawing.
7. That Petitioners request that said alleyways referenced above be vacated.
8. That the alleyways are not used as a public thoroughfare and have never been improved for such.
9. That said alleyways are not now and never have been used in the past by any of the abutting owners or the public in general, nor are the same required for use by the public in general or any adjacent owner of ingress or egress, or for any purpose whatsoever.

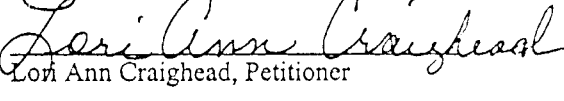
WHEREFORE your Petitioners pray that a hearing be had on the Petition within 30 days of receipt thereof, and, upon review of the same, that the Hendricks County Board of Commissioners enter an Order vacating said alleyways as heretofore described.

  
Douglas E. Orebaugh, Petitioner

  
Brian R. Craighead, Petitioner

  
Karen R. Furby, Petitioner

  
Tamara S. Orebaugh, Petitioner

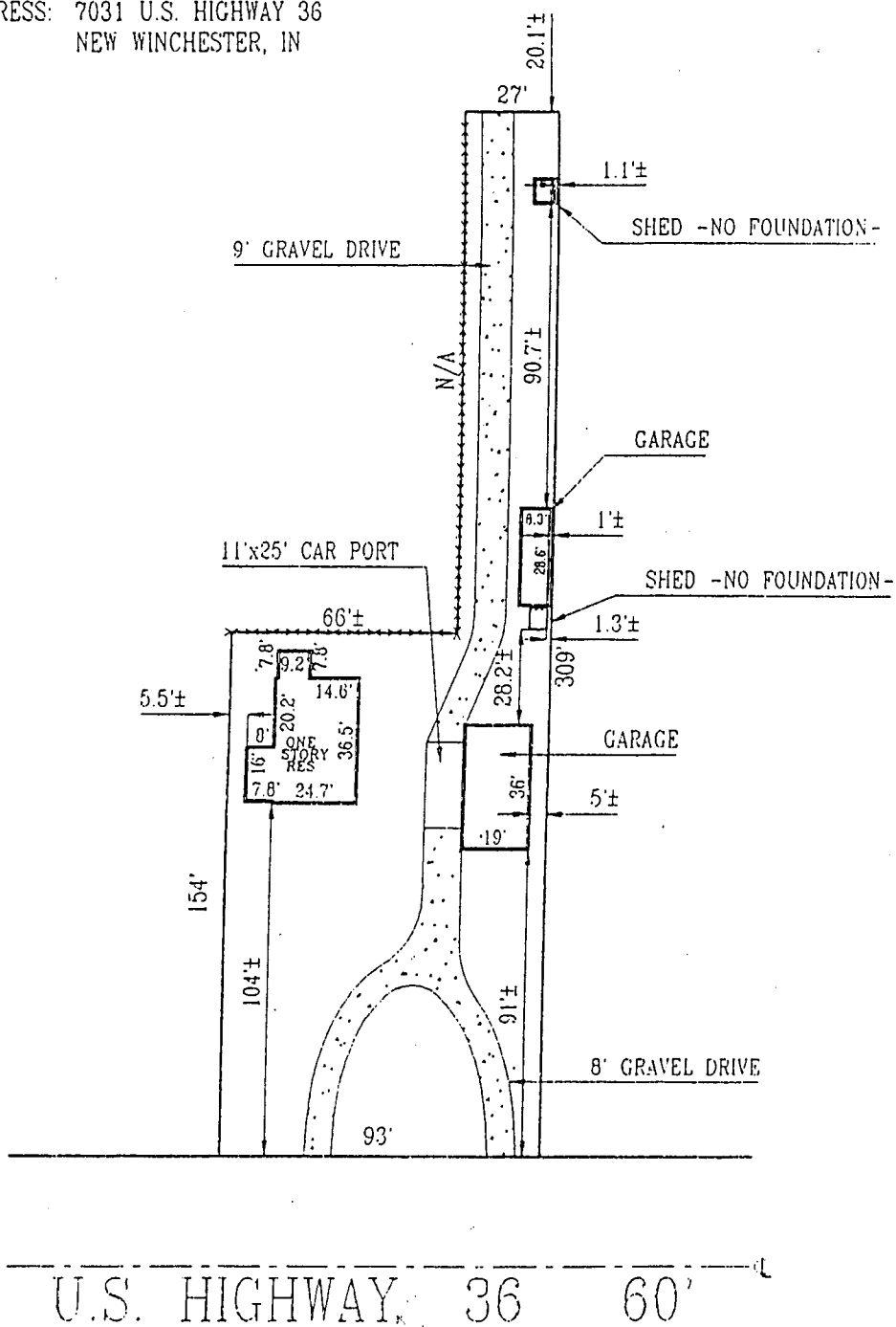
  
Lori Ann Craighead, Petitioner





# SURVEYOR LOCATION REPORT

PROPERTY ADDRESS: 7031 U.S. HIGHWAY 36  
NEW WINCHESTER, IN



DRAWN BY BDK  
RLS NO: 8383  
SCALE: 1"=50'  
DATE: 08-21-2000

4321 East 82nd Street, Suite C Indianapolis, IN 46250  
Ph. 317-842-7330 FAX 317-842-7334 Internet N723@IEI.NET



## SCHEDULE C

COMMITMENT NUMBER: 08007008-455

A part of Lot 3, in Block 3, in the original town of New Winchester, as the same is platted and recorded in Plat Book 3, page 235 and maintained in the office of the Recorder of Hendricks County, Indiana, as follows: Starting at the Northeast corner of the said Lot 3 and thence running south on the East line of the said Lot 3 a distance of 79.5 feet to the place of beginning; thence running south on the said east lot line a distance of 89 feet to the southeast corner of the said Lot 3; thence running west on the south line of the said Lot 3 a distance of 50 feet to a point; thence running north and parallel to the east line of the said lot a distance of 89 feet to a point; thence running east a distance of 50 feet to the place of beginning, containing 0.08 acres, more or less.

230-  
005

Also: a strip of land to be used as right-of-way for ingress and egress to the above described tract bounded as follows, to-wit: A strip of land 8 feet in width by parallel lines off of the east side of the said Lot 3, starting from the north line of the said Lot 3 and running thence south a distance of 79.5 feet in length.

ALSO: Lot Number Three (3) in Block Three (3) in the Original Town of New Winchester, as recorded in Plat Book #3, Page #235, located in the office of the Recorder, Hendricks County, Courthouse, Danville, Indiana.

ALSO: Twenty one (21) feet in width from East to West off of and across the entire East side of Lot Numbered Four (4) in Block Three (3) in said town.

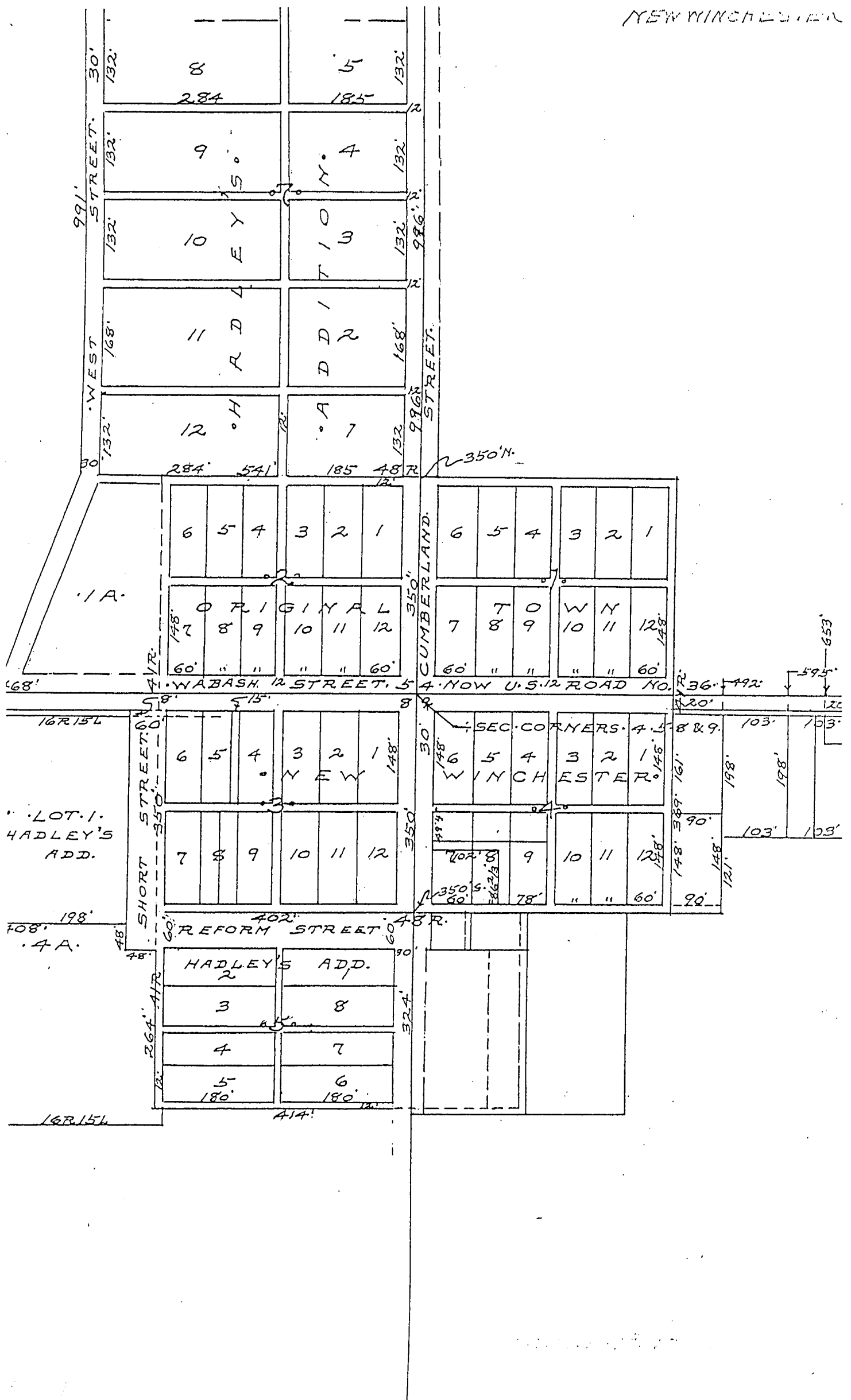
ALSO: Twenty one (21) feet off and across the entire East side of Lot Numbered Nine (9) in Block Numbered Three (3) in the Original town of New Winchester.

> 230-  
006

EXCEPT THEREFROM, A part of Lot 3, in Block 3, in the Original Town of New Winchester, as the same is platted and recorded in Plat Book #3, Page #235, and maintained in the office of the Recorder of Hendricks County, Indiana, as follows: Starting at the Northeast corner of said Lot 3 and thence running South on the East line of the said Lot 3 a distance of 79.5 feet to the place of beginning; thence running South on the said East lot line a distance of 89 feet to the Southeast corner of the said Lot 3; thence running West on the North and parallel to the East line of the said lot a distance of 89 feet to a point; thence running East a distance of 50 feet to the place of beginning, containing 0.08 acres, more or less.

ALSO: A strip of land to be used as Right-of-Way for Ingress and egress to the above described tract bounded as follows, to-wit: A strip of land 8 feet in width by parallel lines off of the East side of the said Lot 3, starting from the North line of the said Lot 3 and running thence South a distance of 79.5 feet in length.







# COMER LAW OFFICE

*Attorneys-at-Law*

71 WEST MARION STREET  
P.O. BOX 207  
DANVILLE, IN 46122

LEE T. COMER  
AMY COMER BRODERICK  
BEN COMER  
ANDREW P. KULT

PHONE: (317) 745-4300  
FAX: (317) 745-3029

September 2, 2005

Dear Landowner:

Please be advised that Karen R. Furby, Douglas E. Orebaugh and Tamara S. Orebaugh, and Brian R. Craighead and Lori Ann Craighead have petitioned the Hendricks County Commissioners to vacate a certain alleyway, which alleyway lies between Lots 1, 2, 3, 4, 5, and Lots 7, 8, 9, 10, 11, 12 in Block 3 in the Original Town of New Winchester, Hendricks County, Indiana and said lots being owned by Karen R. Furby, Douglas E. Orebaugh and Tamara S. Orebaugh, Brian R. Craighead and Lori Ann Craighead, Beverly J. Eubank and Lonnie R. Cassity.

A public hearing shall be held by the Hendricks County Commissioners at 9:30 a.m. on September 13, 2005, at the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana, in the Commissioner's Room, at which time this application shall be considered.

Very truly yours,

Lee T. Comer  
Attorney for Petitioner

LTC/amb



LANDOWNER NAMES

Beverly J. Eubank  
7089 W US Hwy 36  
Danville, IN 46122

Lonnie R. Cassity  
7051 W US Hwy 36  
Danville, IN 46122



To: The Hendricks County Flyer Weekend Edition  
8109 Kingston St., Suite 500  
Avon, IN 46123

Comer Law Office (H1645)  
(Governmental Unit)  
Hendricks County, Indiana

## PUBLISHER'S CLAIM

## LINE COUNT

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## COMPUTATION OF CHARGES

33 lines, 1 columns wide equals  
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Total Amount of Claim \$ 15.64

## DATA FOR COMPUTING COST

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Number of Insertions 1

Pursuant to the provisions and penalties of Chapter 155, Acts 1953, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: September 6, 2005

Lois Phillips  
Legal Advertising Manager

## PUBLISHERS AFFIDAVIT

State of Indiana )  
) SS:  
Hendricks County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Lois Phillips who being duly sworn, says that he/she is the legal advertising manager of The Hendricks County Flyer Weekend Edition (Legal Successor to Plainfield Messenger) weekly newspaper of general circulation printed and published in the English language in the town of Plainfield in state and county aforesaid, and the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time(s), the dates of publication being as follows: September 1, 2005

Subscribed and sworn to before me  
this 6 day of September of 2005

Notary Public

My commission expires:  
June 22, 2008

Patricia L. Vincent  
Hendricks County

ATTACH COPY  
OF ADVERTISEMENT HERE  
644769

1679 vacate alleyways

## LEGAL NOTICE

Notice is hereby given that the Hendricks County Commissioners will meet at the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana, in the Commissioner's Room, at 9:30 a.m. on September 13, 2005 to consider the Petition of Karen R. Furby, Douglas E. Orebaugh and Tamara S. Orebaugh, and Brian R. Craighead and Lori Ann Craighead to Vacate certain alleyways, which alleyways are described as follows, to-wit:

That certain alleyway lying south of Lots 1, 2, and 3 in Block 3, said alleyway also lying north of Lots 10, 11 and 12 in said Block 3 in the Original Town of New Winchester, Hendricks County, Indiana.

Also that certain alleyway lying east of Lots 4 and 9 in Block 3, said alleyway also lying west of Lots 3 and 10 in said Block 3 in the Original Town of New Winchester, Hendricks County, Indiana.

Also that certain alleyway lying between the land described as: Twenty-one (21) feet in width from East to West off of and across the entire East side of Lot Numbered Four (4) in Block Three (3) and Twenty-one (21) feet off and across the entire East side of Lot Numbered Nine (9) in Block Numbered Three (3) in the Original Town of New Winchester, Hendricks County, Indiana.

At the above stated time and place you may appear and be heard.

HENDRICKS COUNTY COMMISSIONERS  
WKD-745 Sept 1 #644769



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Track &amp; Confirm

## Track & Confirm

### Search Results

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**COMER LAW OFFICE**

*Attorneys-at-Law*  
71 WEST MARION STREET  
P.O. BOX 207  
DANVILLE, IN 46122

LEE T. COMER  
AMY COMER BRODERICK  
BEN COMER  
ANDREW P. KULT

PHONE: (317) 745-4300  
FAX: (317) 745-3029

September 2, 2005

Hendricks County Commissioners  
Attention: Judy Wyatt  
355 S Washington Street #204  
Danville, IN 46122

**RECEIVED**

SEP 08 2005

RE: Alleyway Vacation – Furby, Orebaugh & Craighead

**HENDRICKS COUNTY  
COMMISSIONERS**

Dear Judy:

Enclosed please find the landowners list, legal description, letter to the landowner, and Affidavit of Notice along with the certified mail receipts for the above referenced application to be heard at public meeting on September 13, 2005.

Very truly yours,



Lee T. Comer,  
Attorney for the Petitioner

LTC/amb

Enclosures



STATE OF INDIANA       )  
                                      )  
HENDRICKS COUNTY       )

**AFFIDAVIT OF NOTICE OF PUBLIC HEARING  
OF THE HENDRICKS COUNTY  
COMMISSIONERS**

I, Lee T. Comer, hereby certify that all adjoining property owners to the alleyway north of and adjacent to Lots 10, 11 and 12 in Block 3 and south of and adjacent to Lots 1, 2, and 3 in Block 3, to the alleyway east of and adjacent to Lots 4 and 9 in Block 3 and west of and adjacent to Lots 3 and 10 in Block 3, and also the alleyway between the land described as: Twenty-one (21) feet in width from East to West off of and across the entire East side of Lot Numbered Four (4) in Block Three (3) and Twenty-one (21) feet off and across the entire East side of Lot Numbered Nine (9) in Block Numbered Three (3), all in the Original Town of New Winchester in the application of Karen R. Furby, Douglas E. Orebaugh and Tamara S. Orebaugh, husband and wife, and Brian R. Craighead and Lori Ann Craighead, husband and wife, have been notified by certified mail of a public hearing before the Hendricks County Commissioners. And that said notices were mailed by certified mail on September 2, 2005, being at least ten (10) days prior to September 13, the date of the public hearing.

See attached letter from Comer Law Office.



\_\_\_\_\_  
Lee T. Comer, Attorney-at-Law

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 6<sup>th</sup> day of September, 2005

My commission Expires:

Resident of \_\_\_\_\_



**OFFICIAL SEAL  
ALICE M. BLACK  
NOTARY PUBLIC - INDIANA  
HENDRICKS COUNTY  
MY COMM. EXPIRES AUGUST 17, 2011**



\_\_\_\_\_  
Notary Public – Signature

\_\_\_\_\_  
Notary Public – Printed Name



## **LEGAL DESCRIPTION**

### **FURBY, OREBAUGH & CRAIGHEAD ALLEYWAYS**

That certain alleyway lying south of Lots 1, 2, and 3 in Block 3 said alleyway also lying north of Lots 10, 11 and 12 in said Block 3 in the Original Town of New Winchester, Hendricks County, Indiana.

That certain alleyway lying east of Lots 4 and 9 in Block 3 said alleyway also lying west of Lots 3 and 10 in said Block 3 in the Original Town of New Winchester, Hendricks County, Indiana.

That certain alley lying between the land described as : Twenty-one (21) feet in width from East to West off of and across the entire East side of Lot Numbered Four (4) in Block Three (3) and Twenty-one (21) feet off and across the entire East side of Lot Numbered Nine (9) in Block Numbered Three (3) in the Original Town of New Winchester, Hendricks County, Indiana.

---



## COMER LAW OFFICE

*Attorneys-at-Law*

71 WEST MARION STREET  
P.O. BOX 207  
DANVILLE, IN 46122

LEE T. COMER  
AMY COMER BRODERICK  
BEN COMER  
ANDREW P. KULT

PHONE: (317) 745-4300  
FAX: (317) 745-3029

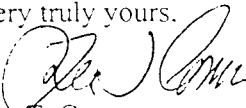
September 2, 2005

Dear Landowner:

Please be advised that Karen R. Furby, Douglas E. Orebaugh and Tamara S. Orebaugh, and Brian R. Craighead and Lori Ann Craighead have petitioned the Hendricks County Commissioners to vacate certain alleyways. A certain alleyway which lies south of Lots 1, 2, and 3 and north of Lots 10, 11, 12 in Block 3, a certain alleyway which lies east of Lots 4 and 9 in Block 3, and a certain alleyway which lies between land described as: Twenty-one (21) feet in width from East to West off of and across the entire East side of Lot Numbered Four (4) in Block Three (3) and Twenty-one (21) feet off and across the entire East side of Lot Numbered Nine (9) in Block Numbered Three (3), all in the Original Town of New Winchester, Hendricks County, Indiana and said lots being owned by Karen R. Furby, Douglas E. Orebaugh and Tamara S. Orebaugh, Brian R. Craighead and Lori Ann Craighead, Beverly J. Eubank and Lonnie R. Cassity.

A public hearing shall be held by the Hendricks County Commissioners at 9:30 a.m. on September 13, 2005, at the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana, in the Commissioner's Room, at which time this application shall be considered.

Very truly yours.



Lee T. Comer  
Attorney for Petitioner

LTC/amb



Beverly J. Eubank  
7089 W US Hwy 36  
Danville, IN 46122

**LANDOWNER NAMES**  
Lonnie R. Cassity  
7051 W US Hwy 36  
Danville, IN 46122



ORDINANCE NO. 2005-36

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM OB/OFFICE BUSINESS DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 351/05: H & M DEVELOPMENT, WASHINGTON TOWNSHIP, PARCEL TOTALING 10.48 ACRES, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF U.S. HIGHWAY 36 AND COUNTY ROAD 525 EAST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the GB/General Business District the following described real estate located in the County of Hendricks, Indiana, namely: ZA 351/05: H & M Development, S9-T15N-R1E, 10.48 acres, Washington Township, located at the southeast corner of the intersection of U.S. Highway 36 and County Road 525 East.

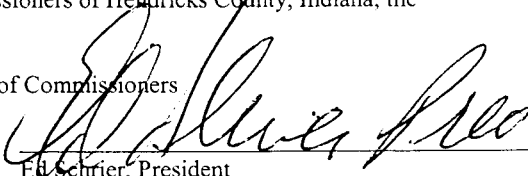
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 351/05: *H & M Development*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

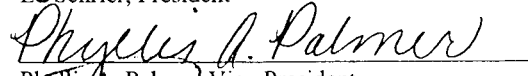
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

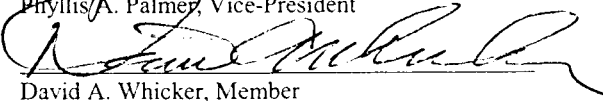
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 27th day of September, 2005.

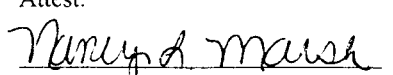
Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-37

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO RAA/SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 352/05: AVON HEALTH CARE MANAGEMENT, WASHINGTON TOWNSHIP, PARCEL TOTALING 1.66 ACRES, LOCATED ON THE EAST SIDE OF COUNTY ROAD 400 EAST, BETWEEN OLD U.S. HIGHWAY 36 AND NEW U.S. HIGHWAY 36, MORE COMMONLY KNOWN AS 227 SOUTH COUNTY ROAD 400 EAST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RAA/Single Family (15,000) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 352/05: Avon Healthcare Management, S8-T15N-R1E, 1.66 acres, Washington Township, located on the east side of County Road 400 East, between Old U.S. Highway 36 and New U.S. Highway 36, more commonly known as 227 South County Road 400 East.

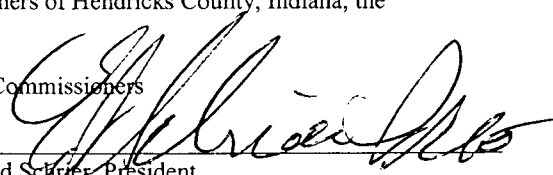
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 352/05: *Avon Health Care Management*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

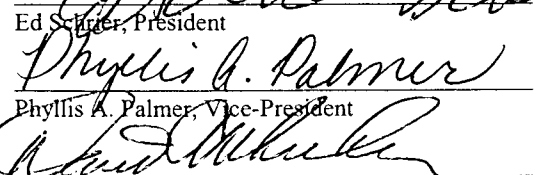
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

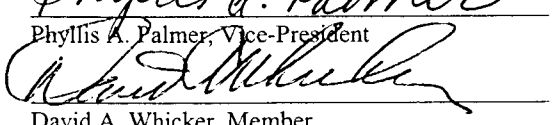
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

27th Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of September, 2005.

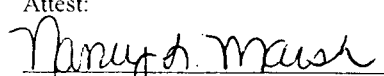
Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-38

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY  
AMENDING  
CHAPTER 40 – SECTION 40.04

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective on November 5, 2001;

**WHEREAS**, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 40 – 40.04.

**WHEREAS**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA03/05) and voted to forward a favorable recommendation to the County Commissioners;

**WHEREAS**, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

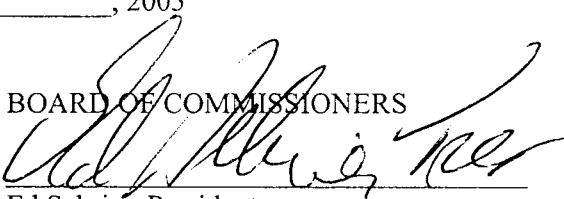
**ADD:**

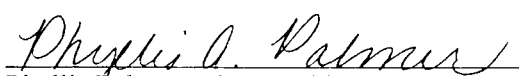
**40.04 SPECIAL EXCEPTION USES PERMITTED**


H. Salvage Yard

**APPROVED**, by the Board of Commissioners of Hendricks County, Indiana this 27<sup>th</sup> day of September, 2005

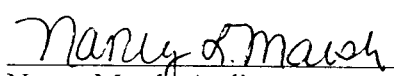
BOARD OF COMMISSIONERS

  
Ed Schrier, President

  
Phyllis Palmer, Vice President

  
David A. Whicker, Member

Attest

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-39

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO RAA/SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 334/05: FALCON PROPERTIES, LLC, WASHINGTON TOWNSHIP, PARCEL TOTALING 104.00 ACRES, LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF COUNTY ROAD 200 SOUTH AND COUNTY ROAD 525 EAST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RAA/Single Family (15,000) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 334/05: Falcon Properties, LLC, S16-T15N-R1E, 104.00 acres, Washington Township, located at the northeast corner of the intersection of County Road 200 South and County Road 525 East.

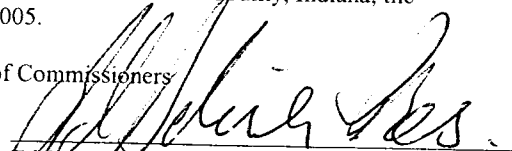
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 334/05: *Falcon Properties, LLC*, and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.


**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

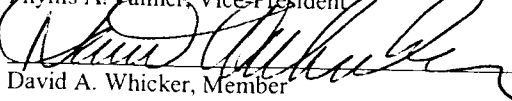
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 25<sup>th</sup> day of October, 2005.

Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-40

**AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY  
AMENDING CHAPTER 58 SUPPLEMENTARY REGULATIONS TO ADD  
SECTION 58.14 MINERAL EXTRACTION OPERATIONS AND CHAPTER 2.02  
DEFINITIONS TO ADD THE DEFINITION FOR MINERAL EXTRACTION;  
AMENDING SECTION 14.04 TO ADD Q. MINERAL EXTRACTION  
OPERATIONS AND SECTION 40.04 TO ADD H. MINERAL EXTRACTION  
OPERATIONS.**

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective on November 5, 2001;

**WHEREAS**, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended

**WHEREAS**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA 04/05) and voted to forward a favorable recommendation to the County Commissioners;

**WHEREAS**, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

Amendment of Chapter 58 SUPPLEMENTARY REGULATIONS as follows:

Add:

**58.14 MINERAL EXTRACTION OPERATIONS**

The following rules and regulations shall apply to mineral extraction operations subject to the following:

**A. Purpose**

The purpose of this Section is to establish reasonable and uniform limitations, safeguards and controls for the extraction of natural material or deposits, including, but not limited to sand gravel, clay, rock or stone, earth or topsoil. Such controls are deemed necessary in the public interest to regulate practices which will provide for a more economic production of natural resources, and which will provide due consideration to the surface use of land.

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## B. Applicability

1. Within an urban area as defined by IC 36-7-4-1103: This Chapter applies to mineral extraction operations permitted in the RA/Rural Residential and MI/Major Industrial zoning districts as Special Exceptions. The Board of Zoning Appeals may add additional standards of operation beyond those required by this Chapter.
2. Within a non-urban area as defined by IC 36-7-4-1103: This Chapter applies to mineral extraction operations permitted by right but subject to all applicable development standards and permitting procedures.

## C. Flood Hazard Areas

All mineral extraction operations within a flood hazard area shall be subject to the requirements of Chapter 62 *Floodplain Management*.

## D. Mineral Extraction Operations Permit

1. All mineral extraction operations shall require a Mineral Extraction Operations Permit.
  2. An application for a Mineral Extractions Operations permit shall be accompanied by the following:
    - a. A map or plat showing the area proposed to be included in the extraction or removal operation.
    - b. An estimate of time required for the removal of material.
    - c. A final grading plan which shows the existing ground elevations of the site and the land immediately adjacent thereto, the location and elevation of all bounding streets or roads, and the final elevation of the site at the termination of the operation with respect to the elevations of the immediately adjacent land and bounding streets or roads.
    - d. A site plan drawn to scale showing at a minimum all proposed structures, parking areas, buffering, and landscaping. Structures, parking lots, buffering, and landscaping shall meet all applicable development standards for the zoning district.
    - e. A transportation plan approved by the County Engineer showing the routes to be taken on local roads by trucks and other heavy equipment associated with the mineral extraction operation. The routes chosen should maximize the public health, safety, and welfare. The County Engineer may modify the plan if such modification is reasonable and results in improved traffic safety.
-



f. A local road maintenance plan approved by the County Engineer. The plan shall address the applicant's maintenance responsibilities regarding road damage caused by the transport of materials to and/or from the mineral extraction operation. The plan shall propose (1) a schedule of maintenance carried out by the applicant, (2) a schedule of compensation to the County to defray the cost of maintenance by the County, or (3) some combination of the two. The applicant's maintenance responsibilities shall be limited to that which is directly related to road damage caused by the mineral extraction operation.

E. Special Development Standards

1. When the mineral extraction operation is located in a flood hazard area, the operation shall comply with Chapter 62 *Floodplain Management*.
2. Any excavations which may penetrate near or into a usable water bearing stratum shall be conducted in such a manner that any such stratum so approached or encountered will not be subject to pollution or contamination, either during quarrying operations or the excavation of a sand and gravel pit or subsequent to the termination of said mineral extraction operation.
3. All applicable requirements of the *Hendricks County Stormwater Management Handbook* shall be met.
4. Fencing and landscaping shall be placed and maintained to screen cut slopes from public view.
5. There shall be no open storage of discarded machinery, trash or junk which would present an unsightly appearance.
6. When the mineral extraction operation is in close proximity to residential property and water bodies, steep slopes and hazardous equipment operations, suitable protective measures shall be taken to protect people and animals from harm.
7. The land areas exposed by the mineral extraction operation shall not have a final cut slope of steeper than three (3) feet horizontal to one (1) foot vertical distance and shall be left suitable for development purposes in accordance with the final grading plan.
8. Temporary operating cut slopes steeper than one (1) foot horizontal to one (1) foot vertical shall in no case be brought closer to an exterior property line, right-of-way line of any street, roadway or alley, as existing or as proposed in the Thoroughfare Plan than fifty (50) feet where a sight screen is provided or seventy-five (75) feet in the case where no provision is made for sight screening.
9. All equipment used for the mineral extraction operation, and other earthen material shall be constructed, maintained and operated in such a manner as to



eliminate, as far as practicable, noises, vibrations or dust which are injurious or annoying to persons living in the vicinity.

10. All access roads shall be maintained as dust-free surfaces from the public street to within one hundred (100) feet of the loading point within the area for the mineral extraction operation.

11. Explosives shall be used only between sunup and sundown except in the case of an emergency.

12. All buildings, structures or equipment shall be removed, entirely, from the property within one (1) year after the expiration of the permit.

13. Dikes and other barriers and drainage structures shall be provided to prevent silting of drainage channels or storm drains in the area surrounding the operation.

14. Final cut slopes shall be treated to prevent erosion and topsoil shall be replaced on such slopes to support vegetation. Ground cover shall be planted within twelve (12) months after a cut slope is excavated to its final position, and such ground cover shall be maintained for a period of time sufficient to provide vegetation of a density that will prevent erosion.

15. Vehicles carrying materials from the site shall be loaded and covered in such a manner as to prevent spilling of any materials of a mineral nature while in transit upon roads and highways.

16. Any excavated area shall not collect and permit stagnant water to remain therein.

17. Off-street parking shall be provided on the site of the mineral extraction operation for all equipment and employee vehicles.

18. Any proposed signs shall meet the requirements of Chapter 60 *Signs*.

F. Site Access and Material Transport On Public Roads

1. Access roads to any mineral extraction operation shall be limited to two (2) points and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than eighty (80) feet, and said eighty (80) feet shall be improved with dust-proof all weather surface.

2. Access roads shall be located so as to have adequate site distance as determined by the County Engineer.

3. The transport of materials related to the mineral extraction operation shall follow the routes shown on the transportation plan approved by the County Engineer.

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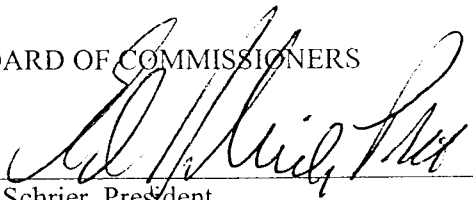
Amendment of Chapter 2 – Definitions

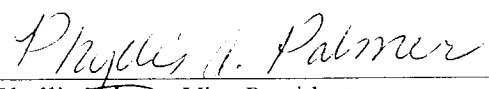
Add: MINERAL EXTRACTION OPERATION: The use of land for the removal of natural material or deposits, including, but not limited to sand gravel, clay, rock or stone, earth or topsoil, or the storage or transporting of such items on a mining site, or the reclamation of the site after removal or excavation of such items.

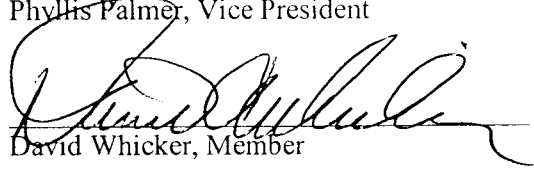
Amendment of Sections 14.04 (Q). and 40.04 ( H). to add: Mineral extraction operations as regulated in Chapter 56 and Section 58.14.

**APPROVED**, by the Board of Commissioners of Hendricks County, Indiana this  
25<sup>th</sup> day of October, 2005

BOARD OF COMMISSIONERS

  
Ed Schrier, President

  
Phyllis Palmer, Vice President

  
David Whicker, Member

Attest

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-41

HENDRICKS COUNTY REGIONAL SEWER DISTRICT

ORDINANCE FOR DETERMINATION OF WASTELOAD ALLOCATION

WHEREAS, the Hendricks County Regional Sewer District (the "District") is a duly created and existing municipal corporation pursuant to I.C. 13-26-2, et. Seq.

WHEREAS, the District has adopted rules and regulations to affect the purpose for which the District was created and operates.

WHEREAS, I.C. 13-26-5-4, provides for enforcement of rules to accomplish the purpose of the District.

WHEREAS, I.C. 13-26-5-3, et. Seq. grants certain powers to the District dealing with procedures for the board's actions.

WHEREAS, the Board of Trustees of the District finds and determines that it is to be the best interest of the District to adopt these procedures for determination of Wasteload Allocation, expressed in terms of equivalent dwelling units (EDU), and such determinations are believed to accomplish the purpose of the District.

NOW THEREFORE, be it ordained by the Board of Trustees of the District that the District procedures for determination of Wasteload Allocation Ordinance entitled "Hendrick's County Regional Sewer District Ordinance for Determination of Wasteload Allocation be adopted as follows:

1. The statements in the preamble hereof are true and correct and are findings of fact hereby.
2. The procedures included herein are adopted for all effects and purposes as the District's procedures of determination wasteload allocation regarding wastewater service in the Service Area.
3. All procedures adopted hereby become of full force and effect as described.

The procedures and other specific provisions thereof enacted by the Board of Trustees of the District are as follows:

**Determination of EDU assessment**

Equivalent Dwelling Unit, "EDU" shall be the unit of measurement of quantities of service, and shall be equivalent to 310 gallons per day, and shall be allocated in whole numbers of one or more, by rounding the number up (.50 or greater) or down (.49 or less).



### **Commercial Service Connection**

327 Indiana Administrative Code (327 IAC) 3-6-11, Table 11-1, shall be used to determine the equivalent dwelling unit(s) (EDU) of a wasteload allocation for each Commercial Service Connection Description listed in Table 11-1 that will utilize the Hendricks County Regional Sewer District sanitary sewer system.

### **Warehouse Service Connection**

“Warehouse” shall be defined as a building whose primary purpose is the storage of goods or materials for distribution. The transferal of goods and materials between shipping containers and/or vehicles, and a small component of office activity to support these warehousing activities would be included in the definition. Manufacturing, assembly, fabrication, product preparation, service work and retail sales would not be considered warehousing functions.

The wasteload allocation calculation to be applied to each building of a proposed complex individually would be based on the following flow factors:

Gross Area of Warehouse [Sq.Ft.]	Flow Calculation Factor [gal/day/Sq.Ft.]
0 to 35,000	0.033
35,001 to 75,000	0.028
75,001 to 150,000	0.023
150,001 to 300,000	0.014
300,001 to 500,000	0.011
>500,000	0.009

### **Residential Service Connection**

327 IAC 3-6-11(a) shall be used to determine the Residential Service Connection for a single-family home that will utilize the Hendricks County Regional Sewer District sanitary sewer system.

### **All Other Uses**

For any commercial use not specified in Table 11-1, with the exception of Warehouse Use as defined in this ordinance, the assessment will be determined by calculating 0.1 gallons of flow per day, per square foot of floor space. Flow data from previous and/or like facilities will not be considered for determining the equivalent dwelling units (EDU) of a wasteload allocation.

### **Assessment-Connection Fees**

The EDU assessment-connection fees for new construction must be paid in full prior to a building permit being obtained from the appropriate governmental entity. The EDU assessment-connection fees for existing structures connecting to the sanitary sewer must be paid-in-full prior to installation of the lateral connection.



The following flow calculation factors shall be used in the calculations to determine EDU assessment for Commercial Uses:

**327 IAC 3-6-11**

**Table 11-1**

**Flow Calculation Factors (FCF)**

<b><u>Service Connection Description</u></b>	<b><u>FCF (gallons per day)</u></b>
Agricultural labor camp	50 per occupant
Airport	3 per passenger plus 20 per employee
Assembly hall	3 per seat
Athletic field (baseball, soccer, football, etc.)	1 per participant and spectator with additions for concessions
Auction and flea market: with full kitchen	5 per customer
Auction and flea market: with warming kitchen	4 per customer
Auction and flea market: without kitchen	3 per customer
Automatic self-cleaning bathroom	20 per cycle (3 per day)
Banquet caterer	10 per person
Bar (without food)	10 per seat
Beauty salon: perm or color changes	35 per customer
Beauty salon: cut with wash	10 per customer
Beauty salon: cut without wash	5 per person
Bed and breakfast	150 per bedroom
Bowling alley (with bar and/or food)	125 per lane
Bowling alley (without food)	75 per lane
Bus station	3 per passenger
Campground (organizational) with flush toilets, showers, central kitchen	40 per camper
Campground (organizational) without flush toilets, privy use, central dining hall, no showers, hand washing	20 per camper
Campground (recreational) with individual sewer connection	100 per campsite
Campground (recreational) without individual sewer connection	50 per campsite
Church with full kitchen	5 per sanctuary seat
Church with warming kitchen	4 per sanctuary seat
Church without kitchen	3 per sanctuary seat
Condominium, multi-family dwelling: one bedroom	200 per unit
Condominium, multi-family dwelling: two bedroom	300 per unit
Condominium, multi-family dwelling: three bedroom	350 per unit



Condominium, one and two family dwelling	150 per bedroom
Conferences	10 per attendee
Correctional facilities	120 per inmate
Day care center	20 per person
Dentist	200 per chair plus 75 per employee
Doctor's office	75 per doctor, plus 75 per nurse, plus 20 per support staff
Factory with showers	35 per employee
Factory without showers	20 per employee
Fire station: manned	75 per firefighter
Fire station: unmanned	35 per firefighter
Food service operations: cocktail lounge or tavern	35 per seat
Food service operations: restaurant (not open 24 hours)	35 per seat
Food service operations: restaurant (open 24 hours)	50 per seat
Food service operations: restaurant (not open 24 hours but located along an interstate)	50 per seat
Food service operations: restaurant (open 24 hours and located along an interstate)	70 per seat
Food service operations: tavern	35 per seat
Food service operations: curb service (drive-in)	50 per car space
Golf comfort station	3 per 50% of maximum number of golfers
Golf main clubhouse	5 per golfer with additions for food service and showers
Hospital, medical facility	200 per bed
Hotel	100 per room
Kennels and vet clinics (sum of all of the following services at a facility):	
1) a. cages;	5 per cage
b. inside runs;	10 per run
c. outside runs;	20 per run
d. grooming;	10 per animal
e. surgery; plus	50 per surgery room
2) staff	75 per veterinary doctor, plus 75 per veterinary assistant, plus 20 per support staff
Mental health facility	100 per patient
Mobile home park	200 per lot
Motel	100 per room
Nursing home	100 per bed
Office building without showers	20 per employee



Office building with showers	35 per employee
Outpatient surgical center	50 per patient
Picnic area	5 per visitor
Race tracks	5 per attendee, 20 per staff
School: elementary	15 per pupil
School: secondary	25 per pupil
School with dormitory	100 per bed
Service station: convenience store/service center	1,000 with additions for food preparation and seating
Service station with only two (2) restrooms	400 per restroom
Service station with only unisex restroom	600 per restroom
Service station: automatic self-cleaning bathroom	60 per day
Shopping center	0.1 per square foot of floor space, plus 20 per employee
Swimming pool bathhouse	10 per swimmer
Theater: drive-in	5 per car space
Theater: inside building	5 per seat

\*\*\*\*\*

**Determination of monthly sanitary sewer service fee**

The monthly sanitary sewer service fee shall be based on the EDU assessment; with each EDU being assessed the monthly service fee as determined by the Hendricks County Regional Sewer District Ordinance for Collection Fees and Charges.

**Modification of monthly sanitary sewer service fee**

Any assessment of an EDU used to determine the **monthly** sanitary sewer service fee for an industrial or business customer may be modified upward or downward by the Board of Trustees during the first year of sanitary sewer service upon the request of the customer or as initiated by the District based on the findings of a determination of the actual service being provided. The actual service being provided shall be determined based upon flow meter data collected from the customer's facility with the customer responsible for any expense incurred to monitor flow.

The first year of service shall be defined as the first year following the initiation of trade in any buildings, pads or storefronts. Flow meter data shall consist of actual water meter readings as documented by the applicable water utility's invoices or sewage flow meter readings. Flow meter data of estimated water meter readings will not be accepted to determine a modification of the monthly service charge. Upon review of the water meter readings and or sewage flow meter readings by the Board of Trustees, it will be determined if a modification of the monthly sanitary sewer service fee is warranted; however, the minimum monthly sanitary sewer service fee shall be one (1) EDU. If a modification is warranted, the monthly sanitary sewer service fee shall be adjusted on the next billing cycle, and will not be retroactive to any previous month's service fees. Payment and collection of the adjusted monthly sanitary sewer service fee shall be in accordance with the Rules and Regulations of the Hendricks County Regional Sewer District.



The Hendricks County Regional Sewer District reserves its right, as allowed by the Rules and Regulations and Ordinances to adjust the monthly service fee and/or wasteload allocation in response to a future increase or decrease in wastewater flow.

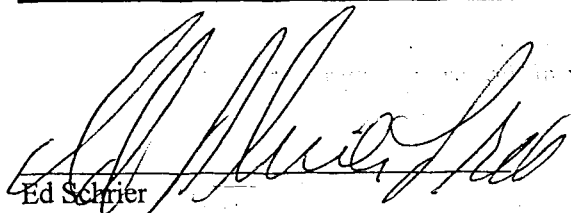
Any modification of the monthly sanitary sewer service fee shall apply only to the facility and facility usage as documented by the applicable water utility's invoices or sewage flow meter readings used to determine the modification. Any structural change of the facility or its use shall render the monthly sanitary sewer service fee modification null and void, and a new EDU assessment shall be determined as set out in the Hendricks County Regional Sewer District Rules and Regulations.

Any reduction of the monthly sanitary sewer service fee will not warrant reimbursement for previously paid EDU connect-assessment fees or result in a decrease of the waste load allocation.

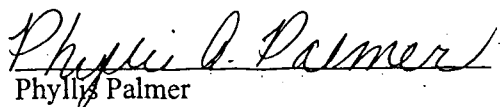
All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effective upon its adoption and its publications as provided by law.

Passed and adopted by the Hendricks County Regional Sewer Board of Hendricks County, State of Indiana on this 15th day of November 2005.

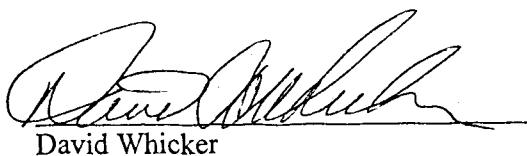
**HENDRICKS COUNTY REGIONAL SEWER BOARD**



Ed Schrier



Phyllis Palmer



David Whicker



ORDINANCE NO. 2005-42

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING  
CHAPTER 28 GB/GENERAL BUSINESS DISTRICT ADDING SECTION 28.02 Q. BANQUET  
HALL AND CHAPTER 2 SECTION 2.02 DEFINITIONS TO ADD THE DEFINITION FOR  
BANQUET HALL;

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the  
Hendricks County Zoning Ordinance on November 5, 2001 and which became effective on November 5,  
2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning  
Ordinance be amended

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the  
proposed amendment (TZA 05/05) and voted to forward a favorable recommendation to the County  
Commissioners;

WHEREAS, the County Commissioners have received and reviewed the Plan Commission's  
report, have considered the Plan Commission's recommendations, and find that the adoption of the  
recommended amendment would promote the health, safety and convenience of the people of Hendricks  
County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

Amendment of Chapter 2 – Definitions

Add: **BANQUET HALL:** An establishment which is rented by individuals or groups to accommodate  
private functions including, but not limited to, banquets, weddings, anniversaries and other similar  
celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of  
food; 2) the sale of alcoholic beverages for on-premise consumption, only during scheduled events and not  
open to the general public; and 3) outdoor gardens or reception facilities.

Amendment of Section 28.02 to add:

Q. Banquet Hall

22<sup>nd</sup> APPROVED, by the Board of Commissioners of Hendricks County, Indiana this  
day of November, 2005

BOARD OF COMMISSIONERS ..

Ed Schrier  
Ed Schrier, President

Phyllis Palmer  
Phyllis Palmer, Vice President

David Whicker  
David Whicker, Member

Attest

Nancy d. Marsh  
Nancy Marsh Auditor



ORDINANCE NO. 2005-43

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO RAA/SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 353/05: HAMILTON PROPERTY DEVELOPMENT LLC, BROWN TOWNSHIP, PARCEL TOTALING 78.51 ACRES, LOCATED ON THE WEST SIDE OF COUNTY ROAD 650 EAST, APPROXIMATELY 0.26 MILE NORTH OF COUNTY ROAD 1000 NORTH.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RAA/Single Family (15,000) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 353/05: Hamilton Property Development, LLC, S16-T17N-R1E, 78.51 acres, Brown Township, located on the west side of County Road 650 East, approximately 0.26 mile north of County Road 1000 North.

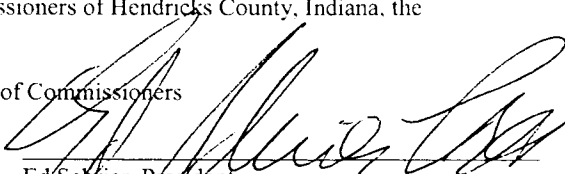
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 353/05: *Hamilton Property Development, LLC*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

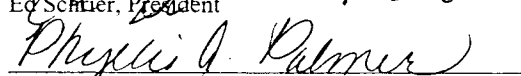
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

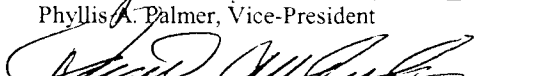
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

2nd Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of November, 2005.

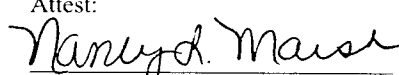
Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-44

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO RAA/SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 354/05: LAWRENCE P. WYNNE, LINCOLN TOWNSHIP, PARCEL TOTALING 40.90 ACRES, LOCATED ON THE WEST SIDE OF COUNTY ROAD 575 EAST, APPROXIMATELY 0.25 MILE NORTH OF COUNTY ROAD 250 NORTH.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RAA/Single Family (15,000) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 354/05: Lawrence P. Wynne, S28-T16N-R1E, 40.90 acres, Lincoln Township, located on the west side of County Road 575 East, approximately 0.25 mile north of County Road 250 North.


**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 354/05: Lawrence P. Wynne, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

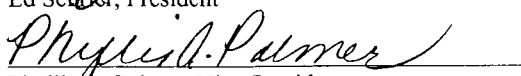
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

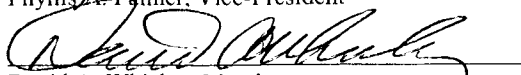
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

22nd Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of November, 2005.

Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-45

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT TO RAA/SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 355/05: JESSICA M. ROGERS, LIBERTY TOWNSHIP, PARCEL TOTALING 17.65 ACRES, LOCATED ON THE NORTH SIDE OF COUNTY ROAD 600 SOUTH, APPROXIMATELY 0.37 MILE WEST OF COUNTY ROAD 400 EAST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RAA/Single Family (15,000) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 355/05: Jessica M. Rogers, S06-T14N-R1E, 17.65 acres, Liberty Township, located on the north side of County Road 600 South, approximately 0.37 mile west of County Road 400 East.

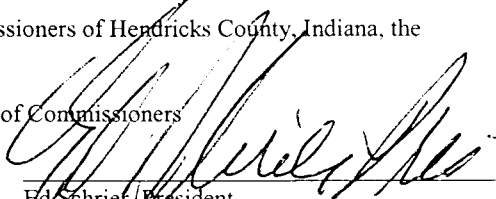
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 355/05: Jessica M. Rogers, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

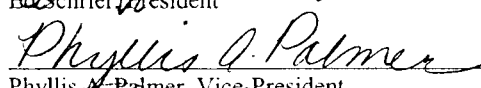
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

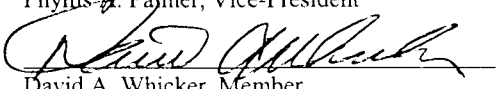
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

and Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of November, 2005.

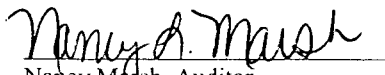
Board of Commissioners

  
Ed Schrief, President

  
Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-46

**AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY  
AMENDING CHAPTER 2 SECTION 2.02 DEFINITIONS TO AMEND THE  
DEFINITION FOR OUTDOOR STORAGE AND ADD THE DEFINITIONS FOR  
DISTRIBUTION CENTER AND WAREHOUSE**

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective on November 5, 2001;

**WHEREAS**, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended

**WHEREAS**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA 06/05) and voted to forward a favorable recommendation to the County Commissioners;

**WHEREAS**, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

Amendment of Chapter 2 – Definitions

AMEND:

OUTDOOR STORAGE: The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours; provided, however, that truck and/or tractor-trailer unit parking associated with a legally established warehouse or distribution center shall not be deemed outdoor storage.

ADD:

DISTRIBUTION CENTER: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations. (See also WAREHOUSE)

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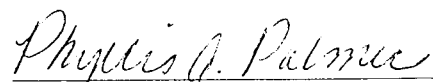
WAREHOUSE: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, and not involved in manufacturing or production. (See also DISTRIBUTION CENTER)

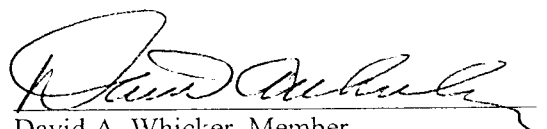
**APPROVED**, by the Board of Commissioners of Hendricks County, Indiana this

\_\_\_\_\_ day of \_\_\_\_\_, 2005

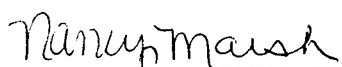
BOARD OF COMMISSIONERS

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice President

  
David A. Whicker, Member

Attest

  
Nancy Marsh, Auditor



ORDINANCE NO. 2005-47

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM HB/HIGHWAY BUSINESS DISTRICT TO RSS/REGIONAL SUPPORT SERVICES DISTRICT, COMMONLY KNOWN AS ZA 356/05: SCS, LLC, LIBERTY TOWNSHIP, PARCEL TOTALING 351.02 ACRES, LOCATED AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF STATE ROAD 39 AND INTERSTATE 70.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RSS/Regional Support Services District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 356/05: SCS, LLC, S25-T14N-R1W, 351.02 acres, Liberty Township, located at the northeast quadrant of the intersection of State Road 39 and Interstate 70.

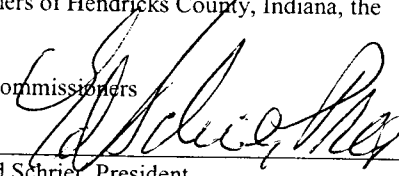
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 356/05: SCS, LLC, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

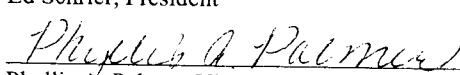
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

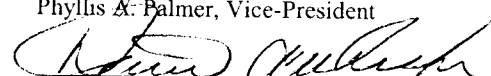
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

20th Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of December, 2005.

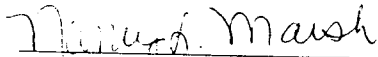
Board of Commissioners

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice-President

  
David A. Whicker, Member

Attest:

  
Nancy Marsh, Auditor



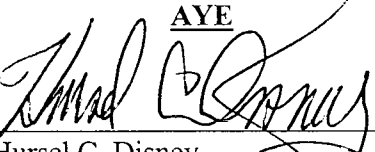
**ORDINANCE 2005-01**  
**AUTHORIZING A TEMPORARY LOAN FROM THE GENERAL FUND**  
**TO THE HENDRICKS COUNTY FLEXIBLE SPENDING ACCOUNT**

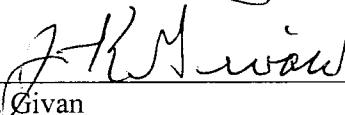
Whereas, certain extraordinary emergencies have developed making it necessary to borrow funds from the General Fund to provide temporary revenue for the Hendricks County Flexible Spending Account.

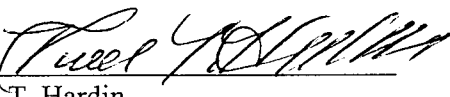
Be it resolved by the County Council of Hendricks County, Indiana, that for the expense of said County that the sum of ten-thousand dollars (\$10,000.00) be loaned from the General Fund to the Hendricks County Flexible Spending Account and said loan to be repaid not later than December 31, 2005.

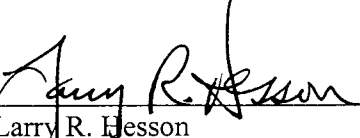
Adopted the 10<sup>th</sup> day of February 2005 by the following vote:

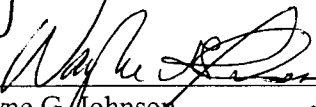
AYE

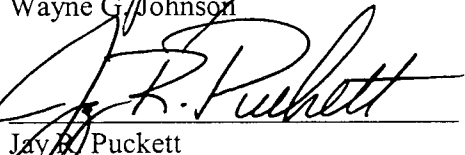
  
\_\_\_\_\_  
Hursel C. Disney

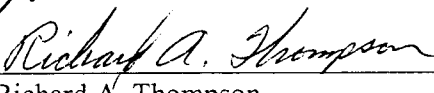
  
\_\_\_\_\_  
J. K. Givan

  
\_\_\_\_\_  
Paul T. Hardin

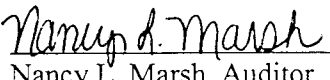
  
\_\_\_\_\_  
Larry R. Hesson

  
\_\_\_\_\_  
Wayne G. Johnson

  
\_\_\_\_\_  
Jay R. Puckett

  
\_\_\_\_\_  
Richard A. Thompson

Attest:

  
\_\_\_\_\_  
Nancy L. Marsh, Auditor

NAY

\_\_\_\_\_  
Hursel C. Disney

\_\_\_\_\_  
J. K. Givan

\_\_\_\_\_  
Paul T. Hardin

\_\_\_\_\_  
Larry R. Hesson

\_\_\_\_\_  
Wayne G. Johnson

\_\_\_\_\_  
Jay R. Puckett

\_\_\_\_\_  
Richard A. Thompson







# Hendricks County Bank

and Trust Company  
Member FDIC

UPON THE TERMS AND CONDITIONS OF THE BANKS COLLECTION ADJUSTMENT  
ITEMS LISTED ARE HEREBY DEPOSITED BY

Hendricks County  
Flexible Spending  
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

X ACKNOWLEDGE RECEIPT OF CASH RETURNED BY SIGNING ABOVE.

DATE 2/4/05 20\_\_

ACCOUNT NO. 20-3801-3  
HCB&T 35 YYTQ4781

	DOLLARS	CENT.
CURRENCY		
SILVER		
CHECKS	10000	00
LESS CASH		
TOTAL \$	10000	00
SEE THAT ALL CHECKS AND DRAFTS ARE ENDORSED		

⑆07490609⑆

009

THIS CHECK USES MICRO SECURITY BORDER. COUNTY NAME WHICH CAN ONLY BE SEEN WHEN MAGNIFIED WILL SHOW A SOLID LINE IF COPIED.  
THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. WHEN CHECKING THE ENDORSEMENT.

APPROVED BY STATE BOARD OF ACCOUNTS  
FOR HENDRICKS COUNTY 2002

HENDRICKS COUNTY TREASURER  
DANVILLE, INDIANA 46122

137672 747

IRWIN UNION BANK  
COLUMBUS, INDIANA

CHECK NUMBER

DATE

FUND

137672

02/04/2005

\$10,000.00

Pay exactly Ten Thousand and No/100 dollars

This check void two years after  
December 31, 2006.

NOT GOOD UNLESS COUNTERSIGNED BY TREASURER



PAY TO  
THE  
ORDER  
OF

Hendricks County Flexible  
Spending Fund

*Nancy L. Marsh*  
*Amy G. Roberts*

⑆137672⑆ ⑆07490234⑆ 3 9820055⑆



012563      Hendricks County Flexible

Bank: 001

Check Date: 02/04/2005

Check: **137672**

PO	Budget Account Code	Invoice Date	Invoice	Amount	Total
	100.99999.000.102			10,000.00	10,000.00

**137672**

02/04/2005

\$10,000.00

Pay exactly Ten Thousand and No/100 dollars

Hendricks County Flexible  
Spending Fund

Non-negotiable





**NOT NEGOTIABLE**

Wm. J. Davis to the 100th of 100,000

By H. C. [Signature] Teller

U.S. 6, 10, 14, 18, 22, 26, 30, 34, 38, 42, 46, 50, 54, 58, 62, 66, 70, 74, 78, 82, 86, 90, 94, 98, 102, 106, 110, 114, 118, 122, 126, 130, 134, 138, 142, 146, 150, 154, 158, 162, 166, 170, 174, 178, 182, 186, 190, 194, 198, 202, 206, 210, 214, 218, 222, 226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 270, 274, 278, 282, 286, 290, 294, 298, 302, 306, 310, 314, 318, 322, 326, 330, 334, 338, 342, 346, 350, 354, 358, 362, 366, 370, 374, 378, 382, 386, 390, 394, 398, 402, 406, 410, 414, 418, 422, 426, 430, 434, 438, 442, 446, 450, 454, 458, 462, 466, 470, 474, 478, 482, 486, 490, 494, 498, 502, 506, 510, 514, 518, 522, 526, 530, 534, 538, 542, 546, 550, 554, 558, 562, 566, 570, 574, 578, 582, 586, 590, 594, 598, 602, 606, 610, 614, 618, 622, 626, 630, 634, 638, 642, 646, 650, 654, 658, 662, 666, 670, 674, 678, 682, 686, 690, 694, 698, 702, 706, 710, 714, 718, 722, 726, 730, 734, 738, 742, 746, 750, 754, 758, 762, 766, 770, 774, 778, 782, 786, 790, 794, 798, 802, 806, 810, 814, 818, 822, 826, 830, 834, 838, 842, 846, 850, 854, 858, 862, 866, 870, 874, 878, 882, 886, 890, 894, 898, 902, 906, 910, 914, 918, 922, 926, 930, 934, 938, 942, 946, 950, 954, 958, 962, 966, 970, 974, 978, 982, 986, 990, 994, 998, 1002, 1006, 1010, 1014, 1018, 1022, 1026, 1030, 1034, 1038, 1042, 1046, 1050, 1054, 1058, 1062, 1066, 1070, 1074, 1078, 1082, 1086, 1090, 1094, 1098, 1102, 1106, 1110, 1114, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146, 1150, 1154, 1158, 1162, 1166, 1170, 1174, 1178, 1182, 1186, 1190, 1194, 1198, 1202, 1206, 1210, 1214, 1218, 1222, 1226, 1230, 1234, 1238, 1242, 1246, 1250, 1254, 1258, 1262, 1266, 1270, 1274, 1278, 1282, 1286, 1290, 1294, 1298, 1302, 1306, 1310, 1314, 1318, 1322, 1326, 1330, 1334, 1338, 1342, 1346, 1350, 1354, 1358, 1362, 1366, 1370, 1374, 1378, 1382, 1386, 1390, 1394, 1398, 1402, 1406, 1410, 1414, 1418, 1422, 1426, 1430, 1434, 1438, 1442, 1446, 1450, 1454, 1458, 1462, 1466, 1470, 1474, 1478, 1482, 1486, 1490, 1494, 1498, 1502, 1506, 1510, 1514, 1518, 1522, 1526, 1530, 1534, 1538, 1542, 1546, 1550, 1554, 1558, 1562, 1566, 1570, 1574, 1578, 1582, 1586, 1590, 1594, 1598, 1602, 1606, 1610, 1614, 1618, 1622, 1626, 1630, 1634, 1638, 1642, 1646, 1650, 1654, 1658, 1662, 1666, 1670, 1674, 1678, 1682, 1686, 1690, 1694, 1698, 1702, 1706, 1710, 1714, 1718, 1722, 1726, 1730, 1734, 1738, 1742, 1746, 1750, 1754, 1758, 1762, 1766, 1770, 1774, 1778, 1782, 1786, 1790, 1794, 1798, 1802, 1806, 1810, 1814, 1818, 1822, 1826, 1830, 1834, 1838, 1842, 1846, 1850, 1854, 1858, 1862, 1866, 1870, 1874, 1878, 1882, 1886, 1890, 1894, 1898, 1902, 1906, 1910, 1914, 1918, 1922, 1926, 1930, 1934, 1938, 1942, 1946, 1950, 1954, 1958, 1962, 1966, 1970, 1974, 1978, 1982, 1986, 1990, 1994, 1998, 2002, 2006, 2010, 2014, 2018, 2022, 2026, 2030, 2034, 2038, 2042, 2046, 2050, 2054, 2058, 2062, 2066, 2070, 2074, 2078, 2082, 2086, 2090, 2094, 2098, 2102, 2106, 2110, 2114, 2118, 2122, 2126, 2130, 2134, 2138, 2142, 2146, 2150, 2154, 2158, 2162, 2166, 2170, 2174, 2178, 2182, 2186, 2190, 2194, 2198, 2202, 2206, 2210, 2214, 2218, 2222, 2226, 2230, 2234, 2238, 2242, 2246, 2250, 2254, 2258, 2262, 2266, 2270, 2274, 2278, 2282, 2286, 2290, 2294, 2298, 2302, 2306, 2310, 2314, 2318, 2322, 2326, 2330, 2334, 2338, 2342, 2346, 2350, 2354, 2358, 2362, 2366, 2370, 2374, 2378, 2382, 2386, 2390, 2394, 2398, 2402, 2406, 2410, 2414, 2418, 2422, 2426, 2430, 2434, 2438, 2442, 2446, 2450, 2454, 2458, 2462, 2466, 2470, 2474, 2478, 2482, 2486, 2490, 2494, 2498, 2502, 2506, 2510, 2514, 2518, 2522, 2526, 2530, 2534, 2538, 2542, 2546, 2550, 2554, 2558, 2562, 2566, 2570, 2574, 2578, 2582, 2586, 2590, 2594, 2598, 2602, 2606, 2610, 2614, 2618, 2622, 2626, 2630, 2634, 2638, 2642, 2646, 2650, 2654, 2658, 2662, 2666, 2670, 2674, 2678, 2682, 2686, 2690, 2694, 2698, 2702, 2706, 2710, 2714, 2718, 2722, 2726, 2730, 2734, 2738, 2742, 2746, 2750, 2754, 2758, 2762, 2766, 2770, 2774, 2778, 2782, 2786, 2790, 2794, 2798, 2802, 2806, 2810, 2814, 2818, 2822, 2826, 2830, 2834, 2838, 2842, 2846, 2850, 2854, 2858, 2862, 2866, 2870, 2874, 2878, 2882, 2886, 2890, 2894, 2898, 2902, 2906, 2910, 29

**KEEP THIS RECEIPT UNTIL YOU RECEIVE A STATEMENT CONFIRMING THIS CREDIT.  
ALL ITEMS ARE CREDITED SUBJECT TO PAYMENT. DEPOSITS ARE SUBJECT TO APPLICABLE RULES & REGULATIONS OF BANK.**



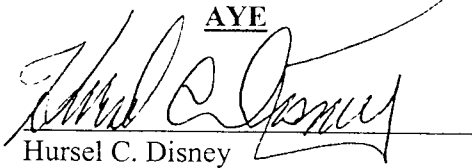
ORDINANCE 2005- 09 A  
AUTHORIZING A TEMPORARY LOAN FROM THE GENERAL FUND  
TO THE HENDRICKS COUNTY FLEXIBLE SPENDING ACCOUNT

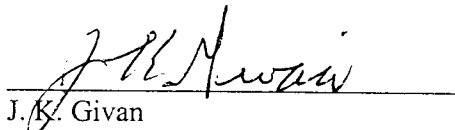
Whereas, certain extraordinary emergencies have developed making it necessary to borrow funds from the General Fund to provide temporary revenue for the Hendricks County Flexible Spending Account.

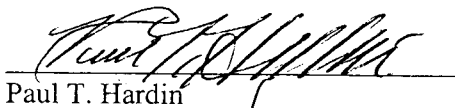
Be it resolved by the County Council of Hendricks County, Indiana, that for the expense of said County that the sum of ten-thousand dollars (\$10,000.00) be loaned from the General Fund to the Hendricks County Flexible Spending Account and said loan to be repaid not later than December 31, 2005.

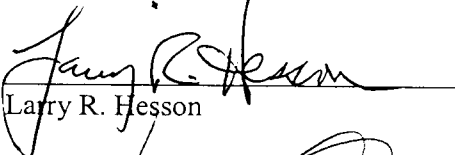
Adopted the 14<sup>th</sup> day of March 2005 by the following vote:

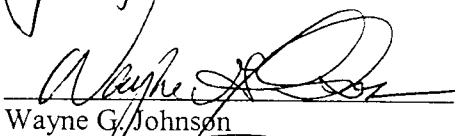
AYE

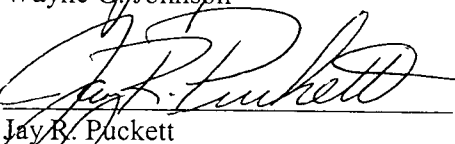
  
Hursel C. Disney

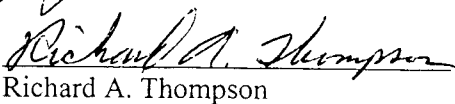
  
J. K. Givan

  
Paul T. Hardin

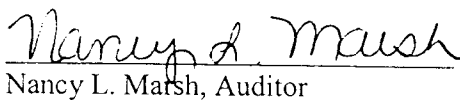
  
Larry R. Hesson

  
Wayne G. Johnson

  
Jay R. Puckett

  
Richard A. Thompson

Attest:

  
Nancy L. Marsh, Auditor

NAY

\_\_\_\_\_  
Hursel C. Disney

\_\_\_\_\_  
J. K. Givan

\_\_\_\_\_  
Paul T. Hardin

\_\_\_\_\_  
Larry R. Hesson

\_\_\_\_\_  
Wayne G. Johnson

\_\_\_\_\_  
Jay R. Puckett

\_\_\_\_\_  
Richard A. Thompson



Hendricks County  
Flexible Spending

71-609/749

DATE 12-21-05

PAY TO THE ORDER OF Hendricks County Treasurer \$ 10,000.00  
Ten thousand and no/100 DOLLARS



**Hendricks County Bank**  
and Trust Company

BROWNSBURG, INDIANA 46112

MEMO 00-3801-3

Nancy L. Marsh MP

⑆07490609⑆

Repair General Fund for  
Temporary loan to  
Flexible Spending - Ordinance  
2005-01



ORDINANCE 2005-18  
AMENDING ENHANCED EMERGENCY TELEPHONE SYSTEM FEE

WHEREAS, THE 105<sup>th</sup> General Assembly of the State of Indiana, in its 1988 session, did adopt House Enrolled Act 1062, subsequently designated Public Law (P.L.) 91-1988, section 5 of which became codified as Indiana Code (IC) 36-8-16-1 et seq.:

WHEREAS, IC 36-8-16 recognizes that counties and municipalities may establish enhanced emergency telephone systems utilizing the three digit number 9-1-1 to send automatic number identification and automatic location identification for reporting emergency situations;

WHEREAS, IC 36-8-16-5 authorizes counties and municipalities, through their fiscal bodies, to impose on all users of exchange telephone service in their jurisdictions, a uniform monthly fee which may be used for the installation and operation of an enhanced emergency telephone system;

WHEREAS, the Hendricks County Council imposed the monthly fee of \$1.00 per telephone access line effective June 1995, by Ordinance 1995-12 adopted on the 27<sup>th</sup> day of April, 1995.

WHEREAS, the Hendricks County Council hereby finds that amending the monthly fee for the funding of an enhanced emergency telephone system would be in the best interest of the residents of Hendricks County;

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

Under the authority of and subject to Indiana Code 36-8-16 an emergency telephone system fee is hereby amended to provide for the funding of an enhanced emergency telephone system to serve Hendricks County. This fee shall be collected from the telephone service users of Hendricks County and administered in accordance with the following terms.

SECTION 1: A monthly fee of two dollars and six cents (\$2.06) per telephone access line or other exchange access facility will be collected by the service supplier to pay the lease, purchase or maintenance of enhanced emergency telephone equipment, including necessary computer hardware, software and database provisioning; and the rates associated with the service suppliers' enhanced emergency telephone system network services.

SECTION 2: The service supplier(s) shall be entitled to retain an administrative fee of three percent (3%) of the monthly fees collected as compensation for collecting the fees.

SECTION 3: All monthly fees collected except for the three percent (3%) administrative fee shall be remitted to the Hendricks County Treasurer within ten (10) days after the last day of the calendar quarter. The service supplier shall provide a fee collection report to the Auditor (fiscal officer) of the county at the same time the collected fees are remitted. The service supplier shall prepare the report on a form provided by the Hendricks County Auditor.



SECTION 4: The Hendricks County Auditor shall deposit the remitted fess in a separate fund named the "Hendricks County Emergency Telephone System Fund." The Hendricks County Treasurer may invest monies in the fund in the same manner that other monies of the county are invested with the interested earned from such investment to be deposited in that fund.

SECTION 5: During January of each year, each service supplier that collects the enhanced emergency telephone system fee for the county shall provide a delinquent fee report to the Hendricks County Auditor. The report shall list the name, address and amount due for each service user who is two (2) or months delinquent in paying the fee.

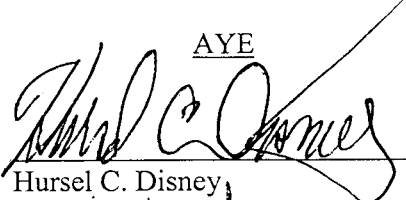
SECTION 6: Each service supplier shall commence collecting the amended enhanced emergency telephone system fee from its service users in the month of July 2005.

SECTION 8: This ordinance shall be in full force and effect on the first day of the second month after its passage by the Hendricks County Council.

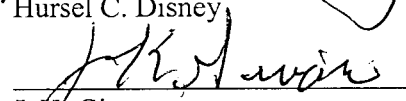
Adopted by the Hendricks County Council this 12<sup>th</sup> day of May, 2005.

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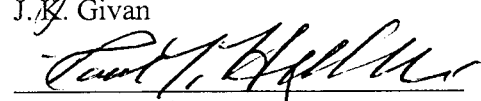
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Hursel C. Disney

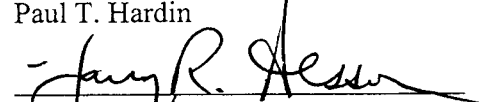
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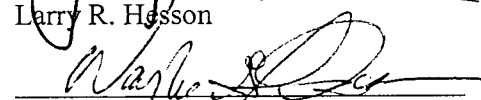
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Paul T. Hardin

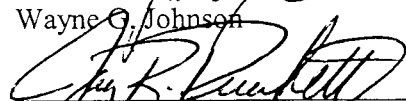
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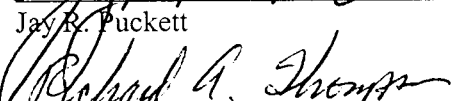
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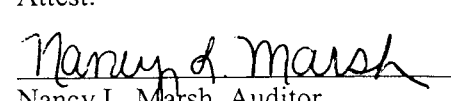
  
Jay R. Puckett

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Jay R. Puckett

  
Richard A. Thompson

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Richard A. Thompson

Attest:

  
Nancy L. Marsh, Auditor



**HENDRICKS COUNTY COUNCIL**  
**ORDINANCE NO. 2005-22**  
**IMPOSING THE HENDRICKS COUNTY FOOD AND BEVERAGE TAX**

WHEREAS, the construction of a world-class convention center and stadium facility in Indianapolis and the retention of a National Football League franchised professional football team in Indianapolis is critical to successful economic development throughout central Indiana; and

WHEREAS, the Governor of the State of Indiana (the "State") has sought the cooperation and assistance of Boone, Johnson, Hamilton, Hancock, Hendricks, Morgan and Shelby counties (the "Suburban Counties") in the financing of the construction of a world-class convention center and stadium facility in Indianapolis; and

WHEREAS, the Indiana General Assembly has recognized that the Suburban Counties face unique and distinct challenges and opportunities related to the existence of a world-class convention center and stadium facility in Indianapolis; and

WHEREAS, the Indiana General Assembly, through the passage of HEA 1120-2005, as recognized that a unique approach is required to ensure that the Suburban Counties have sufficient revenue sources to: (i) allow them to meet these challenges and opportunities; and (ii) to cooperate with and assist in the financing of a world-class convention center and stadium facility in Indianapolis; and

WHEREAS, IC 6-9-35, as added by HEA 1120-2005 (the "Act"), authorizes the county councils of the Suburban Counties to adopt an ordinance to impose the food and beverage tax (the "Food and Beverage Tax") on transactions described in IC 6-9-35-8 and IC 6-9-35-9 (the "Food and Beverage Transactions") that occur anywhere in their respective counties; and

WHEREAS, the Act provides that the rate of the Food and Beverage Tax imposed in a county is one percent (1%) of the gross retail income on the Food and Beverage Transaction; and

WHEREAS, the Act permits a county council to adopt an ordinance requiring revenues from the Food and Beverage Tax (the "Tax Revenues") to be: (i) reported on forms approved by the county treasurer; and (ii) paid monthly to the county treasurer; and

WHEREAS, the Act provides that, if Tax Revenues are to be paid monthly to the county treasurer, the county treasurer is required to pay fifty percent (50%) of the Tax Revenues to the Treasurer of State monthly; and

WHEREAS, the Act provides that if a county council adopts an ordinance imposing the Food and Beverage Tax but not requiring the Tax Revenues to be paid to the county treasurer, the Food and Beverage Tax shall be imposed, paid, and collected in the same manner that the State gross retail tax is imposed, paid, and collected under IC 6-25; and

WHEREAS, the Act provides that, as long as there are any current or future obligations owed by the Marion County Capital Improvement Board (the "Capital Improvement Board") to the Indiana Stadium and Convention Building Authority or any State agency under a lease of other agreement entered into pursuant to IC 5-1-17 (the "Project Obligations"), fifty percent



(50%) of the Tax Revenues received by the county treasurer and paid to the Treasurer of State or received by the State on behalf of the Suburban Counties, shall be paid monthly by the Treasurer of State to the Treasurer of the Capital Improvement Board; and

WHEREAS, the Act provides that, in any State fiscal year in which the total amount of Tax Revenues paid to the Treasurer of the Capital Improvement Board equals five million dollars (\$5,000,000), the remainder of the Tax Revenues shall be (i) retained by the county, if the county has adopted an ordinance requiring the Food and Beverage Tax to be paid to the county; or (ii) paid by the Treasurer of State to the county auditor, upon warrants issued by the Auditor of State; and

WHEREAS, the Act provides that if there are no existing Project Obligations, the entire amount of Tax Revenues from the Food and Beverage Tax imposed by a county shall be paid monthly by the Treasurer of State to the county auditor, upon warrants issued by the Auditor of State; and

WHEREAS, the Act provides that, if a county imposes the Food and Beverage Tax, the county auditor shall: (i) establish a food and beverage tax fund (the "Tax Fund"); and (ii) deposit all Tax Revenues received by the county in the Tax Fund; and

WHEREAS, Tax Revenues received by a county from the Food and Beverage Tax imposed under the Act may be treated by a county as additional revenue for the purpose of fixing its budget for the budget year during which the Tax Revenues are to be distributed to the county; and

WHEREAS, Tax Revenues deposited in the Tax Fund shall be used: (i) at the discretion of the county, to reduce the county's property tax levy for a particular year, although such use does not reduce the county's maximum permissible levy; or (i) for any legal or corporate purpose of the county, including the pledge of revenues to bonds, leases, or other obligations under IC 5-1-14-4; and

WHEREAS, if there are no outstanding Project Obligations or outstanding obligations of the county for which a pledge of Tax Revenues has been made pursuant to IC 6-9-35-14, a county council may adopt an ordinance, after December 31, 2009 and before December 1, 2010, or any year thereafter, to repeal an ordinance imposing the Food and Beverage Tax in the county; and

WHEREAS, the Hendricks County Council desires to: (i) impose the Food and Beverage Tax on Food and Beverage Transactions in Hendricks County (the "County"); (ii) require the Food and Beverage Tax to be imposed, paid and collected in the same manner that the State gross retail tax is imposed, paid and collected under IC 6-2.5; and (iii) express its intent that the Tax Revenues from the Food and Beverage Tax in the County received by the Treasurer of the Capital Improvement Board be used solely to pay or to secure the payment of Project Obligations that are lease rentals or other agreements described in IC 6-9-35-12;

NOW, THEREFORE, BE IT ORDAINED BY THE HENDRICKS COUNTY COUNCIL:



Section 1. (a) The Hendricks County Food and Beverage Tax (the "County Food and Beverage Tax") is hereby imposed on Food and Beverage Transactions, at the rate of one percent (1%) of the gross retail income of the Food and Beverage Transactions occurring anywhere in the County.

(b) The County Food and Beverage Tax shall apply to Food and Beverage Transactions occurring after the last day of the month succeeding the month in which this Ordinance is adopted.

Section 2. Pursuant to IC 6-9-35-11, the County Food and Beverage Tax shall be imposed, paid and collected in the same manner that the State gross retail tax is imposed, paid and collected under IC 6-2.5.

Section 3. (a) There is hereby established a County Food and Beverage Tax Fund into which the county treasurer shall deposit all Tax Revenues from the County Food and Beverage Tax (the "County Tax Revenues") received monthly from the Treasurer of State.

- (b) The County acknowledges that, pursuant to IC 6-9-35-12(a), so long as there are any existing Project Obligations, 50% of the County Tax Revenues received by the State from the County Food and Beverage Tax shall be paid monthly by the Treasurer of State to the Treasurer of the Capital Improvement Board or its designee upon warrants issued by the Auditor of State. In any State fiscal year, if the total amount of the Tax Revenues from the imposition of the Food and Beverage Tax pursuant to IC 6-9-35 by all the Suburban Counties and paid to the Treasurer of the Capital Improvement Board or its designee equals \$5,000,000, the entire remainder of the County Tax Revenues during that State fiscal year shall be retained by the county treasurer or paid by the Treasurer of State to the county auditor, upon warrants issued by the Auditor of State.
- (c) It is the intent of the County that County Tax Revenues paid to the Treasurer of the Capital Improvement Board be used solely to pay or to secure the payment of Project Obligations that are lease rentals or other agreements described in IC 6-9-35-12.
- (d) County Tax Revenues in the County Food and Beverage Tax Fund shall be retained by the County and used for any purpose permitted under IC 6-9-35-14, including the pledge of County Tax Revenues to the payment of bonds, leases or other obligations in accordance with IC 5-1-14-4.
- (e) In the event the Indiana General Assembly shall amend IC 6-9-35 as it exists on the date this ordinance is adopted, which amendment (i) would increase the financial obligation of the County or of the aggregate of the Suburban Counties to the Treasurer of the Capital Improvement Board, directly or indirectly, or (ii) would cause the portion of the Tax Revenues from the Food and Beverage Tax in the County or from the aggregate of the Suburban Counties remitted to



the Treasurer of State to be used for a purpose or purposes other than to pay or to secure the payment of Project Obligations that are lease rentals or other agreements now described in IC 6-9-35-12; or in the event the Indiana General Assembly shall impose any other law which would have the equivalent effect of such amendment of IC 6-9-35, then, in that event, this Ordinance shall be deemed rescinded effective at midnight on December 31 immediately following, unless, subsequent to such amendment or imposition of such other law, the Hendricks County Council shall, by ordinance, have specifically authorized the continuation of the Food and Beverage Tax.

Section 4. The passage of this ordinance shall not prevent the County Council from changing the method by which the Food and Beverage Tax is collected in the county, so long as such change is in accordance with the Act, as then in effect. Any such change shall be effected by an amending ordinance passed not later than June 30 or any year and effective January 1 of the following year; the county auditor shall, upon passage, immediately send a certified copy of such amending ordinance to the Commissioner of the Indiana Department of Revenue.

Section 5. The county auditor, as the clerk of this Council, shall, upon passage, immediately send a certified copy of this Ordinance to the Commissioner of the Department of State Revenue.

Section 6. The County Food and Beverage Tax terminates on January 1 of the year immediately following the year in which the last payment required of the Capital Improvement Board for Project Obligations is made, for any Project Obligations that existed on July 1, 2006.

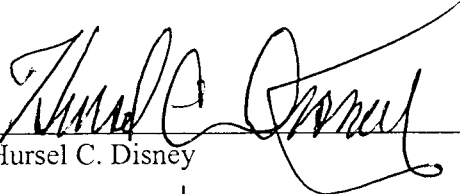
Section 7. This Ordinance takes effect upon passage.

Section 8. Pursuant to IC 6-9-35-5(d), if the Marion County City-County Council does not adopt all the ordinances required to be adopted by it under IC 5-1-17-25 on or before June 30, 2005, this Ordinance shall no longer be in effect.

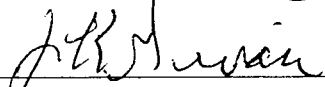
Passed this 27<sup>th</sup> day of June, 2005.

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Hursel C. Disney

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Hursel C. Disney

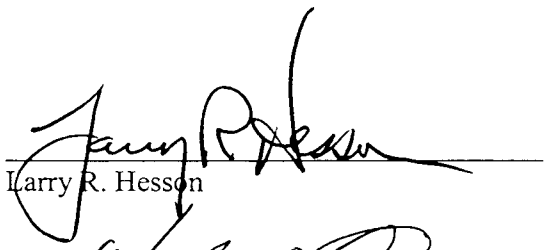
  
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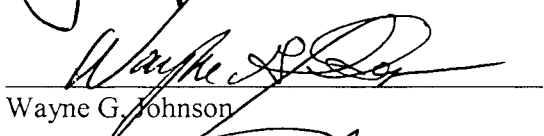
  
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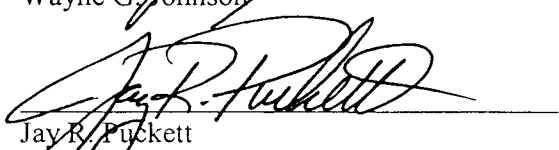


  
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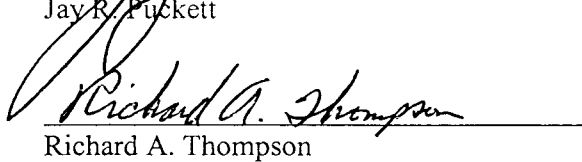
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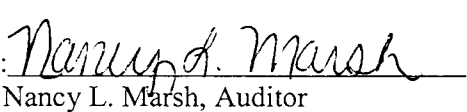
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Jay R. Puckett

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Richard A. Thompson

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Richard A. Thompson

Attest:   
Nancy L. Marsh, Auditor



Fund  
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**ORDINANCE 2005-26**  
**AUTHORIZING A LOAN FROM THE RAINY DAY FUND**  
**TO PAY THE 2004 THROUGH JUNE 30, 2005 JUVENILE**  
**INCARCERATION DEBT**

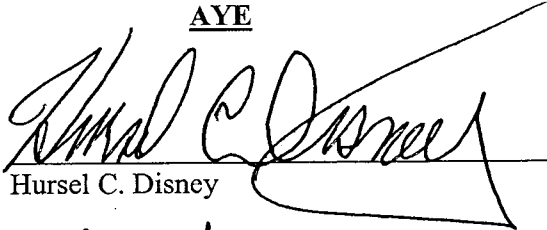
Whereas, certain extraordinary emergencies have developed making it necessary to borrow funds from the Rainy Day Fund to pay the State of Indiana for juvenile incarcerations;

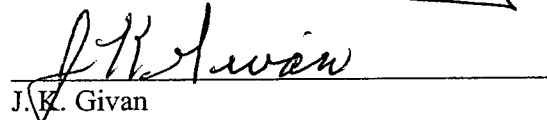
Be it resolved by the County Council of Hendricks County, Indiana, that for the expense of said County that the sum of seven hundred seventy-five thousand one hundred ten dollars and seventy cents (\$775,110.70) be loaned from the Rainy Day Fund to be repaid through an ad valorem property tax levy on the following schedule:

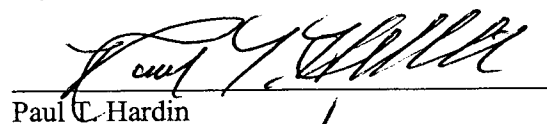
June 30, 2006	\$129,185.12
December 31, 2006	\$129,185.12
June 30, 2007	\$129,185.12
December 31, 2007	\$129,185.12
June 30, 2008	\$129,185.12
December 31, 2008	\$129,185.10

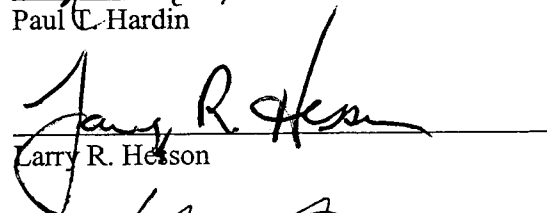
Adopted the 14<sup>th</sup> day of July, 2005:

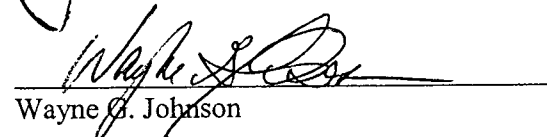
**AYE**

  
Hursel C. Disney

  
J. K. Givan

  
Paul T. Hardin

  
Larry R. Hesson

  
Wayne G. Johnson

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Hursel C. Disney

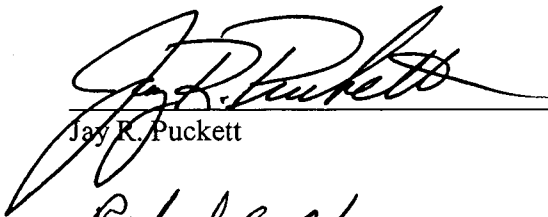
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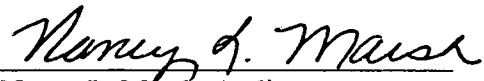


  
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Jay R. Puckett

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Jay R. Puckett

  
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Richard A. Thompson

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Richard A. Thompson

Attest:   
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Nancy L. Marsh, Auditor



**HENDRICKS COUNTY COUNCIL  
INNKEEPERS' AMENDED TAX ORDINANCE  
ORDINANCE NO. 2005-34**

WHEREAS, it has been the policy and expressed desire of Hendricks County, State of Indiana to promote and encourage development and tourism within Hendricks County and the respective municipalities located therein; and

WHEREAS, the General Assembly of the State of Indiana has recognized the necessity and propriety of funding such activities at the local level by enacting IND. CODE 6-9-18, the Uniform County Innkeeper's Tax, which chapter has enabled Hendricks County, by and through its County Council, to levy an Innkeepers' Tax in furtherance of the policy hereinabove stated; and

WHEREAS, pursuant to IND. CODE 6-9-18, the Uniform County Innkeepers' Tax, the Hendricks County Council has, by Ordinance No. 38-1997 dated 7 October 1997, levied such a tax at the rate of five percent (5%) effective 1 January 1998, and the Board of Commissioners of Hendricks County, pursuant to IND. CODE 6-9-18-5, created a commission to promote the development and growth of the convention, visitor, and tourism industry in the county, that commission being the Hendricks County Tourism Commission (hereinafter "the Commission"); and

WHEREAS, the General Assembly of the State of Indiana has, by IND. CODE 6-9-37, effective 1 July 2005, enabled Hendricks County, by and through its County Council, to increase its Innkeeper's Tax and levy an Innkeeper's Tax at a rate not to exceed eight percent (8%); and



WHEREAS, IND. CODE 6-9-37-4 (c) provides in part that those Innkeeper's Tax collections in excess of the rate of five percent (5%) be expended: "(1) to promote and or encourage conventions, visitors, and tourism within the county; and (2) for the development of a county park, a county fairground, or a county promotion."; and

WHEREAS, IND. CODE 6-9-37-4 further requires that such Innkeeper's Tax collections in excess of a rate of five percent (5%) be divided equally between those purposes described in IND. CODE 6-9-37-4 (c) (1) and those in IND. CODE 6-9-37-4 (c) (2); and

WHEREAS, the Hendricks County Council, by virtue of its role of reviewing budget requests of county offices, departments, and agencies, is in a superior position to assess the relative need for such funds for the purposes set forth In IND. CODE 6-9-37-4 (c)(2);

NOW, THEREFORE, BE IT ORDAINED by the Hendricks County Council that, effective 1 October 2005, the aforesaid Hendricks County Council Ordinance No. 38-1997 be amended in its entirety and superseded by this Ordinance, subject to IND. CODE 6-9-37, as follows:

SECTION I:

- a) A tax is hereby levied on every hotel, motel, or inn engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations located in Hendricks County, Indiana.
  - b) The tax does not apply to gross income received in a transaction in which a person rents any room or rooms, lodgings, or accommodations for a period of thirty (30) days or more.
  - c) The tax shall be levied at the rate of eight percent (8 %) on the gross retail income
-



derived from lodging income only and is in addition to the state gross retail tax imposed under I.C. 6-2.5.

d) The tax shall be reported on forms approved by the Hendricks County Treasurer and shall be paid monthly to the Hendricks County Treasurer not more than twenty (20) days after the end of the month in which the tax is collected. The provisions of IND. CODE 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, and administration are applicable to the imposition and administration of the tax imposed under IND. CODE 6-9-37-3 and this Ordinance except to the extent those provisions are in conflict or inconsistent with the specific provisions of IND. CODE 6-9-37, or of this Ordinance, or the requirements of the Hendricks County Treasurer.

## SECTION II:

a) The Treasurer of Hendricks County shall establish a convention, visitor, and tourism promotion fund (hereinafter "the Fund") and shall deposit in such fund all amounts received under this Amended Ordinance, pursuant to IND. CODE 6-9-37.

b) The Hendricks County Auditor shall issue a warrant directing the Treasurer of Hendricks County to transfer money from the convention, visitor, and tourism fund to the treasurer of the Commission if the Commission submits a written request for the transfer.

c) The Hendricks County Council shall, for the period from 31 October through 31 December 2005 and for each calendar year thereafter, designate to the Commission for inclusion in its proposed budget the entity or entities which are to receive for that year or part of a year the one-half (1/2) of the Innkeeper's Tax revenues in excess of five percent (5%) to be used for the purposes set out in IND. CODE 6-9-37-4(c)(2). If more than one entity is to share such revenues, the Hendricks County Council shall designate the ratio of those shares.



d) The treasurer of the Commission shall, upon receipt of such transfer after 31 October 2005, immediately distribute to the treasurer of such entity or organization designated by the Hendricks County Council to receive one-half (1/2) of the Innkeeper's Tax revenues in excess of five percent (5%) to be used for the purposes set out in IND. CODE 6-9-37-4(c)(2).

#### SECTION III:

a) Monies collected pursuant to this Ordinance and deposited into the Fund after 31 October 2005, and including interest attributable thereto, may be expended only for those purposes set forth in IND. CODE 6-9-37-4(c).

b) The Commission shall, not later than 30 June each year, submit its proposed budget for the following calendar year to the Hendricks County Auditor for preparation for submission to the Hendricks County Council for its review and approval. No expenditure may be made by the Commission unless it is in accordance with an appropriation made by the Hendricks County Council in the manner provided by law.

c) Expenditure of funds in excess of the previous Innkeeper's Tax rate of five percent (5%) deposited in the year 2005 after 31 October may be made by an emergency appropriation requested of and approved by the Hendricks County Council.

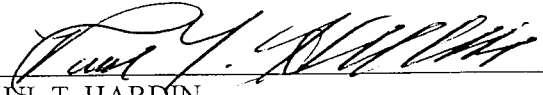
#### SECTION IV:

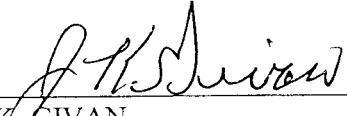
Any entity, person, corporation, or other business described in Section I of this Ordinance shall begin collection of the tax at the rate imposed by this Ordinance on the first (1<sup>st</sup>) day of October, 2005.



ADOPTED by the County Council of Hendricks County, Indiana, this 25<sup>th</sup> day of


August, 2005.

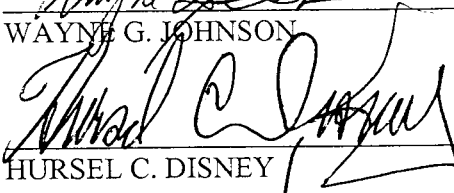
  
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PAUL T. HARDIN

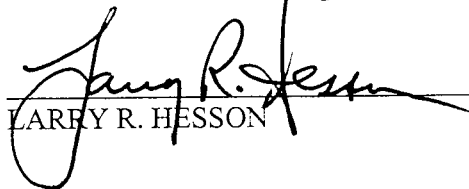
  
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J. K. GIVAN

  
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RICHARD A. THOMPSON

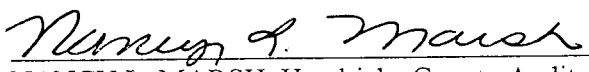
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JAY R. PUCKETT

  
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WAYNE G. JOHNSON

  
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HURSEL C. DISNEY

  
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LARRY R. HESSON

ATTEST:

  
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NANCY L. MARSH, Hendricks County Auditor



**2005-05**  
**RESOLUTION**

WHEREAS, Hendricks County; the Towns of Avon, Brownsburg, and Plainfield; and the Airport have collaborated over the past two decades in developing a long term vision for the critical north-south roadway between Interstate 70 and Interstate 74 known as the Ronald Reagan Parkway; and

WHEREAS, this vision is embodied in the multi-jurisdictional *Ronald Reagan Corridor Master Plan*; and

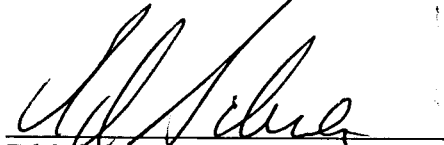
WHEREAS, implementing the vision requires each jurisdiction to adopt the *Master Plan* as part of its comprehensive or master plan.

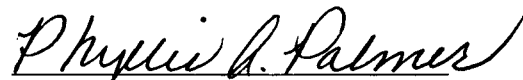
NOW

THEREFORE, Hendricks County adopts the *Ronald Reagan Corridor Master Plan*, its goals, objectives, recommendations, and standards as a sub-area plan of the *Hendricks County Comprehensive Plan*.

Adopted this 20<sup>TH</sup> day of December, 2005.

HENDRICKS COUNTY BOARD OF COMMISSIONERS

  
Ed Schrier, President

  
Phyllis A. Palmer, Vice President

  
David A. Whicker, Member

ATTEST:

  
Nancy Marsh, Auditor







HendricksCOUNTY, INDIANA

RESOLUTION 05-01

A RESOLUTION OF THE Hendricks COUNTY COUNCIL TO JOIN  
THE CENTRAL INDIANA REGIONAL TRANSPORTATION AUTHORITY

WITNESS THAT:

WHEREAS, the Central Indiana Regional Transportation Authority (hereinafter referred to as the "Authority") is a regional transportation authority duly established by ordinance of City-County Council of Indianapolis and Marion County, Indiana, pursuant to the provisions of Indiana Code Chapter 36-9-3, and consisting of the Consolidated City of Indianapolis and Marion County, Indiana, and such other counties or municipalities which the Authority may have been expanded to include; and

WHEREAS, Indiana Code 36-9-3-3 provides for the expansions of the Authority to include one (1) or more additional counties or municipalities within the same transportation planning district as designated by the Indiana Department of Transportation, if resolutions approving the expansion are adopted by the fiscal bodies of (a) the county or municipality to be added to the Authority, and (b) a majority of the counties and municipalities already in the Authority; and

WHEREAS, Hendricks County, Indiana  
(" Hendricks County") is located within the same transportation planning district as the Authority, and wishes to approve an expansion of the Authority to include; and

WHEREAS, the Hendricks County Council is the fiscal body of  
Hendricks County;

IT IS THEREBY RESOLVED by the Hendricks County Council as follows:

1. The Hendricks County Council hereby approves that the Central Indiana Regional Transportation Authority shall be expanded to include



Hendricks County, Indiana, subject to all of the rights, responsibilities and authority as established by Indiana Code Chapter 36-9-3 as limited by the ordinance of the City-County Council of Indianapolis and Marion County, Indiana, creating the Authority.

2. The expansion of the Authority to include Hendricks County shall be effective upon the adoption of this Resolution, 05-01, and the adoption of resolution approving the expansion by a majority of the counties and municipalities already in the Authority.

[Signature]  
[Signature]  
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[Signature]

ATTEST:

Nancy A. Marsh  
Auditor

DATE

5-12-05



05-02

**RESOLUTION OF APPROPRIATE FISCAL BODY OF ACTION ON LIBRARY  
CAPITAL PROJECTS PLAN**

WHEREAS, the Brownsburg Public Library has adopted a Library Capital Projects Plan  
(Name of Library)

as provided for in IC 20-14-13, be it resolved that the Hendricks County Council, being the  
(Name of Fiscal Body)

appropriate Fiscal Body for the Brownsburg Public Library as designated in IC 20-14-13-6,  
(Name of Library)

does hereby approve the Plan as received by this body on the 12<sup>th</sup> day  
(Approve/Reject)

of May, 2005.

ADOPTED THIS 12<sup>th</sup> DAY OF MAY,  
2005.

AYE

NAY

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ATTEST:

Nancy A. Marsh  
Secretary of Fiscal Body

Instructional Note: Must be adopted before August 1 of the current year.



05-03

**A Resolution of the Hendricks County Council to Authorize  
The Hendricks County Auditor to Make a One-Time Payment  
To the Indiana Department of Correction  
For Past Due Juvenile Detention Invoices**

IT IS HEREBY RESOLVED by the County Council of Hendricks County, Indiana:

WHEREAS, HEA-1001-(2005) sets forth requirements for Counties with past due obligations for the incarceration of juveniles housed in the Indiana Department of Correction (DOC) and

WHEREAS, HEA-1001-(2005) requires Counties which have a past due balance with the DOC to agree to a repayment plan with the State Budget Agency, or issue bonds in the manner provided in IC 36-2-6-18, 36-2-6-19, and 36-2-6-20 by August 15, 2005, and

WHEREAS, on June 30, 2005 Hendricks County owed the DOC \$554,079.55 for past due juvenile incarcerations,

WHEREAS, on, or about, July 31, 2005 Hendricks County received a bill from the DOC in the amount of \$221,030.95 for juvenile incarcerations during the period of January 1, 2005 through June 30, 2005,

THEREFORE, the Hendricks County Council has authorized the amount owed in the following manner:

1. The current unpaid bill of \$775,110.70 represents the total amount owed to the DOC for juvenile incarcerations through June 30, 2005.
2. This obligation of \$775,110.70 will be paid in one installment payment by Hendricks County from the Hendricks County Rainy Day Fund before September 30, 2005.
3. The bill for the third quarter of 2005 and subsequent quarterly billings are anticipated to be paid by Hendricks County in a timely manner as provided by HEA-1001-(2005).
4. In the event that installment payments are not paid within the time frame allotted, notwithstanding an extension agreed to by Hendricks County and the State Budget Agency, the auditor of state shall have the authority to reduce the distribution of property tax replacement credits under IC 6-1.1-21 to the county and withhold the amount owed on the account by spreading the reduction equally over the distributions in those state fiscal years that end in 2006, 2007, 2008, and 2009. The auditor of state shall credit the contract payments or any withheld amount to the state general fund for the purpose of curing the default. The account is then considered paid to the extent of the withheld amount and the



Date \_\_\_\_\_



05-04

RESOLUTION TO APPEAL FOR AN INCREASE TO THE MAXIMUM LEVY

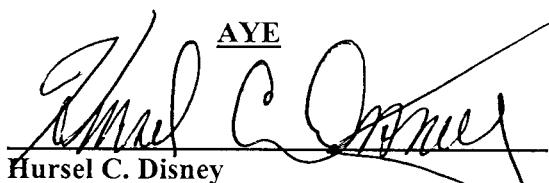
The County Council of Hendricks County, State of Indiana, has determined to file for an excess levy appeal for the following:

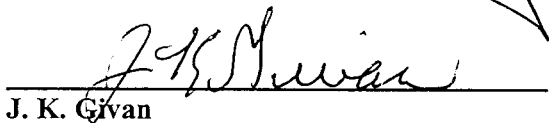
Operation of a New Court  
Three Year Growth Factor  
Increased Police Pension Payments & Contributions  
Voting System  
Any other appeal allowed by law

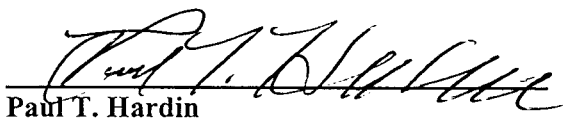
The fiscal boy of Hendricks County hereby resolves to proceed with a petition for an excess levy to the Department of Local Government Finance to increase the taxing unit's maximum levy.

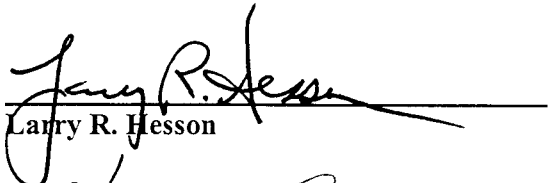
Adopted this 25<sup>th</sup> day of August, 2005.

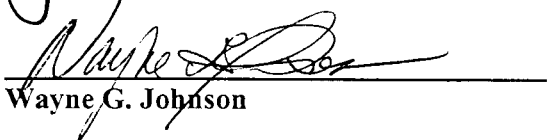
AYE

  
Hursel C. Disney

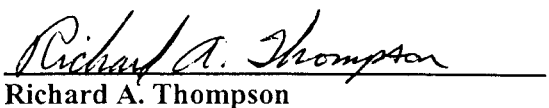
  
J. K. Givan

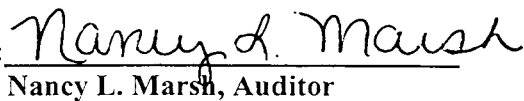
  
Paul T. Hardin

  
Larry R. Hesson

  
Wayne G. Johnson

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Jay R. Puckett

  
Richard A. Thompson

Attest:   
Nancy L. Marsh, Auditor

NAY

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Hursel C. Disney

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J. K. Givan

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