

2007 COUNCIL & COMMISSIONERS' ORDINANCES	NUMBER	DATE
ZA 376106 The Lewis Group, Inc from RA to PUD Brown Township	2007-01	1-2-07
Ordinance for maximum speed limits	2007-02	1-23-07
Coxco B., Waverly Commons, Avon Trails	2007-03	2-6-07
Vacating Public alleyway	2007-04	2-8-07
Norman Paxson, Hadley Add. Marion Tshp	2007-05	4-17-07
Council - authorizing issuance of GOR for	2007-06	4-17-07
Construction of County Work Release Center	2007-07	4-17-07
Amendment to zoning ordinance chapter 2 2.02	2007-08	5-22-07
Amending maximum height	2007-09	5-22-07
Amendment to zoning ordinance chapter 52	2007-10	5-22-07
Section 52.03 52.03 General Standards for Review	2007-11	6-5-07
ZA 378107 Payne LLC	2007-12	6-19-07
ZA 379107 to include ESS - Self Storage of	2007-13	6-19-07
Heartland Crossing, LLC	2007-14	6-26-07
Chapter 6 Street Classifications	2007-15	6-26-07
1st Amendment to Comp Plan	2007-16	6-26-07
Street Classifications	2007-17	7-10-07
1st Amendment to Comp plan	2007-18	7-17-07
Vacating street R06 W - Cedar Run	2007-19	7-17-07
limited, Inc.	2007-20	7-24-07
Prohibit Parking Yosemite Lane	2007-21	VOID
Eagle Crossing (Ball Grass)	2007-22	8-28-07
Prohibit Parking Windfall Lane	2007-23	9-18-07
Heartland Crossing	2007-24	9-25-07
ZA 305107 Rolling Hills LLC PUD	2007-25	9-25-07
Legacy Park Apts	2007-26	11-6-07
ZA 380107 E.J. Reed Simpson from EAY	2007-27	11-13-07
to GB to RSS Duncan Township		
ZA 381-07 Jason M. Hargrave from ROD		
to GB Liberty Township		
Parking Ordinance - Parts of Waverly		
Commons		
Speed limit CR 275 Pittsburg Corp		
limits to North of Frontage Road		
Amended Custodial Fees for		
HC Facilities		
ZA 300617 PUD 28 - Elimination of		
Fee		
Amended Custodial Fees for		
HC Facilities		
ZA 383107 from WI Wiggins Industrial to AD		
Airport Development Denney excavating		
ZA 384107 amend zoning map from GB		
to WI Civil Design Gulfport Township		
Ordinance Prohibiting Parking Circuit Streets		
Wynbrook Blvd. from 200N to Affirmed Pl.		
Precinct Boundary Changes		
Amending 2004-12 Expedite & Improvement		
Location Permit Process		
Health - Ordinance for collection of fees		

duplicate

Health - Food Ordinance	2007-28	11-13-07
Speed Limit CR 475E		
CR 100 N to CR 150 N 40 mph.	2007-29	12-11-07
Appeal Homestead Credit to delinquent Homestead property	2007-30	12-11-07
Criminal Ordinance - Prohibiting Capital Project Board Review of budget, Notes Levy	2007-31	12-13-07
2 P 388 107 Cables for dress from G-B to RSS/Regional Support Services	2007-32	12-18-07
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	2007-51	

ORDINANCE NO. 2007-01

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 376/06: THE LEWIS GROUP, INC., S18,19-T17N-R2E, BROWN TOWNSHIP, PARCEL TOTALING 324 ACRES, LOCATED ON THE NORTH AND SOUTH SIDES OF COUNTY ROAD 1000 NORTH BETWEEN COUNTY ROAD 900 EAST AND COUNTY ROAD 1075 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 in 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 376/06: The Lewis Group, Inc., S18,19-T17N-R2E, 324 acres, Brown Township, located on the north and south sides of County Road 1000 North between County Road 900 East and County Road 1075 East.

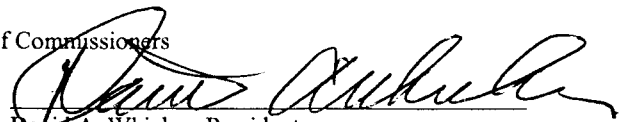
SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 376/06: *The Lewis Group, Inc.*, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners 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.

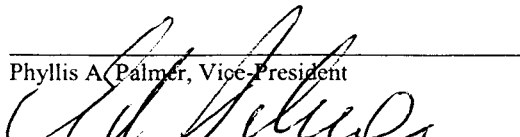
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

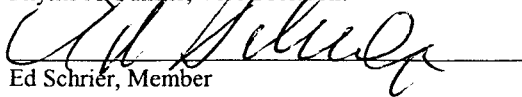
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the
2nd day of January, 2007.

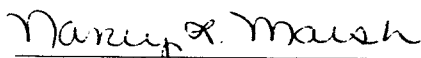
Board of Commissioners


David A. Whicker, President


Phyllis A. Palmer, Vice-President


Ed Schrier, Member

Attest:


Nancy Marsh, Auditor

ORDINANCE NUMBER 2007-02

ORDINANCE FOR MAXIMUM SPEED LIMITS ON CERTAIN COUNTY ROADS

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is the governing body for said County; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is responsible for the maintenance and upkeep of all county roads; and

WHEREAS, for purposes of enhancing safety on the roadways and in the public interest,

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana that the County Highway Supervisor and/or the County Engineer shall be authorized to install and maintain speed limit signs prohibiting the operation of any motor vehicle along certain public roadways described herein in excess of the maximum speed limit set forth below:

<u>Street</u>	<u>Location</u>	<u>Limit</u>
Casco Drive	US 36 to Dead End	25 mph
<i>Avon Trails Subdivision</i>		
Comb Run Lane	Entirety	25 mph
Lomax Drive		
Comb Run Court		
Rhodes Lane		
Helm Drive		
Hollowood Lane		
Ellsworth Lane		
Greene Court		
Cedarstone Lane		
Lakefield Lane		
Nightsong Lane		
Stonewall Lane		
Lomax Drive		
Taney Court		
Centennial Court		
Jackson Way		
Thomas Lane		
Gibbon Lane		
Trail Drive		

Waverly Commons Subdivision

Waverly Drive

Weston Drive

Buckshire Lane

Castleford Lane

Fairmont Lane

Entirety

25 mph

BE IT FURTHER ORDAINED that upon a finding of a violation of this ordinance a penalty shall be assessed in accordance with Indiana Code.

This Ordinance amends, supercedes, repeals, and replaces any and all existing ordinances which imposed speed limits on the subject roadways.

DULY EXECUTED this 23rd day of January, 2007

HENDRICKS COUNTY, INDIANA
BOARD OF COMMISSIONERS

By: 151 DAW
David A. Whicker

By: 151 PAP
Phyllis A. Palmer

By: 151 ES
Ed Schrier

Attest: 151 NLM

ORDINANCE VACATING PUBLIC ALLEYWAYS

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

WHEREAS, Norman G. Paxson, Jr. ("Petitioner") has filed a Petition to Vacate Right-of-Way (the "Petition") with the Clerk of the Board of Commissioners of Hendricks County, Indiana, pursuant to statute; and

WHEREAS, the Petition concerns Petitioner's request to vacate certain alleyways, or portions thereof, located within Block 7 of Hadley's Addition to the Town of New Winchester, Marion Township, Hendricks County, Indiana; and

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

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

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, held a public hearing on Petitioner's Petition on Tuesday, February 6, 2007 at 9:30 a.m.; and

WHEREAS, having reviewed, at such public hearing, all pertinent facts relative to the Petition and having offered all interested persons the opportunity to be heard in connection with the Petition, the Board of Commissioners of Hendricks County, Indiana, determined that the Petition should be granted.

NOW, THEREFORE, by the powers vested in the Board of Commissioners of Hendricks County, Indiana, pursuant to I.C. § 36-7-3-12, it is hereby ordered and ordained that the relief requested in Petitioner's Petition is now granted.

IT IS, THEREFORE, ORDERED AND ORDAINED that the alleyways described below and depicted in attached Exhibit A, which alleyways were heretofore platted as a part of Block 7 in Hadley's Addition to the Town of New Winchester, be, and the same are hereby vacated:

1. Alley located north of and adjacent to Lot Nine (9) in said Block 7;
2. Alley located between Lot Nine (9) and Lot Ten (10) in said Block 7;
3. Alley located between Lot Ten (10) and Lot Eleven (11) in said Block 7;
4. Alley located between Lot Eleven (11) and Lot Twelve (12) in said Block 7;
5. Alley located south of and adjacent to Lot Twelve (12) in said Block 7;
6. Alley located north of and adjacent to Lot Three (3) in said Block 7;
7. Alley located between Lot Three (3) and Lot Two (2) in said Block 7;
8. Alley located south of and adjacent to Lot Two (2) in said Block 7; and
9. Alley running north and south located east of and adjacent to Lots Nine (9), Ten (10), Eleven (11) and Twelve (12) in said Block 7.

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.

THIS ORDINANCE ADOPTED THIS 6th DAY OF FEBRUARY 2007.

BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA



Phyllis A. Palmer
PHYLLIS A. PALMER
Ed Schrier
ED SCHRIER

ATTESTED BY:

Nancy L. Marsh

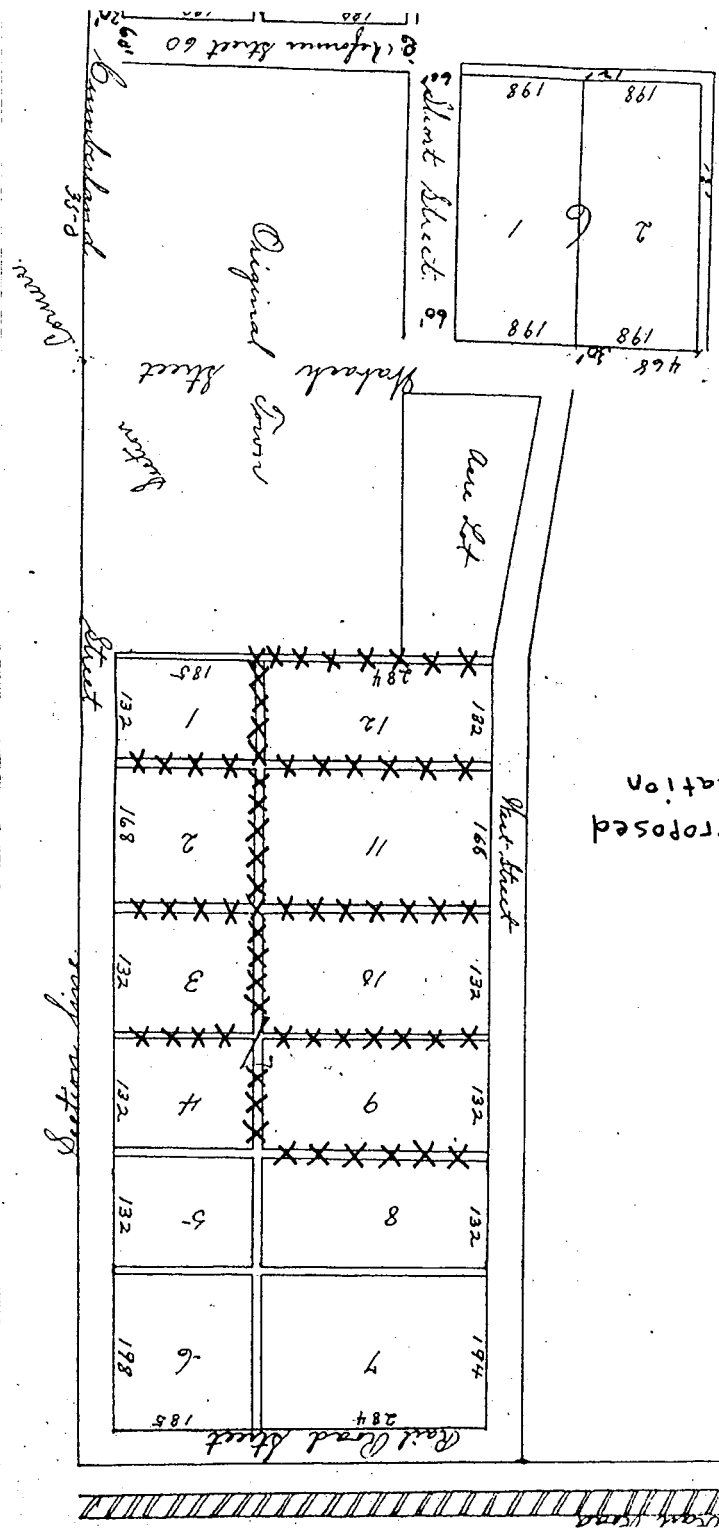
CLERK OF THE BOARD OF
COMMISSIONERS OF HENDRICKS COUNTY

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law (Andrew P. Kult).

This instrument prepared by Andrew P. Kult, COMER LAW OFFICE, P.O. Box 207, Danville, Indiana 46122.



"XXX" = Alleys Proposed for Vacation



ORDINANCE NO. 2007-04

**AN ORDINANCE OF THE HENDRICKS COUNTY COUNCIL AUTHORIZING THE
ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF
PROVIDING FUNDS FOR THE CONSTRUCTION OF A NEW COUNTY WORK
RELEASE CENTER AND TO PAY THE COSTS OF ISSUANCE OF THE BONDS**

WHEREAS, the County Council (the "Council") of the County of Hendricks, Indiana (the "County"), on December 14, 2006, conducted a public hearing and adopted a resolution making a preliminary determination to issue general obligation bonds of the County in an aggregate principal amount not to exceed \$6,000,000 (the "Bonds") for the purpose of paying (1) the cost of land, buildings, structures and improvements comprising a new County work release center, and (2) the expenses incurred in connection with or on account of the issuance of the Bonds by the County (collectively, the "Project"); and

WHEREAS, in accordance with Indiana Code 6-1.1-20, as amended, a notice of the decision to issue the Bonds and a notice of the preliminary determination to issue the Bonds were published in two newspapers with a general circulation in the County, and, by the deadlines set forth in Indiana Code 6-1.1-20, no petitions were filed with the Auditor of Hendricks County (the "County Auditor") by taxpayers objecting to the issuance of the Bonds or requesting the application of the petition and remonstrance against the proposed debt service on the Bonds; and

WHEREAS, it would be of public utility and benefit and in the best interests of the County and its citizens to pay the costs of the Project and incidental expenses in connection therewith and on account of the issuance of the Bonds and to issue the Bonds as negotiable general obligation bonds of the County; and

WHEREAS, the Council deems it advisable to issue the Bonds authorized by this Ordinance and to designate the Bonds as "General Obligation Bonds" in one or more series in an original aggregate principal amount not to exceed Six Million Dollars (\$6,000,000) for the purpose of providing for the payment or reimbursement of: (1) all or any portion of the costs of the Project; (2) preliminary expenses related thereto and all incidental expenses incurred in connection therewith (all of which are deemed to be a part of the Project); (3) capitalized interest on the Bonds, if necessary; and (4) the costs of selling and issuing the Bonds; and

WHEREAS, a notice of a hearing on the appropriation of the proceeds of the Bonds has been duly given by publication as required by law, and the hearing on such appropriation has been held, at which all taxpayers of the County had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the original principal amount of the Bonds, together with the outstanding principal amount of previously issued bonds which constitute a debt of the County, on the date of issuance of the Bonds will be no more than two-thirds of one percent ($\frac{2}{3}$ of 1%) of the total net assessed valuation of the County; and

WHEREAS, the amount of proceeds of the Bonds allocated to pay the costs of the Project, together with estimated investment earnings thereon, does not exceed the cost of the Project as estimated by the Council; and

WHEREAS, the Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Bonds have been complied with in accordance with Indiana Code 36-2-6-19, as amended, and other applicable provisions of the Indiana Code (collectively, the "Act"); and

WHEREAS, it is anticipated that the County will advance all or a portion of the cost of the Project prior to the issuance of the Bonds, with such advance to be repaid from proceeds of the Bonds upon the issuance thereof; and

WHEREAS, Section 1.150-2 of the Treasury Regulations on Income Tax (the "Reimbursement Regulations") specifies conditions under which a reimbursement allocation may be treated as an expenditure of bond proceeds, and the County intends by this Ordinance to qualify amounts advanced by the County to pay the cost of the Project for reimbursement from proceeds of the Bonds in accordance with the requirements of the Reimbursement Regulations.

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

Sec. 1. Authorization of Bonds. In order to provide funds to pay the cost of the Project, together with any expenses incidental thereto, and the issuance costs of the Bonds, the County shall borrow money and issue the Bonds as herein authorized. Such incidental expenses shall include, without limitation, all expenses of every kind incurred preliminarily to the funding of the Project and capitalized interest on the Bonds.

Sec. 2. General Terms of Bonds.

(a) In order to procure said loan for such purposes, the County Auditor is hereby authorized and directed to have prepared and to issue and sell negotiable general obligation bonds of the County, in one or more series, in an aggregate principal amount not to exceed Six Million Dollars (\$6,000,000), to be designated "General Obligation Bonds, Series 200_," to be completed with the appropriate year of issuance and an alphabetical designation, if necessary. Such Bonds shall be signed in the name of the County by the manual or facsimile signatures of a majority of the Board of Commissioners (the "Commissioners") and attested by the manual or facsimile signature of the County Auditor, who shall affix the seal of the County to each of the Bonds manually or shall have the seal imprinted or impressed thereon by facsimile or other means. In case any officer whose signature or facsimile signature appears on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until delivery thereof. The Bonds shall also be authenticated by the manual signature of the Registrar (as hereinafter defined). Subject to the provisions of this Ordinance regarding the registration of the Bonds, the Bonds shall be fully negotiable instruments under the laws of the State of Indiana.

(b) The Bonds are, as to all the principal thereof and interest due thereon, general obligations of the County, payable from ad valorem property taxes on all taxable property within the County.

(c) The Bonds shall be issued in fully registered form in denominations of Five Thousand Dollars (\$5,000) or any integral multiple thereof, shall be lettered and numbered consecutively from R-1 and upward and shall be originally dated as of the date of their issuance. The Bonds shall bear interest payable semiannually on January 15 and July 15 of each year, beginning on the January 15 or July 15 determined by the County Auditor at the time of sale, at a rate or rates not exceeding eight percent (8.00%) per annum (the exact rate or rates to be determined by bidding pursuant to Section 6 hereof). Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. The Bonds shall mature serially on January 15 and/or July 15, as finally determined by the Commissioners and the County Auditor as evidenced by delivery of the executed series of Bonds to the Registrar for authentication, provided that the original aggregate principal amount of all series of Bonds does not exceed the amount authorized above, that the first maturity shall be no earlier than January 15, 2008, and that the final maturity of any series of Bonds shall be no later than twenty years after the date of issuance of such series of Bonds.

(d) All payments of interest on the Bonds shall be paid by check mailed one business day prior to the interest payment date to the registered owners thereof as of the first day of the month in which interest is payable at the addresses as they appear on the registration books kept by the Registrar (the "Registration Record"). All principal payments on the Bonds shall be made upon surrender thereof at the office of the Paying Agent (as hereinafter defined) in any coin or currency of the United States of America, which on the date of such payment shall be legal tender for the payment of public and private debts.

(e) Interest on the Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date thereof, unless such Bonds are authenticated after the first day of the month in which interest is payable and on or before such interest payment date, in which case they shall bear interest from such interest payment date, or, unless authenticated on or before the first day of the month of the first interest payment date, in which case they shall bear interest from the original issue date, until the principal shall be fully paid.

(f) Each Bond shall be transferable or exchangeable only upon the books of the County kept for that purpose by the Registrar, by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such Bond, together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the County, except for any tax or governmental charge required to be paid in connection therewith, which shall be payable by the person requesting such transfer or exchange. Except as otherwise described in the Continuing Disclosure Agreement described in Section 12 hereof, the County, the Registrar and the Paying Agent may treat and consider the persons in whose names such

Bonds are registered as the absolute owners thereof for all purposes, including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

(g) In the event any Bond is mutilated, lost, stolen or destroyed, the County may execute and the Registrar may authenticate a new Bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new Bond shall be marked in a manner to distinguish it from the Bond for which it was issued, provided that, in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Registrar, and, in the case of any lost, stolen or destroyed Bond, there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the County and the Registrar, together with indemnity satisfactory to them. In the event any such Bond shall have matured, instead of issuing a duplicate Bond, the County and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The County and the Registrar may charge the owner of such Bond with their reasonable fees and expenses in this connection. Any Bond issued pursuant to this subsection shall be deemed an original, substitute contractual obligation of the County, whether or not the lost, stolen or destroyed Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Bonds issued hereunder.

Sec. 3. Terms of Redemption.

(a) The Bonds may subject to redemption prior to maturity at the option of the County on the terms, conditions and prices determined at the time of the sale of each series of Bonds by the Commissioners and the County Auditor with the advice of Financial Solutions Group, Inc., the financial advisor to the County (the "Financial Advisor").

(b) The Commissioners and the County Auditor, upon consultation with the Financial Advisor, may designate maturities of the Bonds (or a portion thereof in integral multiples of \$5,000 principal amount each), which shall be subject to mandatory sinking fund redemption, and the corresponding redemption dates, amounts and prices. Except as otherwise set forth in this Ordinance, the Commissioners and the County Auditor, upon consultation with the Financial Advisor, are hereby authorized and directed to determine the terms governing any such redemption.

(c) Notice of redemption shall be given not less than 30 days prior to the date of redemption and shall be mailed by first-class mail or by registered or certified mail to the address of each registered owner of a Bond to be redeemed as shown on the Registration Record 45 days prior to the date fixed for redemption, except to the extent such redemption notice is waived by the registered owners of the Bonds to be redeemed; provided, however, that failure to give such notice by mailing or any defect therein, with respect to any Bond, shall not affect the validity of any proceedings for the redemption of any other Bonds. The notice shall specify the date and place of redemption, the redemption price and the CUSIP numbers of the Bonds called for redemption. The place of redemption may be determined by the County. Interest on the Bonds so called for redemption shall cease on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such Bonds shall no longer be protected by this Ordinance and shall

not be deemed to be outstanding hereunder, and the holders thereof shall have the right only to receive the redemption price.

(d) If any Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Bonds maturing as term bonds and corresponding mandatory sinking fund redemption obligation, in the order determined by the County, any Bonds maturing as term bonds maturing on the same date which have previously been redeemed (otherwise than as a result of a previous mandatory sinking fund redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the Paying Agent and not theretofore applied as a credit against any redemption obligation. Each Bond maturing as a term bond so delivered or canceled shall be credited by the Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory sinking fund date, and any excess of such amount shall be credited on future redemption obligations, and the principal amount of the Bonds to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Paying Agent shall credit only such Bonds maturing as term bonds to the extent received on or before the date 45 days preceding the applicable mandatory sinking fund redemption date.

(e) All Bonds which have been redeemed shall be canceled and shall not be reissued; provided, however, that one or more new registered Bonds shall be issued for the unredeemed portion of any Bond without charge to the holder thereof.

(f) No later than the date fixed for redemption, funds shall be deposited with the Paying Agent to pay, and the Paying Agent is hereby authorized and directed to apply such funds to the payment of, the Bonds or portions thereof called for redemption, including accrued interest thereon to the redemption date. No payment shall be made upon any Bond or portion thereof called for redemption until such Bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by this Ordinance with respect to any mutilated, lost, stolen or destroyed Bond.

Sec 4. Appointment of Registrar and Paying Agent.

(a) The County Auditor is hereby authorized to serve as, or to appoint a qualified financial institution to serve as, registrar and paying agent for the Bonds (the "Registrar" or the "Paying Agent"). The Registrar is hereby charged with the responsibility of authenticating the Bonds and shall keep and maintain at its corporate trust office books for the registration and transfer of the Bonds. The County Auditor is hereby authorized to enter into such agreements or understandings with such institution as will enable the institution to perform the services required of the Registrar and the Paying Agent. The County Auditor is authorized to pay such fees as the institution may charge for the services it provides as the Registrar and the Paying Agent.

(b) The Registrar and the Paying Agent may at any time resign as Registrar and Paying Agent by giving 30-days' written notice to the County Auditor and to each registered owner of the Bonds then outstanding, and such resignation will take effect at the end of such 30 days or upon the earlier appointment of a successor Registrar and Paying Agent by the County. Such notice to the County Auditor may be served personally or be sent by first-class or registered

mail. The Registrar and Paying Agent may be removed at any time as the Registrar and the Paying Agent by the County, in which event the County may appoint a successor Registrar and Paying Agent. The County shall notify each registered owner of the Bonds then outstanding of the removal of the Registrar and the Paying Agent. Notices to registered owners of the Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Registration Record. Any predecessor Registrar and Paying Agent shall deliver all the Bonds, cash and investments in its possession and the Registration Record to the successor Registrar and Paying Agent. At all times, the same entity shall serve as the Registrar and the Paying Agent.

Sec. 5. Form of Bonds.

(a) The form and tenor of the Bonds, shall be substantially as follows, with all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery thereof:

No. R-__

Unless this Bond (as defined below) is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to Hendricks County, Indiana, or its agent for registration of transfer, exchange or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL, inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA

STATE OF INDIANA

HENDRICKS COUNTY

GENERAL OBLIGATION BOND, SERIES 200__

<u>Maturity Date</u>	<u>Interest Rate</u>	<u>Original Issue Date</u>	<u>Authentication Date</u>	<u>[CUSIP]</u>
_____ 15, 20__	_____ %	_____, 200__	_____, 20__	

Registered Owner:

Principal Sum: _____ Thousand Dollars (\$_____)

Hendricks County, Indiana (the "County"), acting through its Board of Commissioners, for value received, hereby promises to pay to the Registered Owner set forth above, the Principal Sum set forth above on the Maturity Date set forth above, and to pay interest thereon until the Principal Sum shall be fully paid, at the Interest Rate per annum set forth above from the interest

payment date to which interest has been paid next preceding the Authentication Date set forth above, unless this Bond is authenticated after the first day of the month in which interest is payable and on or before such interest payment date, in which case it shall bear interest from such interest payment date, or, unless this Bond is authenticated on or before _____ 1, 200_, in which case it shall bear interest from the Original Issue Date set forth above, which interest is payable semiannually on each January 15 and July 15 of each year, beginning on _____ 15, 200_. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The principal of this Bond is payable at _____ (the "Registrar" or the "Paying Agent"), in _____, Indiana. All payments of interest on this Bond shall be paid by check mailed one business day prior to the interest payment date to the registered owner hereof as of the first day of the month in which interest is payable at the address as it appears on the registration books kept by the Registrar (the "Registration Record"). All payments of principal of and premium, if any, on this Bond shall be made upon surrender thereof at the corporate trust office of the Paying Agent in any coin or currency of the United States of America, which on the dates of such payment shall be legal tender for the payment of public and private debts.

This Bond is one of an authorized issue of General Obligation Bonds, Series 200__ (the "Bonds"), of the County, of like original date, tenor and effect, except as to denomination, numbering, interest rates and dates of maturity, in the total amount of _____ Dollars (\$_____), numbered consecutively from R-1 and upward, issued for the purpose of providing funds for the cost of land, buildings, structures and improvements comprising a new County work release center and for paying the issuance costs of the Bonds, as authorized by Ordinance No. _____, adopted by the Common Council of the County on the ____ day of _____, 2007, entitled "An Ordinance of the Hendricks County Council authorizing the issuance of General Obligation Bonds for the purpose of providing funds for the construction of a new County work release center and to pay the costs of issuance of the Bonds" (the "Ordinance"), and in strict compliance with Indiana Code 36-2-6-19, as amended, and other applicable provisions of the Indiana Code, as amended (collectively, the "Act"), in effect on the date of issuance of this Bond. THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE AND THE ACT.

PURSUANT TO THE PROVISIONS OF THE ACT AND THE ORDINANCE, THE PRINCIPAL OF THIS BOND AND ALL OTHER BONDS AND THE INTEREST DUE HEREON AND THEREON ARE PAYABLE AS A GENERAL OBLIGATION OF THE COUNTY, FROM AD VALOREM PROPERTY TAXES TO BE LEVIED ON ALL TAXABLE PROPERTY WITHIN THE COUNTY.

[Insert optional redemption terms, if any.]

[The Bonds maturing on _____ 15, 20__, are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof, plus accrued interest, on the dates and in the amounts set forth below:

Date

Amount

_____15, 20__*

*Final Maturity.]

[Notice of redemption shall be mailed to the address of the Registered Owner as shown on the Registration Record, as of the date which is 45 days prior to such redemption date, not less than 30 days prior to the date fixed for redemption. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the County. Interest on the Bonds so called for redemption shall cease on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.]

[The Bonds shall be called for redemption in multiples of \$5,000. The Bonds in denominations of more than \$5,000 shall be treated as representing the number of Bonds obtained by dividing the denomination of the Bond by \$5,000 within a maturity. The Bonds may be redeemed in part. In the event of the redemption of the Bonds in part, upon surrender of the Bond to be redeemed, a new Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond surrendered shall be issued to the Registered Owner.]

This Bond is subject to defeasance prior to payment as provided in the Ordinance.

If this Bond shall not be presented for payment on the date fixed therefor, the County may deposit in trust with the Paying Agent an amount sufficient to pay such Bond, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment, and the County shall have no further obligation or liability with respect thereto.

This Bond is transferable or exchangeable only upon the books of the County kept for that purpose at the office of the Registrar by the Registered Owner in person, or by his attorney duly authorized in writing, upon surrender of this Bond, together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. Except as otherwise provided in the Disclosure Agreement described below, the County, the Registrar and the Paying Agent may treat and consider the person in whose name this Bond is registered as the absolute owner hereof for all purposes, including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The Bonds maturing in any one year are issuable only in fully registered form in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount of the Bonds maturing in such year.

A Continuing Disclosure Agreement, dated as of the Original Issue Date (the "Disclosure Agreement"), has been executed by the County for the benefit of each registered or beneficial owner of any Bond. A copy of the Disclosure Agreement is available from the County and its terms are incorporated herein by reference. The Disclosure Agreement contains certain covenants of the County to each registered or beneficial owner of any Bond, including a

covenant to provide continuing disclosure of certain annual financial information and notices of the occurrence of certain events, if material. By its payment for and acceptance of this Bond, the Registered Owner and any beneficial owner of this Bond assents to the Disclosure Agreement and to the exchange of such payment and acceptance for such covenants.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this Bond have been done and performed in regular and due form as provided by law.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the Board of Commissioners of the County of Hendricks, Indiana, has caused this Bond to be executed in its corporate name and on its behalf by the manual or facsimile signatures of its duly elected, qualified and acting Commissioners, its corporate seal to be hereunto affixed, imprinted or impressed by any means and this Bond to be attested manually or by facsimile by the Auditor of Hendricks County.

THE BOARD OF COMMISSIONERS OF THE
COUNTY OF HENDRICKS, INDIANA

By: _____
Commissioner

By: _____
Commissioner

By: _____
Commissioner

(SEAL)

ATTEST:

Auditor

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

It is hereby certified that this Bond is one of the Equipment General Obligation Bonds, Series 200_ _, issued and delivered pursuant to the provisions of the Ordinance.

AUDITOR, HENDRICKS COUNTY, INDIANA,
as Registrar]

_____,
as Registrar

By: _____
Authorized Representative]

ABBREVIATIONS

The following abbreviations, when used in this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -	as tenants in common
TEN ENT -	as tenants by the entireties
JT TEN -	as joint tenants with right of survivorship and not as tenants in common

UNIF TRANS
MIN ACT

_____ Custodian _____
(Cust) (Minor)
under Uniform Transfers to Minors Act

(State)

Additional abbreviations may also be used, although not contained in the list above.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____

(Please print or typewrite name, address and social security or other tax identification number of
the assignee and insert number for the first named transferee if held by joint account)
this Bond and all rights thereunder and hereby irrevocably constitutes and appoints
_____ as attorney to transfer
this Bond on the Registration Record with full power of substitution in the premises.

Dated: _____

Signature guaranteed by:

REGISTERED OWNER:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution as defined in SEC Rule 17Ad-15 (17 CFR 240.17Ad-15) participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of this Bond in every particular, without alteration or enlargement or any change whatever. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation or anyone in a representative capacity, proof of authority to act must accompany this assignment.

(b) The Bonds may, in compliance with all applicable laws, initially be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors or any successor central depository system appointed by the County from time to time (the "Clearing Agency"), without physical distribution of Bonds to the purchasers. The following provisions of this Section apply in such event.

(1) One definitive Bond of each maturity shall be delivered to the Clearing Agency (or its agent) and held in its custody. The County, the Registrar and the Paying Agent may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the Bonds as are necessary or appropriate to accomplish or recognize such book-entry form Bonds.

(2) During any time that the Bonds remain and are held in book-entry form on the books of a Clearing Agency: (A) any such Bond may be registered upon the books kept by the Registrar in the name of such Clearing Agency or any nominee thereof, including Cede & Co., as partnership nominee of The Depository Trust Company; (B) except as otherwise described in the Continuing Disclosure Agreement described in Section 12 hereof, the Clearing Agency in whose name such Bond is so registered shall be, and the County, the Registrar and the Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such Bond for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of and interest on such Bond, the receiving of notice and the giving of consent; (C) except as otherwise described in the Continuing Disclosure Agreement described in Section 12 hereof, neither the County nor the Registrar or the Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency or any person on behalf of which, or otherwise with respect to which, any such participant holds any interest in any Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest or premium, if any, on any Bond, the receiving of notice or the giving of consent; and (D) the Clearing Agency is not required to present any Bond called for partial redemption prior to receiving payment, so long as the Registrar, the Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption.

(3) If either the County receives notice from the Clearing Agency which is currently the registered owner of the Bonds to the effect that such Clearing Agency is

unable or unwilling to discharge its responsibility as a Clearing Agency for the Bonds or the County elects to discontinue its use of such Clearing Agency as a Clearing Agency for the Bonds, then the County, the Registrar and the Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the Bonds, as are necessary or appropriate to discontinue the use of such Clearing Agency as a Clearing Agency for the Bonds and to transfer the ownership of each of the Bonds to such person or persons, including any other Clearing Agency, as the holders of the Bonds may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the Bonds, shall be paid by the County.

(4) During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Registrar shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owner of the Bonds as of a record date selected by the Registrar. For purposes of determining whether the consent, advice, direction or demand of a registered owner of a Bond has been obtained, the Registrar shall be entitled to treat the beneficial owners of the Bonds as the Bondholders, and any consent, request, direction, approval, objection or other instrument of such beneficial owner may be obtained in the fashion described in this Ordinance.

(5) During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Commissioners, the County Auditor and/or the Registrar are authorized to execute and deliver a Letter of Representations agreement with the Clearing Agency or a Blanket Issuer Letter of Representations (the "DTC Letter of Representations"), and the provisions of any such DTC Letter of Representations or any successor agreement shall control on the matters set forth therein. The Registrar, by accepting the duties of the Registrar under this Ordinance, agrees that it will (A) undertake the duties of agent required thereby and that those duties to be undertaken by either the agent or the issuer shall be the responsibility of the Registrar, and (B) comply with all requirements of the Clearing Agency, including, without limitation, same day funds settlement payment procedures. Further, during any time that the Bonds are held in book-entry form, the provisions of this Section shall control over conflicting provisions in any other section hereof.

Sec. 6. Sale of Bonds.

(a) The Bonds shall be sold in a competitive sale. The County Auditor shall cause to be published a notice of sale once each week for two consecutive weeks pursuant to Indiana Code 5-3-1-2, as amended. The date fixed for the sale shall not be earlier than 15 days after the first of such publications and not earlier than three days after the second of such publications. The bond sale notice shall state the time and place of sale, the purpose for which the Bonds are being issued, the total amount thereof, the amount and date of each maturity, the maximum rate or rates of interest thereon, their denominations, the time and place of payment, that specifications and information concerning the Bonds are on file in the office of the County Auditor and are available on request, the terms and conditions upon which bids will be received and the sale made and such other information as is required by law or as the County Auditor shall deem necessary, including any terms and conditions of sale which provide an exclusion or exemption from the applicability of all or a portion of the provisions of Rule 15c2-12 of the U.S.

Securities and Exchange Commission, as amended (the "Rule"), in which case the County Auditor may set the minimum authorized denomination of the Bonds at \$100,000 as contemplated by the Rule.

(b) As an alternative to the publication of a notice of sale, the County Auditor may sell the Bonds through the publication of a notice of intent to sell the Bonds and compliance with related procedures pursuant to Indiana Code 5-1-11-2(b), as amended.

(c) All bids for the Bonds shall be sealed and shall be presented to the County Auditor in accordance with the terms set forth in the bond sale notice. Bidders for the Bonds shall be required to name the rate or rates of interest which the Bonds are to bear, which shall be the same for all Bonds maturing on the same date and shall not exceed eight percent (8%) per annum, and such interest rate or rates shall be in multiples of one-eighth or one-hundredth of one per cent. The County Auditor shall award the Bonds to the bidder who offers the lowest interest cost, to be determined by computing the total interest on all the Bonds to their maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of the discount bid, if any. No bid for less than ninety-eight percent (98%) of the par value of the Bonds and accrued interest shall be considered. The County Auditor may require that all bids shall be accompanied by certified or cashier's checks payable to the order of Hendricks County, Indiana, or a surety bond, in an amount not to exceed one percent of the aggregate principal amount of the Bonds as a guaranty of the performance of said bid, should it be accepted. In the event no satisfactory bids are received on the day named in the sale notice, the sale may be continued from day to day thereafter for a period of thirty (30) days without readvertisement; provided, however, that if said sale shall be continued, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for sale in the Bond sale notice. The County Auditor shall have full right to reject any and all bids.

(d) After the Bonds have been properly sold and executed, the Treasurer of Hendricks County (the "County Treasurer") shall receive from the purchasers payment for the Bonds and shall provide for delivery of the Bonds to the purchasers.

(e) The County Auditor is hereby authorized and directed to obtain a legal opinion as to the validity of the Bonds from Barnes & Thornburg LLP, bond counsel to the County ("Bond Counsel"), and to furnish such opinion to the purchasers of the Bonds or to cause a copy of said legal opinion to be printed on each Bond. The cost of such opinion shall be paid out of the proceeds of the Bonds.

Sec. 7. Use of Bond Proceeds.

(a) Any accrued interest and premium received at the time of delivery of the Bonds and any portion of the proceeds of the Bonds designated to pay capitalized interest on the Bonds shall be applied to payments on the Bonds on the earliest interest payment dates. The remaining proceeds received from the sale of the Bonds shall be deposited in the "Hendricks County, Indiana, General Obligation Bond Project Fund" (the "Project Fund"). The proceeds deposited in the Project Fund shall be expended only for the purpose of paying expenses incurred in connection with the Project, together with the expenses incidental thereto, and paying the issuance costs of the Bonds. Any balance remaining in the Project Fund after the completion of

the Project, which is not required to meet unpaid obligations incurred in connection therewith and to pay the issuance costs of the Bonds, may be used to pay debt service on the Bonds or otherwise used as permitted by law.

(b) The County hereby declares that it reasonably expects to reimburse the County's advances to the cost of the Project from proceeds of the Bonds, as anticipated by this Ordinance.

Sec. 8. Defeasance. If: (a) the Bonds or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or any portion thereof for redemption have been given and the whole amount of the principal and the interest so due and payable upon such Bonds or any portion thereof then outstanding shall be paid; or (b) (1) cash, or (2) direct noncallable obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, the principal of and the interest on which when due without reinvestment will provide sufficient money, or (3) any combination of the foregoing, shall be held irrevocably in trust for such purpose and provision shall also be made for paying all fees and expenses for the redemption or payment of the Bonds; then, and in that case, the Bonds or such designated portion thereof shall no longer be deemed outstanding or secured by this Ordinance.

Sec. 9. Tax Covenants. In order to preserve the excludability of the interest on any series of the Bonds from gross income for federal income tax purposes (such series of the Bonds, the "Tax-Exempt Bonds") and as an inducement to the purchasers of the Tax-Exempt Bonds, the County represents, covenants and agrees that:

(a) The County will not take any action or fail to take any action with respect to the Tax-Exempt Bonds that would result in the loss of the excludability of the interest on the Tax-Exempt Bonds from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as in effect on the date of issuance of the Tax-Exempt Bonds (the "Code"), including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on Tax-Exempt Bond proceeds or other monies treated as Tax-Exempt Bond proceeds to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts notwithstanding anything else to the contrary contained herein, in trust for such purposes.

(b) The County will file Form 8038-G, Information Return for Tax-Exempt Governmental Obligations, with the Internal Revenue Service as required by Section 149 of the Code.

(c) The County will not make any investment or do any other act or thing during the period that any Tax-Exempt Bond is outstanding hereunder, which would cause any Tax-Exempt Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the Bonds.

(d) Notwithstanding any other provision of this Ordinance, the foregoing covenants and authorizations (the "Tax Sections"), which are designed to preserve the excludability of the interest on the Tax-Exempt Bonds from gross income for federal income tax purposes (the "Tax Exemption"), need not be complied with to the extent the County receives an opinion of nationally recognized bond counsel to the effect that compliance with such Tax Sections is unnecessary to preserve the Tax Exemption.

Sec. 10. Amendments.

(a) Subject to the terms and provisions contained in this Section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the Bonds then outstanding shall have the right, from time to time, to consent to and approve the adoption by the County of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the County for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this Ordinance or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(1) An extension of the maturity of the principal of or interest on any Bond, without the consent of the holder of each Bond so affected; or

(2) A reduction in the principal amount of any Bond or the rate of interest thereon, or a change in the monetary medium in which such amounts are payable, without the consent of the holder of each Bond so affected; or

(3) A preference or priority of any Bond over any other Bond, without the consent of the holders of all Bonds then outstanding; or

(4) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance, without the consent of the holders of all Bonds then outstanding.

(b) If the County shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the addresses appearing on the Registration Record. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the Bonds. The Registrar shall not, however, be subject to any liability to any owners of the Bonds by reason of its failure to mail such notice, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as herein provided.

(c) Whenever at any time within one year after the date of the mailing of such notice, the County shall receive any instrument or instruments purporting to be executed by the owners of the Bonds of not less than sixty-six and two-thirds per cent (66-2/3%) in aggregate principal amount of the Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice and shall contain such owners' specific consent to and approval of the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the County may adopt such supplemental ordinance in substantially such form, without liability or

responsibility to any owners of the Bonds, whether or not such owners shall have consented thereto.

(d) No owner of any Bond shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the County or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the County and all owners of Bonds then outstanding shall thereafter be determined, exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments.

(e) Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the County and the owners of the Bonds, and the terms and provisions of the Bonds and this Ordinance or any supplemental ordinance, may be modified or altered in any respect with the consent of the County and the consent of the owners of all the Bonds then outstanding.

(f) Without notice to or consent of the owners of the Bonds, the County may, from time to time and at any time, adopt such ordinances supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental ordinances shall thereafter form a part hereof):

(1) to cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance; or

(2) to grant to or confer upon the owners of the Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Bonds; or

(3) to procure a rating on the Bonds from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the Bonds; or

(4) to obtain or maintain bond insurance with respect to the Bonds; or

(5) to provide for the refunding or advance refunding of the Bonds; or

(6) to make any other change which, in the determination of the Council in its sole discretion, is not to the prejudice of the owners of the Bonds.

Sec. 11. Bond Anticipation Notes.

(a) The County shall issue, if necessary, bond anticipation notes (the "BANs") for the purpose of procuring interim financing to pay the cost of the Project and any costs related thereto, and, if deemed appropriate, to pay the costs of issuance of the BANs. The County may

issue the BANs in one or more series, in an aggregate principal amount outstanding at any one time not to exceed \$6,000,000 to be designated "General Obligation Bond Anticipation Notes, Series 200_," to be completed with the appropriate year of issuance and an alphabetical designation, if necessary. The BANs shall be lettered and numbered consecutively from R-1 and upward, and shall be in authorized denominations of \$100,000 or more. The BANs shall be dated as of the date of delivery thereof and shall bear interest at a rate not to exceed 7.00% per annum (the exact rate or rates to be determined through negotiations with the purchasers of the BANs) payable either upon maturity or semiannually on January 15 and July 15, as designated by the County Auditor, with the advice of the Financial Advisor. Each series of BANs will mature no later than two years after their date of delivery, unless determined otherwise by the County Auditor, with the advice of the Financial Advisor and Bond Counsel. The BANs are subject to renewal or extension at an interest rate or rates not to exceed 7.00% per annum (the exact rate or rates to be negotiated with the purchaser of the BANs). The term of any renewal BANs may not exceed five years from the date of delivery of the initial BANs. The BANs shall be registered in the name of the purchasers thereof.

(b) The BANs shall be issued pursuant to Indiana Code 5-1-14-5, as amended. The BANs shall be sold at a price not less than 99% of the principal amount thereof to a financial institution or, if issued in an aggregate principal amount of \$1,000,000 or more, to any other purchaser. The County pledges to the payment of the principal of and interest on the BANs the proceeds from the issuance of the Bonds pursuant to and in the manner prescribed by the Act. The County Auditor is authorized to serve as the Registrar and the Paying Agent for the BANs and is hereby charged with the duties of the Registrar and the Paying Agent for the BANs, including the authentication of the BANs.

(c) If deemed appropriate by the County Auditor, with the advice of the Financial Advisor, the BANs shall be prepayable by the County, in whole or in part, on or after the date determined to be most appropriate by the County Auditor, with the advice of the Financial Advisor, upon 15 days' notice to the owner of the BANs as of the date which is 30 days prior to such prepayment, without any premium, but with accrued interest to the date of prepayment, or upon such shorter notice as may be permitted by the purchaser of the BANs.

(d) The BANs shall be executed in the name of the County by the manual or facsimile signature of a majority of the Commissioners and attested by the manual or facsimile signature of the County Auditor, who shall affix the seal of the County to each of the BANs manually or shall have the seal imprinted or impressed thereon by facsimile or other means. The BANs must be authenticated by the County Auditor, acting as the Registrar.

Sec. 12. Official Statement and Continuing Disclosure Agreement.

(a) The distribution of the Preliminary Official Statement related to the Bonds (the "Preliminary Official Statement") and the final Official Statement related to the Bonds (the "Official Statement") to be prepared by the Financial Advisor, on behalf of the County, is hereby authorized and approved, and the Commissioners are authorized and directed to execute the Official Statement on behalf of the County in a form consistent with this Ordinance. The Commissioners or the Auditor is authorized to deem the Preliminary Official Statement as "final" for purposes of the Rule.

(b) If necessary in order for the purchaser of the Bonds to comply with the Rule, the Commissioners and the Auditor are hereby authorized to execute and deliver, in the name and on behalf of the County, (1) an agreement by the County to comply with the requirements for a continuing disclosure undertaking of the County pursuant to subsection (b)(5) or (d)(2) of the Rule, and (2) amendments to such agreement from time to time in accordance with the terms of such agreement (the agreement and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Agreement"). The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. The remedies for any failure of the County to comply with and carry out the provisions of the Continuing Disclosure Agreement shall be as set forth therein.

Sec. 13. Bond Insurance. The Commissioners or the Auditor, with the advice of the Financial Advisor, is authorized to negotiate with one or more municipal bond insurers for the purpose of qualifying one or more municipal bond insurers to issue an insurance policy guaranteeing the payment of the principal of and interest on the Bonds, when due. In the event the Commissioners or the Auditor has not selected a municipal bond insurer at the time of the sale of the Bonds and the Commissioners or the Auditor, with the advice of the Financial Advisor, deems it to be beneficial to the County, the Commissioners or the Auditor may authorize any bidder on the Bonds to submit a bid with the requirement that the County purchase an insurance policy to be issued by such an insurer. If a bid is submitted with this requirement, the amount of the premium to be paid by the County for such an insurance policy will be added to the net interest cost of such bidder to determine which bid provides the lowest overall interest cost to the County (consisting of the aggregate of the total interest due on the Bonds and the cost of the premium for such policy and deducting therefrom the premium bid, if any, or adding thereto the discount bid, if any, by such bidder).

Sec. 14. Additional Appropriation of the Proceeds of the Bonds and Ratification of Prior Actions.

(a) There is hereby appropriated a sum not to exceed \$6,000,000 out of the proceeds of the Bonds received by the County in connection with the sale of the Bonds, together with all investment earnings thereon, for the use by the County in paying the cost of the Project, together with any expenses incidental thereto, capitalized interest on the Bonds, if any, and the issuance costs of the Bonds. Such appropriation shall be in addition to all appropriations provided for in the existing budget and levy and shall continue in effect until such amount is expended for the purposes authorized in this Ordinance. A certified copy of this Ordinance, together with such other proceedings and actions as may be necessary, shall be filed by the County Auditor, with the Department of Local Government Finance.

(b) Any and all actions previously taken by any officer or employee of the County in connection with this Ordinance, including the publication of the Notice of Hearing on Additional Appropriation, are hereby approved, ratified and affirmed.

Sec. 15. No Conflict. All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. After the issuance of the Bonds and so long as any of the Bonds or interest thereon remains unpaid, except as expressly provided herein, this Ordinance shall not be repealed or amended in any

respect which will adversely affect the rights of the holders of the Bonds, nor shall the County adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders.

Sec. 16. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Sec. 17. Holidays, Etc. If the date of making any payment or the last date for the performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the County or the city in which the Registrar or the Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

Sec. 18. Authority to Effectuate this Ordinance. The Board, the County Auditor and the County Treasurer are hereby authorized and directed to take any and all other actions on behalf of the County as may be necessary, appropriate or desirable to carry out the purposes of this Ordinance and the issuance and sale of the BANs or the Bonds in accordance with Indiana Code 5-1-14-5, as amended, or the Act, respectively, and this Ordinance, including, without limitation, securing, to the extent deemed desirable, with the advice of the Financial Advisor, a rating on any or all series of the Bonds from one or more national credit rating agencies.

Sec. 19. Effectiveness. This Ordinance shall be in full force and effect from and after its passage.

DULY ADOPTED on this 8th day of February, 2007, by the County Council of Hendricks County, Indiana.

COUNTY COUNCIL OF
HENDRICKS COUNTY, INDIANA

David C. Jones

James R. Lee

J. K. Lewis

Richard A. Thompson

Jeff R. Finkbeiner

Managers Johnson

Paul B. Butler

Attest:

Nancy D. Marsh
County Auditor

ORDINANCE NO. 2007-05

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING CHAPTER 2 – 2.02 DEFINITIONS; AMENDING THE MAXIMUM HEIGHT IN THE DEVELOPMENT STANDARDS TABLE IN ALL ZONING DISTRICTS, WITH THE EXCEPTION OF AD/AIRPORT DEVELOPMENT DISTRICT; AND AMEND CHAPTER 58 TO INCLUDE SECTION 58.15 EXEMPTIONS FROM THE MAXIMUM HEIGHT DEVELOPMENT STANDARD

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- 01/07) 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: the following definitions to Section 2.02 – Definitions:

BUILDING OR STRUCTURE HEIGHT: The vertical height from the average finished grade to the highest point of the roof, parapet, or uppermost part of the building or structure.

CUPOLA: A small ornamental structure rising from a roof, often dome shaped, which may be used to admit light or air.

STEEPLE: A tower at the top of a structure which is functionally distinct from the main body of the structure, and which is not used for living purposes.

REMOVE; the following definition from Section 2.02 - Definitions :

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

ADD: the italicized text to each zoning district's development standards table with the exception of the AD/Airport Development district:

Maximum Height (<i>See Section 58.15 for exemptions</i>)	<ul style="list-style-type: none">• xx feet principal structure• xx feet accessory structure
---	---

ADD: the following text to Chapter 58:

58.15 EXEMPTIONS FROM THE MAXIMUM HEIGHT DEVELOPMENT STANDARD

- A. Except in the AD/Airport Development District, the following are exempt from the maximum height requirements:
1. Steeples or similar structures on religious places of worship.
 2. Cupolas.
 3. Typical appurtenant roof structures including, but not limited to, chimneys, vents, and utility service structures.
 4. Flag poles.
 5. Silos, grain elevators, and other similar agricultural structures.
- B. Where applicable, the height and lighting of exempt structures shall be regulated by standards of the Federal Aviation Administration and by Indiana Code 8-21-10 *Regulation of Tall Structures*.
- C. The height of wireless communication towers is regulated by **CHAPTER 54 WIRELESS TELECOMMUNICATIONS FACILITIES**.

AMEND: the development standards table in all residential zoning districts, NB/Neighborhood Business district and MHP/Mobile Home Park district to the following:

Maximum Height	<ul style="list-style-type: none">• xx feet principal structure• 18- 24 feet accessory structure
----------------	--

AMEND: the development standards table in the GB/General Business district, OB/Office Business district, RSS/Regional Support Services district, RDD/Research and Development district, TC/Town Center district and OTC/Old Town Center to the following

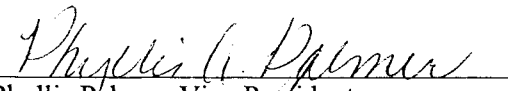
Maximum Height	<ul style="list-style-type: none">• xx feet principal structure• 20- 26 feet accessory structure
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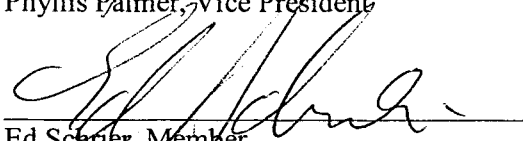
APPROVED, by the Board of Commissioners of Hendricks County, Indiana this

17th day of April, 2007

BOARD OF COMMISSIONERS


David Whicker, President


Phyllis Palmer, Vice President


Ed Schrier, Member

Attest


Nancy Marsh, Auditor

ORDINANCE NO. 2007-06

**AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING
CHAPTER 52 – SECTION 52.03 BY AMENDING SECTION 52.03 (C) WITH GENERAL STANDARDS OF
REVIEW AND AMENDING THE CURRENT (C), (D) AND (E)**

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-02/07) 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:

AMEND SECTION 52.03: with the following text:

C. General Standards of Review

Development plans shall be reviewed taking into account the following standards:

1. Compatibility with surrounding land uses.
2. Consistency with the Comprehensive Plan.
3. Compliance with all applicable requirements of this Ordinance.
4. Availability of sanitary sewer, water, storm water drainage, and any other utilities as deemed necessary.
5. Management of traffic in a manner favorable to the health, safety, convenience, and harmonious development of the community, with particular emphasis on the following factors:
 - a. The design and location of proposed street and highway access points and sidewalks to minimize safety hazards and congestion.
 - b. The capacity of adjacent existing streets and highways and sidewalks to safely and efficiently handle traffic projected to be generated by the proposed development.
 - c. The coordination of entrances, streets, sidewalks, and internal traffic circulation facilities in the site plan with existing and planned streets and adjacent developments.
 - d. Other factors provided for in this Ordinance.
6. For residential developments requiring development plan review, compliance with the *Estate Subdivision Architectural Guidelines* or a substitute set of architectural standards as deemed appropriate by the Plan Commission.

C. D. Application Fee

The preliminary and final development plan applications must be accompanied by the payment of a fee as established by the Ordinance. no application will be considered complete unless accompanied by a fee payment. All fees are nonrefundable, regardless of the outcome of the application.

D. E. Property Owner Notification List

The applicant must obtain the names and addresses of the property owners within six hundred and sixty (660) feet of the property lines being considered or to a depth of two (2) ownerships.


E. F. Plat Map Page


The applicant must submit a copy of each and every plat map page used to obtain the list of names of the property owners being notified by the applicant.

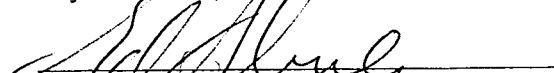
APPROVED, by the Board of Commissioners of Hendricks County, Indiana this

17th day of April, 2007

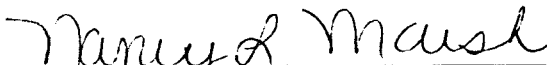
BOARD OF COMMISSIONERS


David Whicker, President


Phyllis Palmer, Vice President


Ed Schrier, Member

Attest


Nancy Marsh, Auditor

ORDINANCE NO. 2007-07

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT AND GB/GENERAL BUSINESS DISTRICT TO RSS/REGIONAL SUPPORT SERVICES DISTRICT, COMMONLY KNOWN AS ZA 378/07: PAYNE, LLC, S20-T16N-R2E, LINCOLN TOWNSHIP, PARCEL TOTALING 4.95 ACRES, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 136, APPROXIMATELY 0.21 MILE WEST OF RACEWAY ROAD, MORE COMMONLY KNOWN AS 10830 EAST 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 in 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 378/07: Payne, LLC, S20-T16N-R2E, 4.95 acres, Lincoln Township, located on the north side of U.S. Highway 136, approximately 0.21 mile west of Raceway Road, more commonly known as 10830 East U.S. Highway 136.


SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 378/07: Payne, 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.

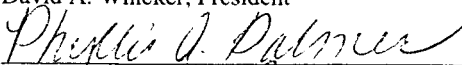
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

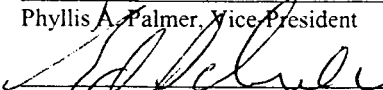
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 17th day of April, 2007.

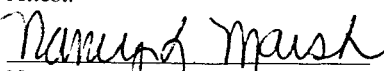
Board of Commissioners


David A. Whicker, President


Phyllis A. Palmer, Vice President


Ed Schrier, Member

Attest:


Nancy Marsh, Auditor

Nancy Marsh

From: Nancy Marsh
Sent: Wednesday, April 18, 2007 8:51 AM
To: Don F. Reitz
Subject: Ordinance Question

Don,

Was there supposed to be an ordinance for ZA 378-07 Payne LLC? I don't think the Commissioners signed on, or at least it didn't make it to me.

Thanks,
Nancy

2007-07

ORDINANCE NO. 2007-08

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM GB/GENERAL BUSINESS DISTRICT TO RSS/REGIONAL SUPPORT SERVICES DISTRICT, COMMONLY KNOWN AS ZA 379/07: ACCESS SELF-STORAGE OF HEARTLAND CROSSING, LLC (CEDAR RUN LIMITED), S20-T14N-R2E, GUILFORD TOWNSHIP, PARCEL TOTALING 24.419 ACRES, LOCATED AT THE SOUTHEAST CORNER OF UNION MILLS ROAD AND PROSPERITY CIRCLE, MORE COMMONLY KNOWN AS 8969 UNION MILLS ROAD, CAMBY, INDIANA.

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 in 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 379/07: Access Self-Storage of Heartland Crossing, LLC (Cedar Run Limited), S20-T14N-R2E, 24.419 acres, Guilford Township, located at the southeast corner of Union Mills Road and Prosperity Circle, more commonly known as 8969 Union Mills Road, Camby, Indiana.


SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 379/07: *Access Self-Storage of Heartland Crossing, LLC (Cedar Run Limited)*, 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.

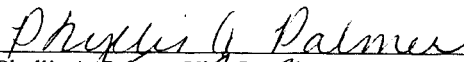
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

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 22nd day of May, 2007.

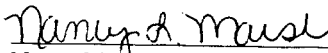
Board of Commissioners


David A. Whicker, President


Phyllis A. Palmer, Vice-President


Ed Schlier, Member

Attest:


Nancy Marsh, Auditor

Memo

To: Board of County Commissioners
From: John E. Ayers, P.E., County Engineer
CC: Michael Graham, Leanna Alverson, Building Facilities Corp. members
Date: May 21, 2007
Re: CR 200 East project at Fairgrounds

Last week we accepted bids for the above project. The bids were as follows:

Rieth Riley \$699,000.00

Harco \$752,478.27

The Engineer's Estimate number I provided you last week was in error. Our Consultant had sent an estimate that was a year old. They ran an estimate using updated INDOT prices and came up with \$765,211.50. This means both bids were below the estimate.

I spoke to the head estimator at Milestone and asked why they and others had not bid on this project. He said it had nothing to do with the construction schedule but was because there were several very large INDOT projects out for bid at the same time and he simply did not have enough estimators available. I suspect that is the case with others as well.

We have reviewed both bids and recommend that the project be awarded to Rieth Riley as the lowest responsive and responsible bidder.

I have spoken with Rieth Riley and they are anxious to get started. They have already ordered utility locates and will begin construction staking as soon as I advise them they will be awarded the project. I have also spoken to the utilities and we are planning to meet again with them this week or next to discuss time frames, phasing, etc. The contractor is willing to work with us and the utilities to do everything possible to have this completed by fair time.

We originally had \$300,000 from Wheel Tax and \$200,000 from the Fairgrounds Bond Issue set aside to do this work. But as you remember we had no idea what right of way would cost. Including appraisal and right of way engineering fees, and with two properties being donated, the County has spent \$246,112.40. Therefore, we need to request an additional \$520,000 from the Council, either out of Cum Cap or Wheel Tax to cover the bid amount plus 10% contingency for the construction of this project.

ORDINANCE NO. 2007-09

AN ORDINANCE AMENDING THE HENDRICKS COUNTY INDIANA
SUBDIVISION CONTROL ORDINANCE BY AMENDING CHAPTER 6 STREET
DESIGN STANDARDS AND STREET IMPROVEMENTS, SECTION 6.02, 6.03 (7),
6.03 (TABLE 6-1), 6.03 (15a), 6.04 (TABLE 6-6), AND 6.08 (TABLE 6-7 & 6-8)
STREET CLASSIFICATIONS

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana, adopted the Hendricks County Subdivision Control Ordinance on December 21, 2004;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Subdivision Control Ordinance be amended by changing Section 6.02, 6.03 (7), 6.03 (Table 6-1), 6.03 (15a), 6.04 (Table 6-6), and 6.08 (Table 6-7 & 6-8) 3.15 2 (a.) Street Classifications;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TSA 01/07) and voted to forward a favorable recommendation to the County Commissioners; and

WHEREAS, the County Commissioners have received and reviewed the Area Plan Commission's report, have considered the Area 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.

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

AMENDING SECTIONS 6.02, 6.03 (7), 6.03 (Table 6-1), 6.03 (15a), 6.04 (Table 6-6), and 6.08 (Table 6-7 & 6-8) TO READ AS FOLLOWS:

6.02 STREET CLASSIFICATIONS -- Street classifications are as follows:

1. Major Streets:

- a. ~~Rural Minor~~ Urban & Rural Principal Arterial
- b. Urban & Rural ~~Major Collector~~ Minor Arterial
- c. Urban & Rural ~~Minor~~ Collector

2. Minor Streets:

- a. Urban & Rural Local Road
- b. Subdivision Street
- c. Cul-de-sac

6.03 DESIGN STANDARDS

7. **Street to Match Plan** -- A proposed street, matching Thoroughfare Plan standards, or at a minimum classified as a ~~rural~~ local road, shall provide for the continuation of existing, planned or platted streets on adjacent property.

Table 6 - 1 RIGHT-OF-WAY WIDTHS	
Major Streets	
Rural Minor Principal Arterial	200'
Rural Major Collector Minor Arterial	150'
Rural Minor Collector	100'
Minor Streets	
Rural Local Road	80'
Subdivision Road	50'
Cul-de-sac	60 feet radius

15. (a) A new ~~rural~~ local road or subdivision road shall be surfaced to a minimum width of thirty (30) feet measured back-to-back of curb.

6.04 INTERSECTIONS

TABLE 6-6 MINIMUM DISTANCE FROM DRIVES TO NEAREST INTERSECTION		
Note: Distance is measured centerline to centerline		
Street Type	Residential Driveway	Non-residential Driveway
Arterial	300'*	600'
Collector	200'*	200'
Local	100'	100'
Residential-Subdivision	75', with maximum of one per lot	N/A

6.08 STREET IMPROVEMENTS

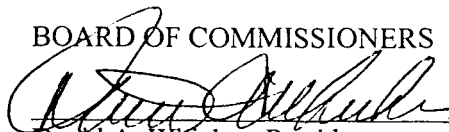
TABLE 6-7 ASPHALTIC CONCRETE PAVEMENT				
Street Classification	Surface	Intermediate	Base	Aggregate
Minor Local	1"	3"	0"	9"

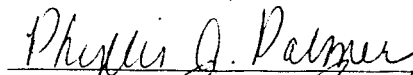
	1"	0"	3"	7"
	1"	3"	4"	0"
Rural-Collector or Commercial	1"	3"	4"	6"
	1"	0"	5"	9"
	1"	3"	7"	0"
Arterial or Industrial	1"	2"	6"	8"
	1"	0"	8"	9"
	1"	2"	10"	0"


TABLE 6-8 PORTLAND CEMENT CONCRETE PAVEMENT (RIGID PAVEMENT)			
Street Classification	Surface	Base	Aggregate Base
Minor Local	6.0"	N/A	N/A
Rural-Collector or Commercial	7.0"	N/A	N/A
Arterial or Industrial	8.0"	N/A	N/A

Approved by the Board of County Commissioners of Hendricks County, Indiana,
this 22nd day of May, 2007.

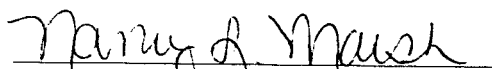
BOARD OF COMMISSIONERS


David A. Whicker, President


Phyllis A. Palmer, Vice President


Ed Schrier, Member

ATTEST:


Nancy Marsh, Auditor

ORDINANCE NO. 2007-10

AN ORDINANCE AMENDING THE HENDRICKS COUNTY INDIANA
SUBDIVISION CONTROL ORDINANCE BY AMENDING SECTION 2.02
DEFINITIONS

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana, adopted the Hendricks County Subdivision Control Ordinance on December 21, 2004;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Subdivision Control Ordinance be amended by changing Section 2.02 DEFINITIONS;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TSA 02/07) and voted to forward a favorable recommendation to the County Commissioners; and

WHEREAS, the County Commissioners have received and reviewed the Area Plan Commission's report, have considered the Area 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.

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

AMENDING 2.02 DEFINITIONS TO READ AS FOLLOWS:

~~STREET, RURAL~~ LOCAL: Streets which:

1. Provide access to adjacent land;
2. Include any street not classified as an arterial or collector street; and
3. Serve travel over relatively short distances.

~~These roads constitute sixty five (65) percent (%) to seventy five (75) percent (%) of the travel road miles.~~

~~STREET, RURAL MAJOR COLLECTOR: Streets which:~~

- ~~1. Serve all, or virtually all population centers of one thousand (1,000) or more, as well as provide service to any county seat not on an arterial route, and to other traffic generators of inter-county importance, such as consolidated schools,~~

shipping points, county parks, important mining and agricultural areas;

- ~~2. Link above places with nearby larger towns or cities or with routes of high classification; and~~
- ~~3. Serve the most important travel corridors.~~

STREET, RURAL MINOR ARTERIAL: Streets which:

1. Link cities and larger towns (and other traffic generators, such as major resort areas) that are capable of attracting travel over similarly long distances, and form an integrated network providing interstate and inter-county service;
2. Serve all, or virtually all, urban areas with a population of five thousand (5,000) or more. The system serves an urban area if it either enters or is located within two (2) miles of the urban boundary;
3. Are spaced at such intervals, consistent with population density, so that all developed areas of the state are within a reasonable distance of an arterial highway;
4. Provide service to corridors with trip length and travel density greater than those predominantly served by rural collector or local systems. Minor arterials, therefore, constitute routes whose design should be expected to provide for relatively high overall travel speeds with minimum interference to through movement.

~~Principal plus minor arterial systems should contain six to twelve (6-12) percent (%) of total rural miles.~~

STREET, RURAL MINOR COLLECTOR: Streets which:

1. Are spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road;
2. Provide service to the remaining smaller communities; and
3. Link the locally important traffic generators with their rural hinterland.
4. Collect traffic for movement between arterial streets and local streets.

Major plus minor collectors should contain twenty to twenty-five (20-25) percent (%) of total rural miles.

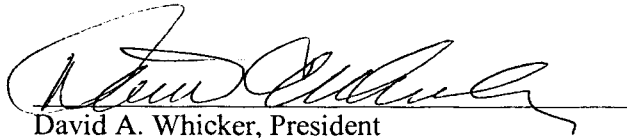
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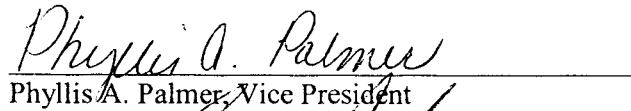
STREET, PRINCIPAL ARTERIAL: Streets which:

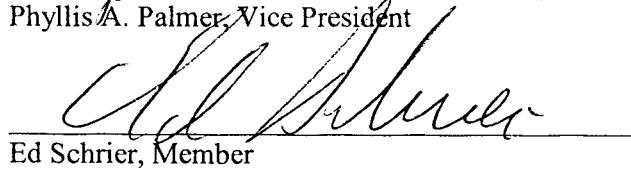
1. Interstate and freeways, major two lane highways that connect urban centers.

Approved by the Board of County Commissioners of Hendricks County, Indiana,
this 22nd day of May, 2007.

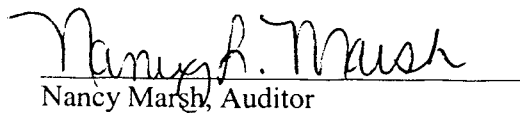
BOARD OF COMMISSIONERS


David A. Whicker, President


Phyllis A. Palmer, Vice President


Ed Schrier, Member

ATTEST:


Nancy Marsh, Auditor

ORDINANCE NO. 2007-11

AN ORDINANCE VACATING PUBLIC STREET RIGHT-OF-WAY

WHEREAS, CEDAR RUN LIMITED, INC., a corporation organized and existing under and by virtue of the laws of the State of Indiana ("Petitioner") has filed with the Clerk of the Hendricks County Board of Commissioners, Hendricks County, Indiana (the "Board") a petition to vacate certain public right-of-way (the "Petition"), with the area proposed for vacation in the Petition being the portion of Raceway Road that was re-located as part of the development by Petitioner of Heartland Crossing Business Park and that has since been abandoned in use for public right-of-way purposes, and with such area being more particularly described and depicted in the Petition and in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, notice of the Petition by certified mail was not required in this matter due to the fact that Petitioner owns all real estate that abuts the area proposed for vacation; and

WHEREAS, notice of the Petition by publication has been given by Petitioner, as prescribed by Ind. Code § 5-3-1, and proof of such notice by publication has been filed with the Clerk of the Board; and

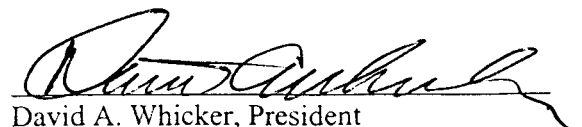
WHEREAS, the Board held a public hearing on the Petition on Tuesday, June 5, 2007 at 9:30 a.m. in the Commissioner's Meeting Room of the Hendricks County Government Center, Hendricks County, Indiana (the "Hearing"); and

WHEREAS, at the Hearing, following the Board's review all of pertinent facts relative to the Petition and the opportunity of all interested parties to speak on the Petition, the Board determined that the Petition should be GRANTED and APPROVED in all respects.

NOW, THEREFORE, the Board does hereby APPROVE the Petition in all respects and does hereby VACATE the public right-of-way that is particularly described and identified in attached Exhibit A, being that portion of Raceway Road that was re-located with the development of Heartland Crossing Business Park.

THIS ORDINANCE ADOPTED THIS 5th DAY OF JUNE 2007.

BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA


David A. Whicker, President

Ordinance No. 2007-12

**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 1. 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 the 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 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

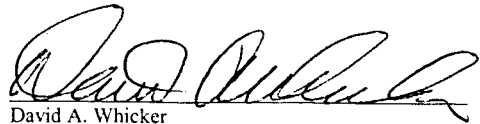
- (a) No person shall park a vehicle at any time in the following locations:

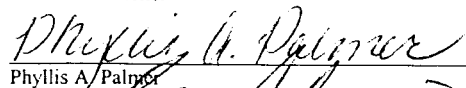
Eagle Crossing Subdivision- (Tallgrass)

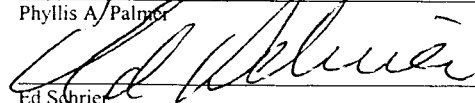
10397 Yosemite Lane


Approved this 19th day of June, 2007

Hendricks County Board of Commissioners


David A. Whicker


Phyllis A. Palmer


Ed Schrier

ATTEST: 
Auditor, Nancy L. Marsh

Ordinance No. 2007-13

**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 1. 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 the 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 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:

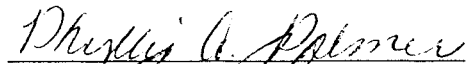
Heartland Crossing Subdivision-

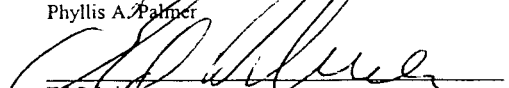
Windfall Lane

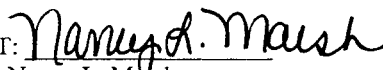
Approved this 19th day of June, 2007

Hendricks County Board of Commissioners


David A. Whicker


Phyllis A. Palmer


Ed Schrier

ATTEST: 
Auditor, Nancy L. Marsh

ORDINANCE NO. 2007-14

AN ORDINANCE AMENDMENT TO AN APPROVED PLAN OF THE ZONING MAP OF HENDRICKS COUNTY, FOR A PUD/PLANNED UNIT DEVELOPMENT, COMMONLY KNOWN AS ZA 305/07 (PUD 29) (PUD AMENDMENT): ROLLING HILLS, LLC, S27-T16N-R1E, LINCOLN TOWNSHIP, PARCEL TOTALING 24.757 ACRES, LOCATED ON THE WEST SIDE OF STATE ROAD 267, APPROXIMATELY 0.25 MILE SOUTH OF COUNTY ROAD 300 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 in the year 2001, be amended so as to include in the PUD/Planned Unit Development District, the following reduction in the total approved units in the Legacy Park Apartments from 275 units to 250 units, said real estate located in the County of Hendricks, Indiana, namely: ZA 305/07 (PUD 29) (PUD Amendment): Rolling Hills, LLC, S27-T16N-R1E, 24.757 acres, Lincoln Township, located on the west side of State Road 267, approximately 0.25 mile south of County Road 300 North.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 305/07 (PUD 29) (PUD Amendment): Rolling Hills, LLC, the "Findings of Fact" 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.

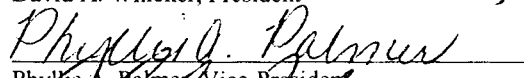
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

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 June, 2007.

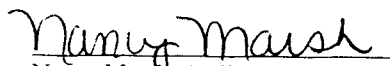
Board of Commissioners


David A. Whicker, President


Phyllis A. Palmer, Vice-President


Ed Schrier, Member

Attest:


Nancy Marsh, Auditor

ORDINANCE NO. 2007-15

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RA/RURAL RESIDENTIAL DISTRICT AND GB/GENERAL BUSINESS DISTRICT TO RSS/REGIONAL SUPPORT SERVICES DISTRICT, COMMONLY KNOWN AS ZA 380/07: E. J. (BILL) SIMPSON, S20-T16N-R2E, LINCOLN TOWNSHIP, PARCEL TOTALING 20.78 ACRES, LOCATED ON THE NORTHEAST SIDE OF THE INTERSECTION OF U.S. HIGHWAY 136 AND COUNTY ROAD 1025 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 in 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 380/07: E. J. (Bill) Simpson, S20-T16N-R2E, 20.78 acres, Lincoln Township, located at on the northeast side of the intersection of U.S. Highway 136 and County Road 1025 East.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 380/07: E. J. (Bill) Simpson, 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.

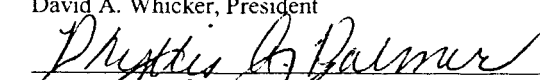
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

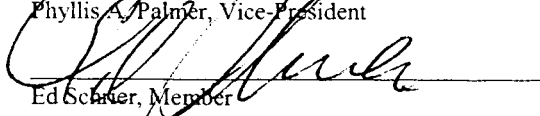
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 26th day of June, 2007.

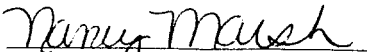
Board of Commissioners


David A. Whicker, President


Phyllis A. Palmer, Vice-President


Ed Schuler, Member

Attest:


Nancy Marsh, Auditor

ORDINANCE NO. 7807-16

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RDD/RESEARCH & DEVELOPMENT DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 381/07: JASON M. HARGRAVE, S34-T15N-R1W, LIBERTY TOWNSHIP, PARCEL TOTALING 0.19 ACRES, LOCATED AT 4945 IOWA STREET IN THE TOWN OF CLAYTON, INDIANA.

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 in 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 381/07: Jason M. Hargrave, S34-T15N-R1W, 0.19 acres, Liberty Township, located at 4945 Iowa Street in the Town of Clayton, Indiana.

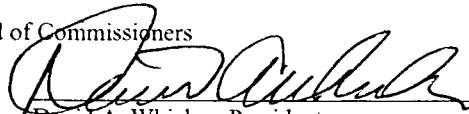
SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 381/07: Jason M. Hargrave, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having 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.

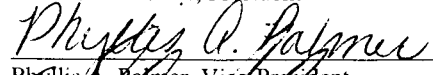
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

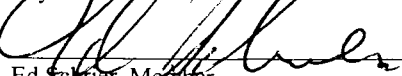
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 26th day of June, 2007.

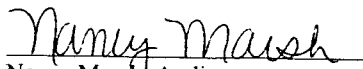
Board of Commissioners


David A. Whicker, President


Phyllis A. Palmer, Vice-President


Ed Schrier, Member

Attest:


Nancy Marsh, Auditor

Ordinance No. 2007-17

**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 1. 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 the 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 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:

Waverly Commons:

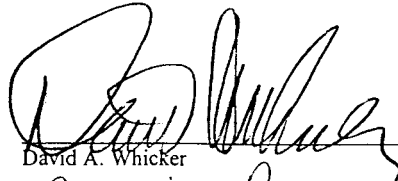
Westbound Lane of Waverly Dr. from CR 1050E to Weston Dr.

Northwest bound Lane of Weston Dr. from Waverly Dr. to Buckshire Lane

Northbound Lane of Buckshire Lane from Weston Dr. to South property line of Lot 56

Approved this 10th day of July, 2007

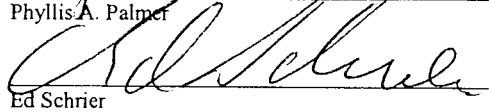
Hendricks County Board of Commissioners



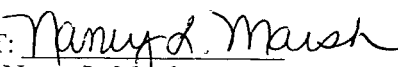
David A. Whicker



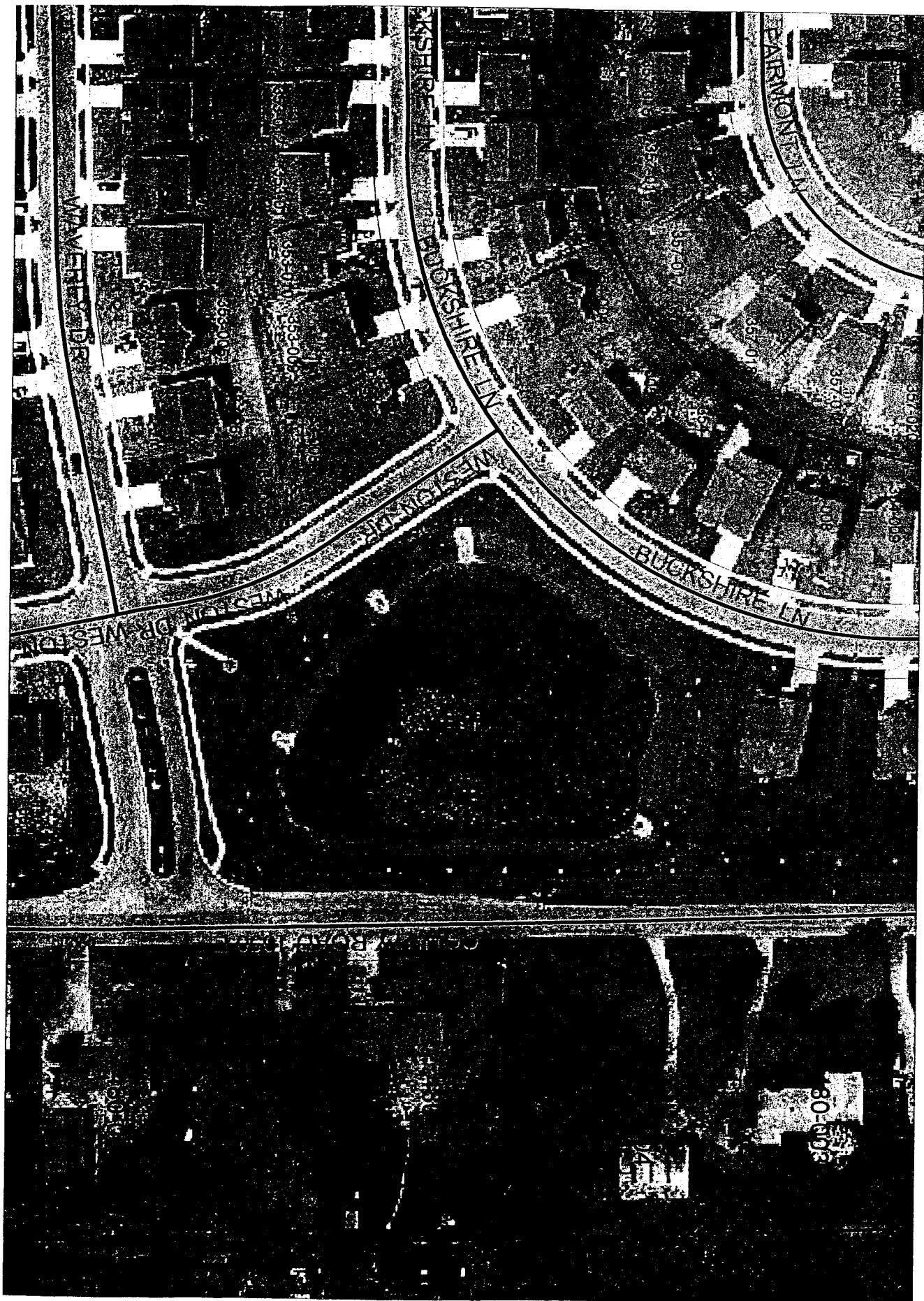
Phyllis A. Palmer



Ed Schrier

ATTEST: 

Auditor, Nancy L. Marsh



ORDINANCE NUMBER 2007-18

ORDINANCE FOR MAXIMUM SPEED LIMITS ON CERTAIN COUNTY ROADS

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is the governing Body for said County; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is responsible for the maintenance and upkeep of all county roads; and

WHEREAS, for purposes of enhancing safety on the roadways and in the public interest,

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana that the County Highway Supervisor and/or the County Engineer shall be authorized to install and maintain speed limit signs prohibiting the operation of any motor vehicle along certain public roadways described herein in excess of the maximum speed limit set forth below:

<u>Street</u>	<u>Location</u>	<u>Limit</u>
CR 275E	Pittsboro Corp. Limits to North of Frontage Road	35mph

BE IT FURTHER ORDAINED that upon finding of a violation of this ordinance a Penalty shall be assessed in accordance with Indiana Code.

This Ordinance amends, supercedes, repeals, and replaces any and all existing ordinances which imposed speed limits on the subject roadways.

DULY EXECUTED this 17th day of July, 2007

HENDRICKS COUNTY, INDIANA
BOARD OF COMMISSIONERS

By: 

David A. Whicker

By: 

Phyllis A. Palmer

By: 

Ed Schrier

Attest: Nancy L. Mauch

Ordinance No. 2007-19

Amended Custodial Fees For Hendricks County Facilities

There are a number of non-government events and activities that have and will take place in the Hendricks County Courthouse and Government Center. Most of the events are either weddings and/or receptions that have been/or will be conducted in the Courthouse. To cover the costs of custodial services there has been a fee associated with the non-governmental use of these facilities. Because of some management issues there are a number of changes that need to be made to the January 28, 2002 policy that was adopted by the Hendricks County Board of County Commissioners. The policy is hereby amended to read as follows:

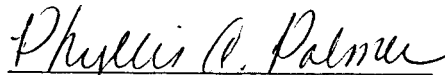
1. **Fee** – A charge of \$40 per hour custodial fee. This includes setting up and cleaning up.
2. **Additional Fee** – An additional fee may be charged for unusual or special requests. An additional fee of \$100 will be charged for any use of the facilities on a County approved holiday.
3. **Multiple Floors** – An additional charge of \$30 per floor if the 2nd and/or 3rd floor is used in the Courthouse. This \$30 charge will apply to the Government Center if both the first and second levels are used.
4. **Approval** – Approval shall be made for the use of the facilities with the Hendricks County Board of County Commissioners. All arrangements following approval shall be made with the Custodial Superintendent.
5. **Cleaning Deposit** – Upon approval a \$50 cleaning deposit must be made in case the area is left in an unacceptable manner. In addition, an agreement form shall be completed and filed with the Hendricks County Board of County Commissioners along with the \$50 cleaning deposit.
6. **Payment** – Checks for the cleaning deposit and the custodial fee shall be made payable to the Hendricks County Board of Commissioners and will be submitted with the agreement form.
7. **Clean-up** – The applicant is responsible for putting all trash in the proper receptacles.

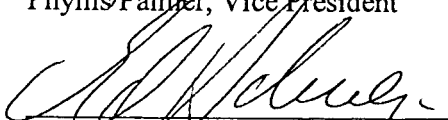
8. **Removal of Items** – The applicant is responsible for removal all personal items (decorations, food containers, etc.) immediately after the activity, unless prior arrangements have been made with the Custodial Superintendent.
9. **Cancellation** – Cancellations should be made in writing to the staff in the Commissioners Office at least two (2) days prior to the activity. If an emergency arises at the last minute the applicant must contact the Custodial Superintendent as soon as possible.
10. **Waiver** – The Hendricks County Board of County Commissioners has the right to waive any or all custodial fees.
11. **Government Center** – Generally, the use of the Government Center will be discouraged for events with food to be consumed in the meeting rooms.

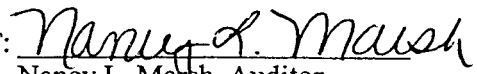
Date Policy Adopted: July 17, 2007

Hendricks County Board of Commissions


David A. Whicker, President


Phyllis Palmer, Vice President


Ed Schrier, Member

ATTEST: 
Nancy L. Marsh, Auditor

ORDINANCE NO. 2007-20

AN ORDINANCE AMENDMENT TO AN APPROVED PLAN OF THE ZONING MAP OF HENDRICKS COUNTY, FOR A PUD/PLANNED UNIT DEVELOPMENT, COMMONLY KNOWN AS ZA 300/07 (PUD 28) (WYNNE FARMS) (PUD AMENDMENT): PLATINUM PROPERTIES, LLC, S26-T16N-R1E, LINCOLN TOWNSHIP, PARCEL TOTALING 18.6 ACRES, LOCATED AT THE NORTHWEST QUADRANT OF COUNTY ROAD 800 EAST AND NORTHFIELD DRIVE, INTERNAL TO THE WYNNE FARMS PUD DEVELOPMENT.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that an ordinance amendment to an approved plan of the zoning map of Hendricks County, be amended so as to include in the PUD/Planned Unit Development District, the following elimination of text in Section 8.03(P)(Height)(2) for Wynne Farms to permit the maximum height of a single story to exceed thirteen (13) feet clear height for the entire project, said real estate located in the County of Hendricks, Indiana, namely: ZA 300/07 (PUD 28) (PUD Amendment): Platinum Properties, LLC, S26-T16N-R1E, 18.6 acres, Lincoln Township, located at the northwest quadrant of County Road 800 East and Northfield Drive, internal to the Wynne Farms PUD Development.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 300/07 (PUD 28) (PUD Amendment): Platinum Properties, LLC, the "Findings of Fact" 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 24th day of July, 2007.

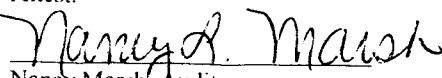
Board of Commissioners


David A. Whicker, President


Phyllis A. Palmer, Vice-President


Ed Schrier, Member

Attest:


Nancy Marsh, Auditor

201-21
VOID

ORDINANCE NO. 2007-22

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM
WI/WHOLE INDUSTRIAL DISTRICT TO AD/AIRPORT DEVELOPMENT DISTRICT,
COMMONLY KNOWN AS ZA 383/07: DENNEY EXCAVATING, INC., S13-T15N-R1W,
CENTER TOWNSHIP, PARCEL TOTALING 10.16 ACRES, LOCATED ON THE WEST
SIDE OF COUNTY ROAD 225 EAST, APPROXIMATELY 0.11 MILE SOUTH OF
COUNTY ROAD 150 SOUTH.

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 in the year 2001, be amended so as to include in the MI/Major Industrial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 383/07: Denney Excavating, Inc., S13-T15N-R1W, 10.16 acres, Center Township, located on the west side of County Road 225 East, approximately 0.11 mile south of County Road 150 South.

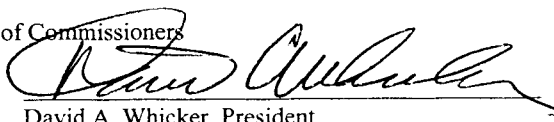
SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 383/07: Denney Excavating, Inc., the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners 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.

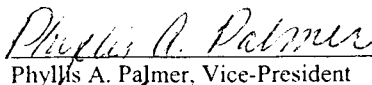
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

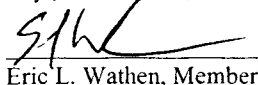
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the
28th day of August, 2007.

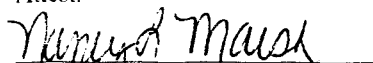
Board of Commissioners


David A. Whicker, President


Phyllis A. Palmer, Vice-President


Eric L. Wathen, Member

Attest:


Nancy Marsh, Auditor

ORDINANCE NO. 2007-23

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM GB/GENERAL BUSINESS DISTRICT TO WI/WHOLESALE INDUSTRIAL DISTRICT, COMMONLY KNOWN AS ZA 384/07: CIVIL DESIGNS, LLP, S20-T14N-R2E, GUILFORD TOWNSHIP, PARCEL TOTALING 2.92 ACRES, LOCATED AT THE NORTHEAST CORNER OF COUNTY ROAD 1025 EAST AND LEASES CORNER CIRCLE, MORE COMMONLY KNOWN AS LOT 77, HEARTLAND CROSSING BUSINESS PARK.

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 in the year 2001, be amended so as to include in the WI/Wholesale Industrial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 384/07: Civil Designs, LLP., S20-T14N-R2E, 2.92 acres, Guilford Township, located at the northeast corner of County Road 1025 East and Leases Corner Circle, more commonly known as Lot 77, Heartland Crossing Business Park.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 384/07: Civil Designs, LLP, 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.

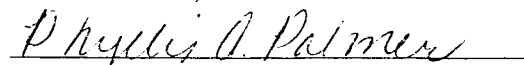
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

18th Approved by the Board of County Commissioners of Hendricks County, Indiana, the
day of September, 2007.

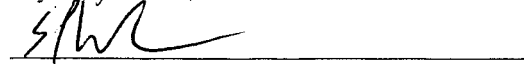
Board of Commissioners



David A. Whicker, President

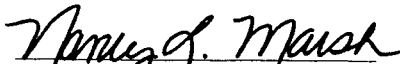


Phyllis A. Palmer, Vice-President



Eric L. Wathen, Member

Attest:


Nancy Marsh, Auditor

Ordinance No. 2007-24

**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 1. 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 the 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 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:

Wynbrooke Subdivision:


Wynbrooke Blvd. from CR 200N to Affirmed Dr.

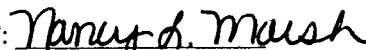
Approved this 25th day of September, 2007

Hendricks County Board of Commissioners


David A. Whicker


Phyllis A. Palmer


Eric Wathen

ATTEST: 
Auditor, Nancy L. Marsh

2007-25

NOTICE OF PROPOSED PRECINCT BOUNDARY CHANGES

To the voters of Hendricks County:

You are notified that the Indiana Election Division of the Office of the Secretary of State of Indiana has determined that a proposed order by the Hendricks County Board of Commissioners to change certain precinct boundaries within this county would comply with state law, and that the Election Division has notified the Commissioners that precinct boundaries may be established in accordance with the county's proposed order.

The boundaries of the following existing precincts would be changed by the adoption of the county's proposed order:

CENTER 2, CENTER 3, WASHINGTON 16, WASHINGTON 20, WASHINGTON 22

The boundaries of the following new precinct would be changed by the adoption of the county's proposed order:

WASHINGTON 26

Any registered voter of this county may object to the county's proposed order by filing a sworn statement with the Election Division. This statement must set forth the voter's specific objections to the proposed order, and request that a hearing be conducted by the Indiana Election Commission under the Administrative Orders and Procedures Act (Indiana Code 4-21.5).

The mailing address of the Election Division is:

Election Division of the Office of the Secretary of State of Indiana
302 West Washington Street, Room E-204
Indianapolis, Indiana 46204-2743

Any objection to the proposed order must be filed with the Election Division no later than noon, Indianapolis time on September 23, 2007 (ten days after publication of this notice). A complete copy of the county's proposed order is available for public inspection and copying at the Office of Voter Registration and the Election Division.

THE HENDRICKS COUNTY BOARD OF COMMISSIONERS

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

BEFORE THE HENDRICKS COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDER ESTABLISHING PRECINCTS

2007-25

WHEREAS, Indiana Code 3-11-1.5 requires that precinct boundaries comply with the directives of said law; and

WHEREAS, pursuant to IC 3-11-1.5, Hendricks County, Indiana through the Board of Commissioners has established the precincts for the said County.

NOW THEREFORE, BE IT ORDERED by the Commissioners of Hendricks County as follows:

Hendricks County, Indiana by and through the Board of Commissioners hereby establishes precincts for the county.

A precinct description and map of the boundaries of each precinct established and submitted to the Indiana Election Division is attached hereto and incorporated herein by reference.

Further, pursuant to IC 3-11-1.5-36, the Hendricks County Board of Commissioners hereby delegates its responsibilities under IC 3-11-1.5 to the Hendricks County Election Board to alter or amend the precincts submitted herewith in order to obtain approval of the precincts by the Indiana Election Division or the Indiana Election Commission.

This ORDER shall become effective upon the approval of said precincts by either the Indiana Election Division, provided no objection is filed by a voter of the county by noon 10 days after the publication of notice of the proposed precinct establishment order, or upon the approval of the Indiana Election Commission after hearing on an timely objection filed by a voter of the county all pursuant to the provisions of IC 3-11-1.5.


ORDERED THIS 25 DAY OF Sept., 2007



David Whicker, Commissioner



Phyllis Palmer, Commissioner



Eric Wathen, Commissioner

AUDITOR'S CERTIFICATE

I, Nancy Marsh, the duly elected Auditor of the County of Hendricks, Indiana, certify the contents of this Order to be a true and accurate representation of the matters as described and depicted in the official records of the proceedings of the board of County Commissioners of this County.

Dated: 9-25-07

Nancy d. Marsh
Nancy Marsh
Hendricks County Auditor

Approved as to form: Greg Steuerwald
Gregory E. Steuerwald
Hendricks County Attorney

PRECINCT CHANGE RECOMMENDATIONS
(EFFECTIVE FOR 2008 ELECTIONS)

CENTER TOWNSHIP: Center 2 and Center 3 are contiguous precincts both within the municipality of Danville.

Center 2 (Mary Queen of Peace Church) currently contains 377 active registered voters. Center 3 (Danville High School) currently contains 1,221 active registered voters. Using Mackey Rd as a new precinct boundary line between the two precincts, it will provide a more balanced number of voters. This will help reduce wait time and ease poll worker duties in Center 3.

WASHINGTON TOWNSHIP: Washington 16 currently contains 1,232 active registered voters.

Using State Road 267 as a north-south boundary, Washington 16 has been split. Using the current Washington 16 (Avon Christian Church) boundary combined with the new "split", everything east of 267 remains Washington 16 and everything west of 267 is now formed into the new Washington 26 (site to be determined). This will help reduce wait time and ease poll worker duties in Washington 16.

Washington 20 and Washington 22 are contiguous precincts both within the municipality of Plainfield.

Washington 20 (Plainfield Christian Church) currently contains 1,155 active registered voters and Washington 22 (Grace Pointe Church) currently contains 637 active registered voters.

Using a section of "Bentwood Park", a subdivision north of County Road 200 S, and placing this section into Washington 22, it provides a more balanced number of voters and also makes for a cleaner, more concise precinct boundary line.

Ordinance No. 2007-26

Ordinance Amending Ordinance 2004-12

Amended Hendricks County Planning and Building Department Expedited Improvement Location Permit Process

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

1.00 Purpose

1.00.a To provide an expedited Improvement Location Permit process that improves service to the general public. Due to the increase in demand for building and subdivision related services, the Department has had an increase in the amount of flex time accumulated for employees who provide these services.

1.00b The intent of this ordinance is to pay employees for excess amounts of flex time they have accumulated in order to have more people available during regular business hours instead of having these employees out of the office using their flex time.

1.00c In addition, the intent of this ordinance is to provide funding for improvements to the general Hendricks County permitting process, which will make permitting procedures easier, faster, and more convenient for citizens and avoid the need for special expedited permitting procedures in the future. Improvements may include consulting services, internet services, hardware, software, or any other procedural improvements the Board of Commissioners deem appropriate.

1.01 Establishment Of Expedited Process

1.01a An Expedited Improvement Location Permit can be obtained by paying an additional fee. The Expedited Improvement Location Permit fee is established by the Hendricks County Board of County Commissioners through the Hendricks County Planning and Building Department's Uniform Fee Schedule.

1.01a.i The application review process guarantees that the application will be reviewed and issued or denied within one (1) business day of the application of the permit.

1.01a.ii The inspection process guarantees an inspection within one (1) business day of the inspection request. The inspection request must be scheduled between 8:00 a.m. and 4:00 p.m.. No inspection request left on the department answering service will be processed.

1.01.b This ordinance hereby establishes Fund 286 – Building Inspection Fees as the official fund for the Expedited Improvement Location Permit Process.

1.02 Establishment Of Outside Reviewers and Inspectors

1.02.a In order to guarantee expedited reviews and inspections at times it will be necessary for the department to hire qualified outside reviewers and inspectors.

1.02.b The department will pay the reviewers and inspectors an equivalent fee pursuant to the Hendricks County Planning and Building Department's Uniform Fee Schedule. This fee will be paid out of Fund 286 – Building Inspection Fees.

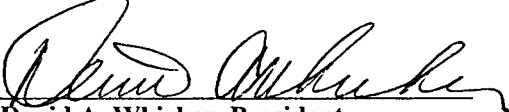
1.03 Process To Pay Employees For Overtime And/Or Flex Time And Other Improvements To The Permitting Process

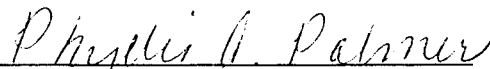
1.03.a The overtime and/or flex time accumulated for the services described in this ordinance may be paid from Fund 286 – Building Inspection Fees and appropriated by the Hendricks County Council.


1.03.b Monies from Fund 286-Building Inspection Fees may be used to provide improvements to the permitting process as described herein.

APPROVED BY THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, INDIANA
THIS 6th DAY OF November, 2007.

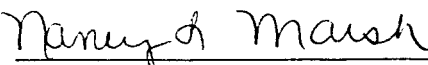
HENDRICKS COUNTY BOARD OF COMMISSIONERS


David A. Whicker, President


Phyllis A. Palmer, Vice President


Eric L. Wathen, Member

ATTEST:


Nancy L. Marsh, Auditor

ORDINANCE NO. 2007 - 27

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 thirteenth day of November, 2007 at approximately 9:30 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, 1997-23, and 2005-10 amended by ordinance dated 10-25-1988 and 2-10-1992, 1997-23, 2001- 15, and 4-05-2005 enacted by the Board of Commissioners of Hendricks County, Indiana on the ____ day of _____, 2007 be amended to read as follows:

SECTION I. PUBLIC HEALTH NURSING

A. Personal Health Services

Immunizations (state provided) \$0.50 per vaccine
(No charge if the patient is unable to pay)

Child Health Clinic \$1.00 per child

Immunizations, tests and blood
screens (county purchased). 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 (per copy)	\$ 5.00
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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
Temporary Food Establishment Late Application	\$ 25.00 per application
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 each additional 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.

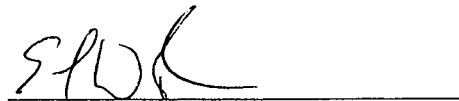
Passed and approved by the Board of Commissioners of Hendricks County, Indiana this thirteenth day of November, 2007.

BOARD OF COMMISSIONERS:

ATTEST:


David A. Whicker


Phyllis A. Palmer


Eric L. Wathen



Nancy Marsh
Hendricks County Auditor

HENDRICKS COUNTY

FOOD ORDINANCE

ORDINANCE NO. 2007- 28

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 statutes and 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.

Consecutive Inspection – means an inspection which occurs directly after another inspection, [e.g., an inspection occurs April 2007 and the next inspection occurs July 2007]. The type of inspection or period of time between inspections is not significant.

Critical Violation - means a violation that is more likely than other violations to significantly contribute to food contamination, illness, or an environmental health hazard. These may include items marked in the “C” column denoting Critical Violations on the Inspection Report form.

Habitual Non-compliance - means two or more inspections for an establishment meeting one of the following:

- (1) One (1) or more enforcement actions taken within the previous (3) years
- (2) Three (3) consecutive inspections documenting the same critical violation(s)

- (3) Four (4) non-consecutive inspections documenting the same critical violation(s)
- (4) Five (5) consecutive inspections documenting the same non-critical violations(s)
- (5) Six (6) non-consecutive inspections documenting the same non-critical violations(s).

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.

Non-consecutive Inspection – means an inspection that does not occur directly after another inspection [e.g., inspections are conducted in October 2006, April 2007, July 2007; where October 2006 and July 2007 are non-consecutive inspections]. The type of inspection or period of time between inspections is not significant.

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) An area where food that is prepared as specified in subdivision (4) is sold or offered for human consumption.
- (5) A Bed and Breakfast Establishment as defined and regulated under IC 16-41-31 and 410 IAC 7-15.5.
- (6) A private home that receives catered or home-delivered food.
- (7) 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. Permit duration for:

(1) Retail Food Establishments and Bed and Breakfast Establishments shall be one year beginning from the date of issuance and shall be applied for by the establishment annually.

(2) Mobile Retail Food Establishments shall include expiration on December 31st of the calendar year in which the permit is issued.

(3) Temporary Food Establishments 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. Application for a Temporary Food Establishment Permit must be submitted to the Health Department at least 48 hours prior to start of the event, or late application fees will apply.

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.

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

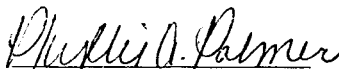
All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this thirteenth day of November, 2007.

BOARD OF COMMISSIONERS:



DAVID A. WHICKER

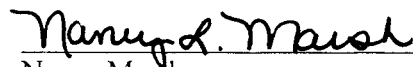


PHYLLIS A. PALMER



ERIC L. WATHEN

ATTEST:



Nancy Marsh
HENDRICKS COUNTY AUDITOR

ORDINANCE NUMBER 2007-29

ORDINANCE FOR MAXIMUM SPEED LIMITS ON CERTAIN COUNTY ROADS

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is the governing Body for said County; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is responsible for the maintenance and upkeep of all county roads; and

WHEREAS, for purposes of enhancing safety on the roadways and in the public interest,

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana that the County Highway Supervisor and/or the County Engineer shall be authorized to install and maintain speed limit signs prohibiting the operation of any motor vehicle along certain public roadways described herein in excess of the maximum speed limit set forth below:

<u>Street</u>	<u>Location</u>	<u>Limit</u>
CR 475E	CR 100N to CR 150N	40mph

BE IT FURTHER ORDAINED that upon finding of a violation of this ordinance a Penalty shall be assessed in accordance with Indiana Code.

This Ordinance amends, supercedes, repeals, and replaces any and all existing ordinances which imposed speed limits on the subject roadways.

DULY EXECUTED this 11th day of December, 2007

HENDRICKS COUNTY, INDIANA
BOARD OF COMMISSIONERS

By: 

David A. Whicker

By: 

Phyllis A. Palmer

By: 

Eric Wathen

Attest: 

Nancy D. Marsh

ORDINANCE NO. 2007-30

**AN ORDINANCE TO PROVIDE FOR APPLICATION
OF THE 2007 ADDITIONAL HOMESTEAD CREDIT
TO DELINQUENT HOMESTEAD PROPERTY TAXES**

WHEREAS, Public Law 234-2007, Section 300, provides for an additional 2007 homestead credit, to be paid as a refund as provided by that Public Law;

WHEREAS, Public Law 234-2007, Section 300, authorizes a county legislative body to adopt an ordinance providing that the amount of the refund shall be applied first against any delinquent property taxes owed in the county by the taxpayer;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Hendricks County.

Section 1. The amount of the additional 2007 homestead credit determined for taxpayers in Hendricks County shall be applied first against any delinquent property taxes owed on the *homestead* property by the Hendricks County taxpayer.

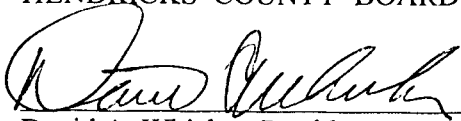
Section 2. Prior to issuing a warrant for or authorizing disbursement by electronic transfer of an additional homestead credit refund, the County Auditor and County Treasurer shall search the records of delinquent *homestead* property taxes and determine whether any taxpayer who is entitled to a *homestead* credit refund owes any delinquent homestead property taxes.

Section 3. After applying the additional 2007 homestead credit refund to any delinquent *homestead* property taxes owed by the taxpayer, the remainder of the refund, if any, shall be paid or transmitted as provided by Public Law 234-2007.

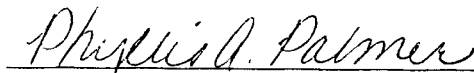
This ordinance shall be effective upon its passage.

Adopted this 11th day of December, 2007.

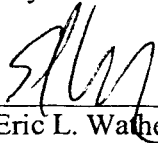
HENDRICKS COUNTY BOARD OF COMMISSIONERS



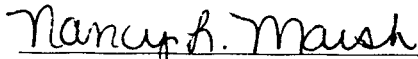
David A. Whicker, President



Phyllis A. Palmer, Vice President



Eric L. Wathen, Member



Nancy L. Marsh, Auditor

ORDINANCE NO. 2007-32

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM GB/GENERAL BUSINESS DISTRICT TO RSS/REGIONAL SUPPORT SERVICES DISTRICT, COMMONLY KNOWN AS ZA 388/07: CABLES FOR LESS, LLC, S25-T14N-R1W, LIBERTY TOWNSHIP, PARCEL TOTALING 10.95 ACRES, LOCATED AT THE SOUTHEAST QUADRANT OF THE INTERSECTION OF COUNTY ROAD 900 SOUTH AND STATE ROAD 39.

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 in 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 388/07: Cables for Less, LLC, S25-T14N-R1W, 10.95 acres, Liberty Township, located at the southeast quadrant of the intersection of County Road 900 South and State Road 39.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 388/07: *Cables for Less, 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.

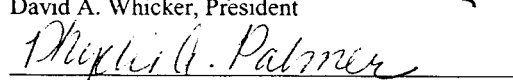
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

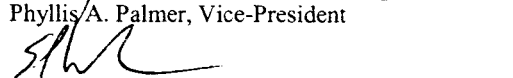
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 18th day of December, 2007.

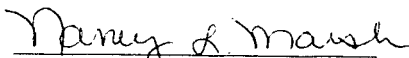
Board of Commissioners


David A. Whicker, President


Phyllis A. Palmer, Vice-President


Eric L. Wathen, Member

Attest:


Nancy Marsh, Auditor

HENDRICKS COUNTY COUNCIL
ORDINANCE NO. 2007-31

An Ordinance prohibiting the Capital Projects Board from reviewing, revising, and reducing the budget, tax rate, and tax levy of each political subdivision located in Hendricks County, Indiana.

WHEREAS, the State of Indiana passed House Bill 1478 which, among other things, provided for the establishment of a nine member Board of Tax and Capital Projects Review (hereinafter referred to as "Capital Projects Board"); and

WHEREAS, THE SAID Capital Projects Board possesses all the powers currently vested in the County Board of Tax Adjustment (all of which have been abolished except in Allen County) to review, revise and reduce the budget, tax rate, and tax levy of each political subdivision in the county in order to limit the tax rate or limit the budget in the ensuing year, unless the County Council adopts an ordinance before July 2nd of any year to prohibit the Capital Projects Board from reviewing, revising, and reducing the budget, tax rate, and tax levy of each political subdivision in the county.

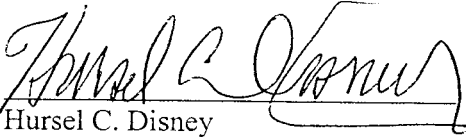
NOW, THEREFORE, BE IT ORDAINED by the County Council of Hendricks County, Indiana, as follows:

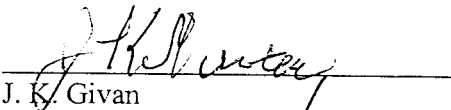
Section 1. Ordinance No. 2007-31 is hereby adopted by the Hendricks County Council to prohibit the Capital Projects Board from reviewing, revising and reducing the budget, tax rate, and tax levy of each political subdivision located in Hendricks County, Indiana.

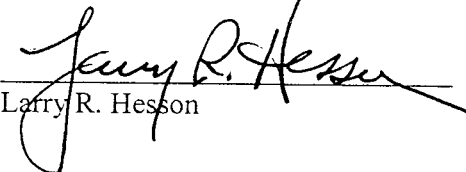
Section 2. This ordinance shall be in full force and effect from and after its publication and passage according to law.

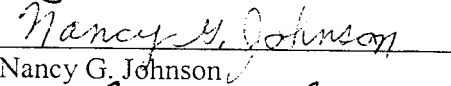
THIS ORDINANCE IS HEREBY ADOPTED by the County Council of Hendricks County, Indiana, this 13th day of December, 2007.

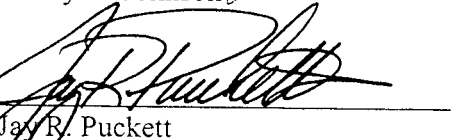
AYE

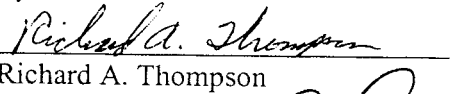

Hursel C. Disney

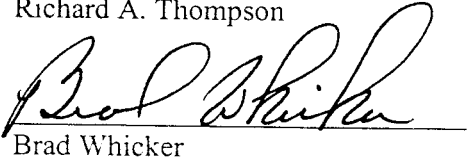

J. K. Givan

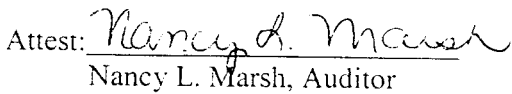

Larry R. Hesson


Nancy G. Johnson


Jay R. Puckett


Richard A. Thompson


Brad Whicker

Attest: 
Nancy L. Marsh, Auditor

NAY

Hursel C. Disney

J. K. Givan

Larry R. Hesson

Nancy G. Johnson

Jay R. Puckett

Richard A. Thompson

Brad Whicker

2007 RESOLUTIONS

2007 COUNCIL & COMMISSIONERS' RESOLUTIONS	NUMBER	DATE
BCC Urging INDOT to Continue State Road 267 Projects	07-01	2-20-07
Council action on the Brownsburg Public Library Capital Projects Plan	07-02	7-12-07
Vacate public street in Washington Township	07-03	12/11/07
	07-04	
	07-05	
	07-06	
	07-07	
	07-08	
	07-09	
	07-10	
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	07-24	
	07-25	

Resolution 07-01

Urging INDOT to Continue State Road 267 Projects

WHEREAS: the Indiana Department of Transportation (INDOT) is responsible for Improvements to State Road 267;

WHEREAS: State Road 267 is an important business corridor for Hendricks County;

WHEREAS: the efficient flow of traffic is important to continued economic growth in Hendricks County;

WHEREAS: INDOT has suspended intersection projects scheduled for County Road 150 South/ State Road 267 and County Road 100 North/State Road 267 due to funding limitations;

WHEREAS: INDOT has suspended the State Road 267 Bridge over CSX Project in Avon due to funding limitations;

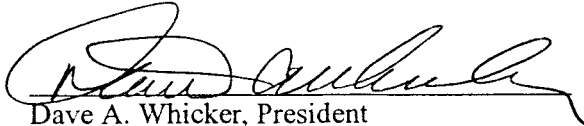
NOW THEREFORE BE IT RESOLVED by the County Commissioners of Hendricks County:


That Hendricks County requests that INDOT restore funding for the State Road 267 intersection projects at County Roads 150 South and 100 North; and

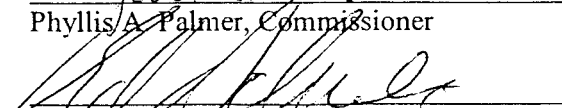
That Hendricks County requests that INDOT restore funding for the State Road 267 Bridge over CSX project;

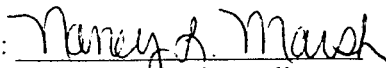
This resolution is hereby passed and adopted this 20th day of February, 2007.

Hendricks County Board of Commissioners


Dave A. Whicker, President


Phyllis A. Palmer, Commissioner


Ed Scharier, Commissioner

Attest: 
Nancy L. Marsh, Auditor

07-02

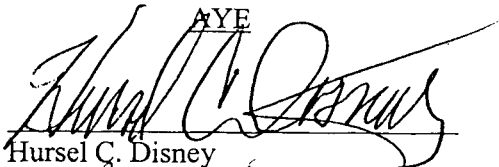
**RESOLUTION OF THE HENDRICKS COUNTY COUNCIL OF ACTION ON THE
BROWNSBURG PUBLIC LIBRARY CAPITAL PROJECTS PLAN**

WHEREAS, the Brownsburg Public Library has adopted a Library Capital Projects Plan as provided for in IC 20-14-13;

BE IT RESOLVED that the Hendricks County Council, being the appropriate Fiscal Body for the Brownsburg Public Library as designated in IC 20-14-13-6, does hereby approve the Plan as received by this body on the 12th day of July, 2007.

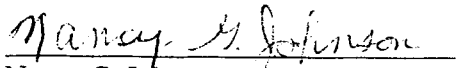
ADOPTED THIS 12TH DAY OF JULY, 2007.

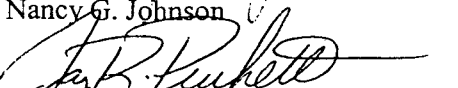
AYE



Hursel C. Disney


J. K. Givan

absent
Larry R. Hesson


Nancy G. Johnson


Jay R. Puckett


Richard A. Thompson


Brad Whicker

NAY

Hursel C. Disney

J. K. Givan

Larry R. Hesson

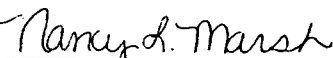
Nancy G. Johnson

Jay R. Puckett

Richard A. Thompson

Brad Whicker

Attest:


Nancy L. Marsh, Auditor

RESOLUTION NO. 07-03

RESOLUTION VACATING A PUBLIC STREET

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

WHEREAS, the County wishes to vacate a certain public street; and

WHEREAS, notice has been given to the adjacent property owners; and

WHEREAS, notice of publication and public hearing as prescribed by I.C. 5-3-1 have been completed; and

WHEREAS, after reviewing all the pertinent facts relative to the request to vacate a public street;

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

IT IS, THEREFORE, ORDERED AND ORDAINED that the following street heretofore platted be, and the same are hereby vacated which street is described as follows:

See Attachment "A" & "B"

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

THIS RESOLUTION ADOPTED THIS 11th DAY OF December 2007


BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA

By: 
David A. Whicker

Date: 12-11-07

By: 
Phyllis A. Palmer

Date: 12-11-07

By: 
Eric Wathen

Date: 12/11/07

STATE OF INDIANA

COUNTY OF HENDRICKS

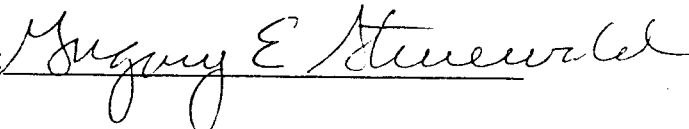
Subscribed and sworn to before me, a Notary Public in and for the said County and

State this 11th day of December, 2007.

My Commission Expires:

2/8/08

Signature:



My County of Residence

Hendricks

Printed:

Gregory E. Steuerwald

This instrument was prepared by Gregory Steuerwald, Attorney at Law, 106 N. Washington Street, Danville, Indiana, 46122, telephone 317-745-4485

ATTACHMENT "A"

A part of the Northwest quarter of Section 20, Township 15 North, Range 2 East of the Second Principal Meridian, Hendricks County, Indiana, described as follows: Beginning at a point on the East line of said quarter section North 00 degrees 00 minutes 00 seconds West (assumed) 261.34 feet from the Southeast corner thereof, thence North 90 degrees 00 minutes 00 seconds West 20.00 feet to a point on the west boundary of Six Points Road (AKA C.R. 1050 E.) and the northernmost corner of that parcel of land described in the Warranty Deed recorded as Instrument Number 970001973 in the Office of the Recorder of said County. The following 2 courses are along right-of-way of Six Points Road (AKA C.R. 1050 E.) and Bradbury Drive per plat of Medallion Meadows, recorded in Plat Book 4, Page 143 in said Office of the Recorder: 1) Thence North 00 degrees 00 minutes 00 seconds East 207.99 feet; 2) thence northwesterly 17.22 feet along an arc to the left having a radius of 11.00 feet and subtended by a long chord having a bearing of North 44 degrees 50 minutes 42 seconds West and a length of 15.51 feet; thence South 90 degrees 00 minutes 00 seconds East 30.94 feet to the East line of said quarter section; thence South 00 degrees 00 minutes 00 seconds West 218.99 feet along said east line to the point of beginning and containing 0.101 acres, more or less.