

ORDINANCE No.: 1999-
AN ORDINANCE ESTABLISHING THE
HENDRICKS COUNTY WEED CONTROL BOARD

BE IT ORDAINED BY THE COMMISSIONERS OF HENDRICKS COUNTY, INDIANA:

SECTION 1. That the Hendricks County Weed Control Board is hereby created, pursuant to the authority set out in I.C. 15-3-4.6 in order to facilitate and aid the individual Trustees of the various Townships of Hendricks County in the eradication of certain noxious weeds.

SECTION 2. That the members of said Hendricks County Weed Control Board, which will be appointed by the Board of Commissioners of Hendricks County shall be as follows:

- (1) One (1) Township Trustee of the County of Hendricks;
- (2) One (1) Soil and Water Conservation District Supervisor;
- (3) A representative from the agricultural community of the County of Hendricks;
- (4) A representative from the Hendricks County Highway Department or such other person as the Board of Commissioners of Hendricks County, Indiana, might decide to appoint in place of a representative from the Hendricks County Highway Department; and
- (5) A Co-operative Extension Service ^{Educator} Agent from Hendricks County, who serves in a non-voting advisory capacity.

Each member of said Hendricks County Weed Control Board shall be appointed for a term of four (4) years. All vacancies in the membership of the Board shall be filled for the unexpired term in the same manner as initial appointments. Once the Board has been appointed and holds its first meeting, they shall elect a Chairman and a Secretary, which officers shall be elected annually thereafter at the first meeting of the Board of each calendar year. The members of said Board shall not be entitled to receive any compensation, but shall be entitled to such traveling and other expenses as may be necessary in the discharge of their duties. The Board may, if it so desires, appoint an Executive Director and employ all necessary technical, professional and other assistants, and said Board shall fix the qualifications, duties and salaries of these employees subject to the permission of the Hendricks County Council. The Hendricks County Highway Supervisor and the Soil and Water Conservation District Supervisor or his employee, serving the County of Hendricks, shall serve as inspectors for the Board, and shall make periodic inspections and report their findings to the Board and the Executive Director of the Board, if any.

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SECTION 3. That the noxious weeds over which the Hendricks County Weed Control Board has jurisdiction are:

- (1) Canada thistle (*Cirsium arvense*)
- (2) Johnson grass and sorghum alum (*sorghum halapense*)
- (3) Bur cucumber (*Sicyos Angulatus*)
- (4) Shattercane (*sorghum bicolor*)

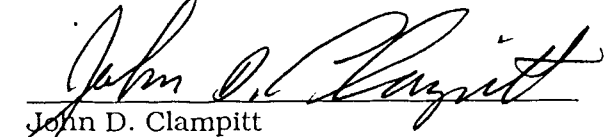
SECTION 4. That the powers and duties of the Weed Control Board shall be those powers and duties as are set out in I.C. 15-3-4.6-4, and any amendments thereto.

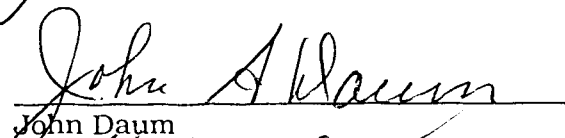
SECTION 5. That the Hendricks County Weed Control Board, in conjunction with the individual Township Trustees, may require persons owning real easements, rights-of-way or other similar interests in the real estate located in the County of Hendricks to control and contain any noxious weeds growing on their said property. A five (5) day written notice to remove any noxious weeds shall be issued by the Board and Trustees and served by certified or registered mail addressed to the latest address of the person or to his relevant agent. In the alternative, notice may be served by the Hendricks County Sheriff.

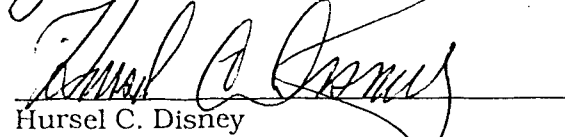
SECTION 6. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

APPROVED this 4th day of January, 1999.2000

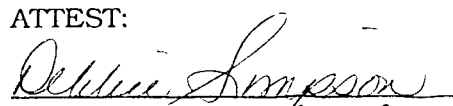
BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY INDIANA,


John D. Clampitt


John Daum


Hursel C. Disney

ATTEST:


Debbie Simpson, Auditor of
Hendricks County, Indiana

ORDINANCE NO. 2000-002

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: **LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT**, TO R-2: **MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT**. COMMONLY KNOWN AS ZA-230/WA99-07: **RICHFIELD GROUP, LTD., WASHINGTON TOWNSHIP, PARCEL TOTALING 20.48 ACRES, LOCATED ON THE EAST SIDE OF COUNTY ROAD 625 EAST, BETWEEN COUNTY ROAD 200 SOUTH AND COUNTY ROAD 300 SOUTH.**

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the R-2: Medium Density, Single Family Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-230/WA99-07: Richfield Group, LTD., S22-T15-R1E, 20.48 acres, Washington Township, located on the east side of County Road 625 East, between County Road 200 South and County Road 300 South.

SECTION 2. 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 3. 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 18 day of January, 2000.

Board of Commissioners

John D. Clappitt

Hursel C. Disney

John A. Daum

Attest:

Debbie Simpson
Debbie Simpson
Auditor

ORDINANCE NO. 2000-023

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO C-4: HIGHWAY COMMERCIAL DISTRICT. COMMONLY KNOWN AS ZA-229/GU99-03: KEVIN STURGEON, GUILFORD TOWNSHIP, PARCEL TOTALING 3.469 ACRES, LOCATED ON THE NORTHEAST CORNER OF COUNTY ROAD 725 EAST AND INTERSTATE 70.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-4: Highway Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-229/GU99-03: KEVIN STURGEON, S11&14-T14N-R1E, 3.469 acres, Guilford Township, located on the northeast corner of County Road 725 East and Interstate 70.

SECTION 2. 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.

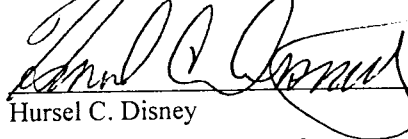
SECTION 3. All terms and conditions found in Exhibit A, attached hereto and made a part hereof, having been made and presented by Petitioner as a part of its presentation, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit A as a part of this Ordinance.

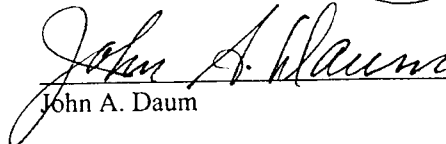
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 18 day of January, 2000.

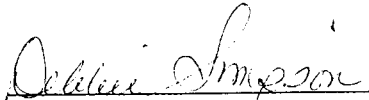
Board of Commissioners

John D. Clappitt


Hursel C. Disney


John A. Daum

Attest:


Debbie Simpson
Auditor

"EXHIBIT A"

Ordinance No. 2000-003 amending the zoning map for property commonly known as ZA-229/GU99-03: KEVIN STURGEON, Guilford Township, was approved. The following were conditions and stipulations presented by the Petitioner:

1. The Petitioner will not be utilizing County Road 725 East, along the Hochreiter's property, in his ordinary course of doing business from his new proposed business location.
2. Petitioner imposes a condition that the uses of said real estate shall be limited to the following:

Contractors:

- Building
- Electrical
- Excavating
- Heating and Air
- Plumbing
- Roofing

HENDRICKS COUNTY ON-SITE SEWAGE DISPOSAL ORDINANCE
ORDINANCE NO 2000 - 4

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Board of County Commissioners relative to the adoption of ordinances; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, held a hearing in the Commissioner's Meeting Room on February 28, 2000 at approximately 1:00 P.M.; and

WHEREAS, the Board of County Commissioners, after hearing testimony, found: (1) That there are public health hazards associated with the improper disposal of sewage; (2) That due to the high clay content and due to a seasonally high water table found within the majority of Hendricks County soil types, on-site sewage disposal systems are likely to fail unless the soil limitations are recognized and overcome through proper design and construction; and (3) That there was a need to establish standards for design, construction and inspection of on-site sewage disposal systems.

NOW THEREFORE, in order to promote the health, safety and welfare of the people of Hendricks County, Indiana by diminishing the health hazards created by failing on-site sewage disposal systems, be it ordained by the Board of County Commissioners of Hendricks County, Indiana the following ordinance entitled, "Hendricks County On-Site Sewage Disposal Ordinance", be adopted.

I. DEFINITIONS

A. Agent means a registered environmental health specialist with knowledge of environmental health science employed by the Hendricks County Health Department, or other persons selected by the Health Officer to assist in the administration of this ordinance.

B. Bedroom means any room in a residence that is forty-five (45) square feet or more, contains a closet, and has at least one (1) operable window or exterior door approved for emergency egress or rescue as required by 675 IAC 14-4-30 (Indiana One and Two Family Dwelling Code). A tub with a usable capacity of greater than 125 gallons will also be counted as a bedroom when sizing the septic system.

C. Board of Health means the Hendricks County Board of Health having jurisdiction in Hendricks County, Indiana.

D. Commercial means any type of building other than a one or two family dwelling.

E. Division of Sanitary Engineering means a division within the Indiana State Department of Health.

F. Hearing means session in which witnesses are heard and testimony is taken.

G. Health Officer means the Health Officer having jurisdiction in Hendricks County, Indiana.

H. Indiana State Department of Health means the state agency having authority to regulate on-site sewage disposal systems.

I. New Installation means all necessary work to install a new OSDS in conjunction with a new building being erected.

J. Notice of Violation means a written notification of an ordinance violation.

K. On-site Sewage Disposal System or OSDS means all equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from a residence or commercial facility.

L. OSDS failure means an OSDS that exhibits one (1) or more of the following:

1. OSDS refuses to accept sewage at the design rate of application thereby interfering with the normal use of plumbing fixtures.
2. Effluent discharged to the OSDS exceeds the loading rate of the soil, resulting in discharge of effluent to the ground surface or to surface waters.
3. Effluent discharged from the OSDS causes contamination of a potable water supply, ground water, or surface water.

M. Order means a written mandate a person is directed to obey.

N. Plot Plan means a graphic representation prepared by a registered engineer or professional land surveyor which identifies the topography, locations and elevations of current and proposed improvements as well as any other pertinent information required by the Planning and Building Department for an Improvement Location Permit.

O. Repair Installation means the repair or replacement of any OSDS component other than the replacement or expansion of a soil absorption field.

P. Replacement Installation means the replacement or expansion of a soil absorption field.

Q. Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems" means an Indiana State Department of Health regulation that establishes standards for residential sewage disposal systems and any amendments thereto.

R. Rule 410 IAC 6-10, "Commercial On-Site Wastewater Disposal" means an Indiana State Department of Health regulation that establishes standards for commercial on-site sewage disposal systems.

S. Soil Sample Sites means borings or pits used for describing the soils at a soil absorption field site.

T. Soil Scientist means an individual registered with the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) or the Indiana Association of Professional Soil Classifiers (IAPSC), as a certified professional soil scientist, soil specialist, or soil classifier.

U. Soil Profile Report means a written description and interpretation of the physical and chemical properties of a soil from sample sites. The written soil profile report must include a detailed soil profile description of the properties of the soil at each sample site. All sample sites must be evaluated and described in the soil profile

report. These properties must be determined using the guidelines set forth in soil manuals, technical bulletins, and handbooks of the U.S. Department of Agriculture, Natural Resources Conservation Service listed in Hendricks County Policy Document SP 11.

V. Staked means a lathe stake or equivalent at four corners of the soil absorption field if the site slope is less than 2%. A lathe stake or equivalent at each end of all proposed trenches in the absorption field if the site slope is greater than 2%.

W. Trench length means the length of the perforated pipe installed in the excavated trench.

X. Violation means breach of law.

II. GENERAL REQUIREMENTS AND EXEMPTIONS

A. All residential on-site sewage disposal systems shall be designed and installed in accordance with Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems" except as stated below:

1. Rule 410 IAC 6-8.1-38 allows for a septic tank with a capacity of seven hundred and fifty (750) gallons. In Hendricks County the minimum size of a new septic tank used in either a new, repair or replacement installation shall be a minimum of one thousand (1000) gallons.

2. Rule 410 IAC 6-8.1-46 allows for a six (6) inch thick layer of straw to be used as a cover for

aggregate in an absorption system. In Hendricks County the only allowable cover for aggregate in an absorption system shall be geotextile fabric with an effective opening size no smaller than twenty-hundredths (0.20) millimeters and no larger than eighty-five hundredths (0.85) millimeters.

B. All designs for commercial on-site sewage disposal systems must have approval from the Indiana State Department of Health, Division of Sanitary Engineering prior to installation. All design and installation must be done in accordance with Rule 410 IAC 6-10 "Commercial On-Site Wastewater Disposal" unless specific written exemption is obtained from the Indiana State Department of Health, Division of Sanitary Engineering.

C. The location of the soil absorption field and dispersal area must be protected from disturbance.

D. Whenever a public or semi-public sewer becomes available and is within three hundred (300) feet of the property line of a residential or commercial property served by an on-site sewage disposal system, holding tank, or sanitary vault privy, a direct connection shall be made to said sewer and the on-site sewage disposal system, holding tank, sanitary vault privy shall be abandoned properly in a manner that is acceptable to the Health Officer or agent.

E. The privilege of submitting soil profile reports in Hendricks County may be denied if discrepancies or inconsistencies are found. Soil profile reports, by any

particular individual, may be rejected based on previous denials. Upon denial, a hearing may be requested with the Hendricks County Board of Health in accordance with Section V. A. of this ordinance.

III. PERMITTING

A. Before commencement of construction, repair or replacement of an on-site sewage disposal system or privy, the owner shall obtain a written permit signed by the Health Officer of Hendricks County. The application for such permit shall be made on a form provided by the Hendricks County Health Department. No person shall perform any work on such project until such permit is so obtained. At all times from the start of construction to the time of inspection the approved plot plan and permit shall be available on site.

B. Any deviations from the permit or approved plan must be approved in writing by the Hendricks County Health Department prior to modification. An as-built plot plan showing the actual installation details including the unplanned modifications will be required before final approval. All permits are valid for a period of one year after the date of issue.

C. After expiration of the permit, construction may not begin without reapplication and payment of the permit fee. This reapplication procedure may be waived in writing by the Hendricks County Health Department.

D. The applicant shall provide the following as minimum requirements for a Residential Permit:

1. New Installations

a) A signed application for a septic permit.

b) Two copies of the plot plan prepared by a registered engineer or professional land surveyor. The plot plan must be prepared in accordance with current standards of the Hendricks County Planning and Building Department and shall certify that the sewage disposal system will comply with this Ordinance and Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems", if properly constructed, operated and maintained.

c) A soil profile report describing the soils for a minimum of three sample sites, located within or in close proximity to the proposed absorption field. The samples described must be representative of the soils within the absorption field. This report must be prepared by a soil scientist, or an individual proficient in the application of the principles of pedology to soil classification, soil interpretation, soils investigation and soil profile description and with the ability to measure, observe and describe soil properties and landforms. The qualified person must sign the soils report.

d) A floor plan of the proposed dwelling unit.

e) Confirmation that the proposed soil absorption system has been staked, when required, prior to the on-site plan review by the Hendricks County Health Department.

f) All appropriate fees as outlined in the Hendricks County Board of Health's, "Ordinance for Collection of Fees", No. 1997-23.

2. Replacement Installations

- a) A signed application for a septic permit.
- b) Two copies of the plot plan prepared by a registered engineer or professional land surveyor, the property owner, or septic contractor. The drawing of the proposed system should include the existing septic system and well, and other wells located on adjacent properties. The drawing should also include all other obvious structures on the property. The drawing should be to scale or contain all pertinent measurements.
- c) A floor plan of the existing dwelling unit including any proposed construction.
- d) A soil profile report describing the soils for a minimum of three sample sites, located within or in close proximity to the proposed absorption field. The samples described must be representative of the soils within the absorption field. This report must be prepared by a soil scientist, or an individual proficient in the application of the principles of pedology to soil classification, soil interpretation, soils investigation and soil profile description and with the ability to measure, observe and describe soil properties and landforms. The qualified person must sign the soil profile report. The Hendricks County Health Department may waive this soil profile report.
- e) Confirmation that the proposed soil absorption system has been staked when required, prior to the on-site plan review by the Hendricks County Health Department.
- f) All appropriate fees as outlined in the Hendricks County Board of Health's, "Ordinance for Collection of Fees", No. 1997-23.

3. Repair Installations

- a) A signed application for a septic permit.
- b) A consultation meeting between Hendricks County Health Department staff and the parties involved must be held, and a report by the Hendricks County

Health Department must be included with the permit application.

c) A Drawing of the proposed repair, unless waived by the Hendricks County Health Department.

d) All appropriate fees as outlined in the Hendricks County Board of Health's "Ordinance for Collection of Fees", No. 1997-23.

E. The applicant shall provide the following as minimum requirements for a Commercial Permit:

1. A signed application for a septic permit.
2. A soil profile report prepared by a soil scientist consisting of at least three soil borings within the proposed absorption field location.
3. An approval letter and two copies of the approved plot plan from the Indiana State Department of Health, Division of Sanitary Engineering.
4. All appropriate fees as outlined in the Hendricks County Board of Health's "Ordinance for Collection of Fees", No. 1997-23.

IV. APPROVAL

A. The Health Officer or agent, shall be allowed to inspect the work at any stage of construction.

B. The permittee shall notify the Health Officer or agent when the work is ready for final inspection and at least two working days before any underground portions are covered.

C. The inspection shall be made within two working days of the receipt of notice by the Health Officer or agent.

D. The Health Officer or an agent, bearing proper credentials and identification, shall be permitted to enter upon all properties at the proper time for the purposes of inspection, observation, measurement, sampling and testing

necessary to carry out the provisions of this Ordinance, and Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems".

E. Final approval of the installation for an on-site sewage disposal system or privy shall not become effective until the installation is completed to the satisfaction of the Health Officer or agent.

V. PERMIT DENIAL

A. Upon denial of a valid permit application, the applicant may request a hearing with the Hendricks County Board of Health. The request must be in writing and received within ten (10) calendar days after receipt of the denial. Upon receipt of a request of a hearing, the Health Officer or agent shall arrange a time and place for the hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practical after receipt of the request provided IC 5-14-1.5 (Open Door Law) is complied with. If no such request is received within ten (10) calendar days after receipt of the denial, the denial shall stand.

B. At such hearing, the petitioner shall be given an opportunity to be heard and to show evidence as to why the permit should be granted. Additionally, the Health Officer or agent shall be given time to explain why the permit was denied. At the conclusion of the hearing, the Hendricks County Board of Health shall sustain or overrule the permit denial depending upon its findings as to compliance with the provisions of this Ordinance, Rule 410 IAC 6-8.1

"Residential Sewage Disposal Systems" or Rule 410 IAC 6-10 "Commercial On-Site Wastewater Disposal". If the Board of Health shall overrule the permit denial, then a permit shall be issued and signed by the Chairperson of the Board of Health. All proceedings of such hearing, including the findings and decision of the Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Hendricks County Board of Health. In addition, all pertinent information (permit application and written correspondence) shall be included in the public record. Any person may seek relief from any decision in any court of competent jurisdiction as provided by the laws of this state.

VI. ENFORCEMENT

A. Whenever the Health Officer or agent determines there are reasonable grounds to believe there has been a violation of this Ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems", or Rule 410 IAC 6-10 "Commercial On-Site Wastewater Disposal", the Health Officer or agent shall give notice of such alleged violation to the person or persons responsible, and to any known representative of such person, as hereafter provided. Such notice shall:

1. Indicate the date and location of the violation.
2. Clearly indicate the nature of the violation and the related ordinance citation.
3. Allow a reasonable time for the performance of necessary remediation.

4. Be properly served upon the person or persons responsible, provided that such notice is deemed to be properly served. Proper service shall be any of the following:

- a) Sent to the person directly.
- b) Sent by registered mail to the last known mailing address of the person.
- c) Posted in a conspicuous place in or about the property affected by the notice.
- d) Other method of service authorized or required under the laws of this state.

B. Any person or persons affected by any such notice issued by the Health Officer or agent may request and shall be granted a hearing on the matter before the Hendricks County Board of Health. The request shall be in writing and received within ten (10) calendar days of receipt of Notice of Violation at the office of the Hendricks County Health Department.

C. Such request shall briefly state the reasons for the requested hearing. Upon receipt of a request for a hearing, the Health Officer or agent shall arrange a time and a place for such hearing and shall give the petitioner written notice thereof.

D. Such hearing shall be held as soon as practical after receipt of request hereof, provided that IC 5-14-1.5-5 (Open Door Law) is complied with. Any notice served pursuant to Section VI of this Ordinance shall automatically become an order if a written request for a hearing is not received

within ten (10) calendar days after receipt of the Notice of Violation is served.

E. At such hearing, the petitioner shall be given the opportunity to be heard and to show evidence as to why such Notice of Violation should be modified or withdrawn.

Additionally, the Health Officer or agent shall be given time to explain the circumstances of the Notice of Violation.

F. After such hearing, the Hendricks County Board of Health shall sustain, modify or withdraw the Notice of Violation, depending upon its findings as to whether the provisions of this Ordinance, Rule 410 IAC 6-8.1, "Residential Sewage Disposal Systems" or Rule 410 IAC 6-10, "Commercial On-Site Wastewater Disposal", have been met. If the Hendricks County Board of Health sustains or modifies such Notice of Violation, it shall then be deemed to be an order.

G. The proceedings at such hearing, including the findings and decision of the Hendricks County Board of Health, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Hendricks County Board of Health. Such record shall also include a copy of every Notice of Violation or order issued in connection with this matter as well as any other pertinent information.

H. Any person may seek relief thereof from any court of competent jurisdiction as provided by the law of the state.

I. Whenever the Health Officer, his agent excluded, finds that an emergency exists which requires immediate action to

protect the public health, the Health Officer may, without notice or hearing, issue an order reciting the existence of such an emergency and require that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems" and Rule 410 IAC 6-10, "Commercial On-Site Wastewater Disposal" such order shall be effective immediately.

J. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Health Officer, shall be afforded a hearing, as soon as possible, in the manner provided in Section VI.

K. After such hearing, depending upon the findings as to whether the provisions of this Ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems", or Rule 410 IAC 6-10, "Commercial On-Site Wastewater Disposal", have been met, the Hendricks County Board of Health shall continue such order in effect, modify it or revoke it.

VII. PENALTIES

A. Any person or persons who shall continue to violate any section of this Ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems" or Rule 410 IAC 6-10, "Commercial On-Site Wastewater Disposal" beyond the time limit provided in the order, shall be cited for said violation in a court having jurisdiction. Upon conviction, by a court of competent jurisdiction, the violator or violators shall be punished by a fine of no more than two thousand five hundred

dollars (\$2,500.00), plus court costs imposed. Each individual day that a violation is in existence may be deemed a separate offense.

VIII. 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.

IX. REPEAL AND DATE OF EFFECTIVE DATE

Any ordinances or parts of ordinances in conflict with this Ordinance, Rule 410 IAC 6-8.1 "Residential Sewage Disposal Systems", or Rule 410 IAC 6-10, "Commercial On-Site Wastewater Disposal" are hereby repealed.

This Ordinance shall be in full force and effect from and after its passage and approved according to law. Passed and adopted by the Board of Commissioners of Hendricks County on February 28, 2000.

BOARD OF COMMISSIONERS

John D. Clampitt date 2-28-00
John D. Clampitt

ATTEST:

John A. Daum

date _____

Debbie Simpson
Debbie Simpson, Auditor

Hursel C. Disney date 2-28-00
Hursel C. Disney

date 2-28-00

AMENDMENT OF PARAGRAPHS III.D.1.c. and III.D.2.d. IN THE
HENDRICKS COUNTY ON-SITE SEWAGE DISPOSAL ORDINANCE.

AMENDMENT TO ORDINANCE NO. 2000-4

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Board of County Commissioners relative to the adoption of ordinances; and

WHEREAS, IC 16-19-3-4 gives the Indiana State Department of Health the authority to adopt rules regarding the disposition of excremental and sewage matter.

WHEREAS, the Indiana State Department of Health Rule 410 IAC 6-8.1 allows the local health department to require profile analysis of all the soils in which an on-site sewage disposal system will be constructed and any other information deemed necessary prior to the issuance of an on-site sewage disposal permit, and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, held a hearing in the Commissioner's Meeting Room on July 5, 2000 at approximately 1:00 P.M.; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, after having a public hearing found: the Hendricks County Health Department should enforce site specific soil requirements.

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of
Hendricks County, Indiana that the provisions of this ordinance are effective within
Hendricks County as follows:

The requirements for a soil profile report describing the soils for a minimum of three
sample sites are hereby amended to require a soil profile report describing the soils for
a number of sample sites to be determined by Indiana State Health Department
requirements and the Hendricks County Health Department on a site specific basis.

III.D.1.c. and III.D.2.d. will read as follows:

A soil profile report describing the soils for a number
of sample sites to be determined by the Hendricks
County Health Department on a site specific basis and
as required by the Indiana State Department of Health,
located within or in close proximity to the proposed
absorption field. The samples described must be
representative of the soils within the absorption
field. This report must be prepared by a soil
scientist, or an individual proficient in the
application of the principles of pedology to soil
classification, soil interpretation, soils
investigation and soil profile description and with the
ability to measure, observe and describe soil
properties and landforms. The qualified person must
sign the soils report.

ATTEST:

Debbie Simpson

DATE:

7-5-00

John A. Dawson
Richard C. Gorman
John R. Claycomb

**HENDRICKS COUNTY
FEE ORDINANCE FOR COPIES
ORDINANCE NO. 005, 2000**

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana as amended, granted certain powers to the Boards of Commissioners relative to the adoption of ordinances; and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on March 6, 2000 pursuant to the legislative procedures established under IC 36-2-4 et seq; and

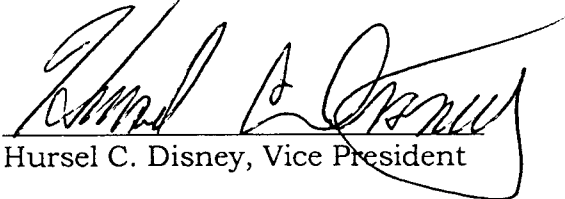
WHEREAS, the Hendricks County Board of Commissioners, after holding a public hearing, found that: certain costs are involved in the service provided by Hendricks County offices of running standard copy machine copies; that a charge should be made to persons who receive such copies from these offices; that the cost of materials to Hendricks County for a standard copy machine copy is less than \$0.10 per copy; that a copy fee ordinance should be established to provide reasonable and uniform fees to be collected by Hendricks County; that this ordinance shall be in accordance with IC 5-14-3-8;

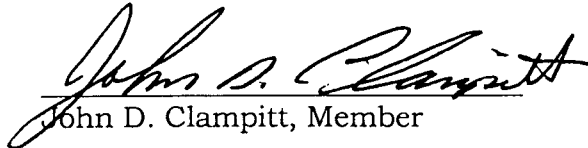
NOW THEREFORE, the Board of Commissioners of Hendricks County directs all departments within Hendricks County government under their jurisdiction to collect a \$0.10 fee for each standard copy machine copy provided to a member of the public. The sizes of paper for these copies are 8.5" x 11", 8.5" x 14", and 11" x 17".

Passed and approved by the Board of Commissioners of Hendricks County, Indiana this 6th day of March, 2000.

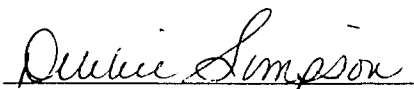
BOARD OF COMMISSIONERS
OF HENDRICKS COUNTY, INDIANA

John A. Daum, President


Hursel C. Disney, Vice President


John D. Clampitt, Member

ATTEST:


Debbie Simpson, Hendricks County Auditor

This instrument prepared by: Gregory E. Steuerwald, Attorney

ORDINANCE NO. 2000-08

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO C-4: HIGHWAY COMMERCIAL DISTRICT. COMMONLY KNOWN AS ZA-232/LN00-01: PARTLOW GROUP LP, LINCOLN TOWNSHIP, PARCEL TOTALING 70.00 ACRES, LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF COUNTY ROAD 1000 EAST AND COUNTY ROAD 300 NORTH.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-4: Highway Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-232/LN00-01: Partlow Group LP, S19-T16-R2E, 70.00 acres, Lincoln Township, located on the northwest corner of the intersection of County Road 1000 East and County Road 300 North.

SECTION 2. 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 3. As inducement for this Zoning Map Amendment, the Petitioners made the following self-imposed stipulations:

- A. Limiting C-4 use to a public campground; and
- B. Limiting individual stays to no longer than thirty (30) days.

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 20 day of March, 2000.

Board of Commissioners

John D. Clappitt
John D. Clappitt
Hursel C. Disney
Hursel C. Disney

John A. Daum

Attest:

Debbie Simpson
Debbie Simpson
Auditor

A SPECIAL ORDINANCE CONCERNING THE COUNTY CORRECTIONS FUND

WHEREAS, SEA 395, (1986) AN ACT to amend the Indiana Code concerning corrections, added I.C. 11-12-6 to the Indiana Code to provide for the establishment and funding of a county corrections fund; and

WHEREAS, I.C. 11-12-6-6 provides that a county legislative body may annually adopt an ordinance to elect to receive deposits from the State Department of Correction and to establish a county corrections fund; and

WHEREAS, the Hendricks County Board of Commissioners held a public hearing on Monday, April 17, 2000, at 1:00 P.M. in the Commissioners' Room on the first floor of the Hendricks County Government Center, and

WHEREAS, the county corrections fund may be used only for funding the operation of the county jail, jail programs, or other local correctional facilities; and

WHEREAS, the county legislative body may elect to receive deposits at either Level 1, Level 2 or Level 3 funding; and

WHEREAS, Level 3 is at the most appropriate level of participation for Hendricks County; therefore;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY:

SECTION 1. Hendricks County Board of Commissioners hereby elect to receive deposits from the Department of Correction in accordance with I.C. 11-12-6.

SECTION 2. Hendricks County Board of Commissioners hereby elect to receive such deposits at Level 3 funding.

SECTION 3. There is hereby created a "county corrections fund", to be administered by the Hendricks County Council. The fund shall consist of deposits received from the Department of Correction in accordance with I.C. 11-12-6.

SECTION 4. The County Corrections fund may be used only for funding the operation of the county jail, jail programs, or other local correctional facilities. Any money remaining in a county corrections fund at the end of the year does not revert to any other fund but remains in the county corrections fund.

SECTION 5. This ordinance shall be in full force and effect upon passage.

DATED April 17, 2000

ATTEST: Debbie Simpson
Auditor

Hendricks County
Board of Commissioners

John A. Daum
John A. Daum

Hursel C. Disney
Hursel C. Disney

John D. Clampitt
John D. Clampitt

BOARD OF HENDRICKS COUNTY
COMMISSIONERS

ORDINANCE NO. 2000-010

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM I-1: LIGHT INDUSTRIAL DISTRICT TO C-2: GENERAL COMMERCIAL DISTRICT; COMMONLY KNOWN AS ZA-233/CE00-01: CLYDE & CHRISTINE ORR, CENTER TOWNSHIP, PARCEL TOTALING 1.452 ACRES, LOCATED ON THE SOUTHWEST CORNER OF COUNTY ROAD 400 EAST AND OLD U. S. HIGHWAY 36 (EAST MAIN STREET, DANVILLE).


SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-2: General Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-233/CE00-01: Clyde & Christine Orr, S7-T15-R1E, 1.452 acres, Center Township, located on the southwest corner of County Road 400 East and Old U.S. Highway 36 (East Main Street, Danville).

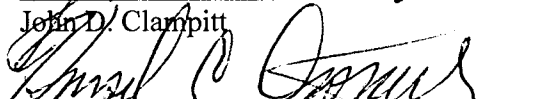
SECTION 2. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

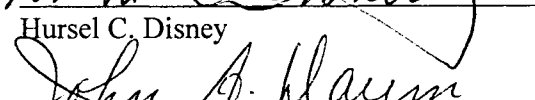
SECTION 3. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 17th day of April, 2000.

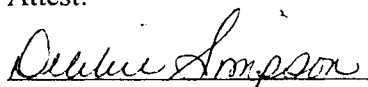
Board of Commissioners


John D. Clappitt


Hursel C. Disney


John A. Daum

Attest:


Debbie Simpson
Auditor

Manning

ORDINANCE NO. 2000-011 A

AN ORDINANCE TO AMEND THE ZONING COMMITMENTS TO A PREVIOUSLY APPROVED ZONING AMENDMENT (ZA-235/LN00-03: KEITH PAYNE DEVELOPMENT, INC.; ORDINANCE #2000-011) COMMONLY KNOWN AS ZA-235/LN02-01: PORTRAIT HOMES, LLC, LINCOLN TOWNSHIP, PARCEL TOTALING 37.058 ACRES, LOCATED ON THE WEST SIDE OF RACEWAY ROAD, 0.13 MILE NORTH OF COUNTY ROAD 600 NORTH.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, to amend the zoning commitments to a previously approved zoning amendment (ZA-235/LN00-03: Keith Payne Development, Inc.; Ordinance #2000-011) commonly known as ZA-235/LN02-01: Portrait Homes, LLC; 37.058 acres, Lincoln Township, located on the west side of Raceway Road, 0.13 mile north of County Road 600 North.

SECTION 2. 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 3. As inducement for this Zoning Map Amendment, the Petitioners made the self-imposed limitations that are attached to this document.

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 11th day of February, 2002.

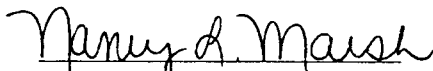
Board of Commissioners


Steven Ostermeier


Linda Palmer


John D. Clampitt

Attest:


Nancy Marsh
Auditor

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FEB 04 2002

HENDRICKS COUNTY
COMMISSIONERS

Article XX

Leasing of Units and Maximum Number of Units Owned

Section 20.1. Limits on the Number of Leased Units ("Rental Restriction").

In order to insure that the residents within The Links share the same proprietary interest in and respect of the Units and the Common Areas, no units may be leased or rented to non-owner occupants, except as may be otherwise provided in this Article XX. .

Section 20.2. Hardship Exceptions and Waiver. Notwithstanding Section 20.1 above, the Owner may request the Board of Directors to waive the "rental restriction" and approve a proposed lease if the Owner establishes to the Board's satisfaction that the "rental restriction" will cause undue hardship. If a majority of the entire Board of Directors approves in writing of the Owner's request, the Board of Directors shall permit the Owner to rent or lease said Unit, but only if the Owner satisfies all other requirements of this Article XX. Such decision shall be at the sole discretion of the Board.

Section 20.3. General Lease Conditions. All leases, including renewals, shall be in writing, and no lease shall be entered into for a term of less than one (1) year without the prior written approval of the Board of Directors. No portion of any Unit other than the entire Unit shall be lease for any period. No subleasing shall be permitted. All leases shall be made expressly subject and subordinate in all respects to the terms of the Declaration, By-Laws, Articles of Incorporation, and any rules and regulations promulgated by the Board of Directors, as amended, to the same extent as if the tenant were an Owner and a member of the Association; and shall provide for direct action by the Association and/or any Owner against the tenant with or without joinder of the Owner of such Unit. If such provision is not in the lease, it will be deemed to be in such lease. The Owner shall supply copies of such legal documents to the tenants prior to the effective date of the lease. In addition, the Board of Directors shall have the power to promulgate such additional rules and regulations as, in its discretion, may be necessary or appropriate concerning leasing. All Owners who do not reside in the home shall provide the Board of Directors with the name of the tenant(s) and any other residents living in the home.

Section 20.4. One Year Waiting Period. In addition to all other provisions of this Article XX, for a period of at least one (1) year after an Owner's acquisition of a Unit, said Owner cannot lease such Unit. After such time, said Unit will be eligible to be leased if all other conditions of this Article XX are satisfied and provided further that the Owner is not delinquent in the payment of any assessments or other charges to the Association. . Notwithstanding this Section 20.4, if an Owner wishes to lease a Unit prior to the end of the one year waiting period, the Owner may apply to the Board of Directors for a waiver. The Board may, in writing, approve an earlier lease if the Owner establishes to the Board's satisfaction that the waiting period will cause undue hardship in the manner as defined in Section 20.2 above.

Section 20.5. Owner is Still Liable. No lease shall provide, or be interpreted or construed to provide, for a release of the Owner from his or her responsibility to the Association and the other Owners for compliance with the provisions of this Declaration, the Articles of Incorporation, the By-Laws, and any rules and regulations promulgated by the Board of Directors, or from the Owner's liability to the Association for payments of assessments or any other charges.

Section 20.6 Association's Copy of Lease. A copy of each executed lease by an Owner which identifies the tenant (but which may have the rental amount deleted) shall be provided to the Managing Agent by the Owner within thirty (30) days after execution.

Section 20.7 Violations. Any lease or attempted lease of a Unit in violation of the provisions of this Article XX shall be voidable at the election of the Association's Board of Directors or any other The Links Owner, except that neither party to such lease may assert this provision of this Article XX to avoid its obligations thereunder. In the event of a violation, the Board of Directors, on behalf of the Association, or any The Links Owner, shall have the right to exercise any and all available remedies at law or equity.

Section 20.8 Institutional Mortgagees. The provisions set forth in this Article XX shall not apply to any institutional mortgagee of any Unit which comes into possession of the Unit by reason of any remedies provided by law or in equity or in such mortgage or as a result of a foreclosure sale or other judicial sale or as a result of any proceeding, arrangement, or deed in lieu of foreclosure.

ORDINANCE NO. 2000-012

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO C-4: HIGHWAY COMMERCIAL DISTRICT; COMMONLY KNOWN AS ZA-236/LN00-04: SPEEDWAY BODY SHOP, LINCOLN TOWNSHIP, PARCEL TOTALING 0.59 ACRES, LOCATED ON THE SOUTH SIDE OF U. S. HIGHWAY 136, 0.10 MILE EAST OF COUNTY ROAD 900 EAST.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-4: Highway Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-236/LN00-04: Speedway Body Shop, S18-T16N-R2E, 0.59 acres, Lincoln Township, located on the south side of U.S. Highway 136, 0.10 mile east of County Road 900 East.

SECTION 2. 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 3. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 26 day of June, 2000.

Board of Commissioners

John D. Clappitt
John D. Clappitt
Hursel C. Disney
Hursel C. Disney
John A. Daum
John A. Daum

Attest:

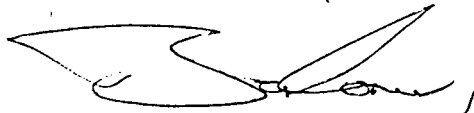
Debbie Simpson
Debbie Simpson
Auditor

ZONING COMMITMENTS

Petitioner, Keith Payne Development, Inc., hereby makes the following self-imposed zoning restrictions on ZA-235/LN00-03 known as the C.W. Richey farm, and that the same shall run with the land if rezoned to R-2:

1. There shall be no more than 112 lots allowed.
2. Homes shall be a minimum 1,800 square feet.
3. Homes shall have a minimum 75% brick.
4. There shall be no vinyl siding allowed.
5. There shall be no slab foundations allowed.
6. Homes shall have 25-year dimensional ("dem") shingles.
7. Windows shall be wood or vinyl.
8. Driveways shall be asphalt or concrete.

Respectfully submitted,



Attorney for Petitioner

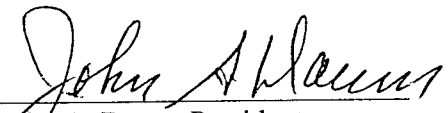
Chris D. Decker

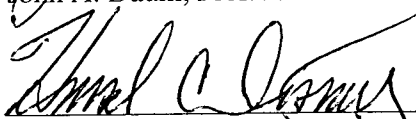
ORDINANCE NO. 2000-14

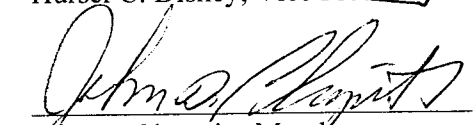
This Ordinance does hereby repeal Ordinance No. 1999-14 which previously was adopted and established the Computer Board.

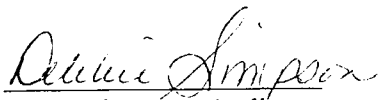
Said ORDINANCE adopted this 10th day of July, 2000

BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, INDIANA


John A. Daum, President


Hursel C. Disney, Vice President


John D. Clampitt, Member

ATTEST: 
Debbie Simpson, Auditor

ORDINANCE NO. 2000-15

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM **R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT**, TO **C-1: NEIGHBORHOOD COMMERCIAL DISTRICT**. COMMONLY KNOWN AS **ZA-237/WA00-02: JERRY VORNHOLT, WASHINGTON TOWNSHIP, PARCEL TOTALING 3.88 ACRES, LOCATED ON THE NORTHWEST CORNER OF RACEWAY ROAD AND COUNTY ROAD 100 SOUTH.**

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-1: Neighborhood Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-237/WA00-02: Jerry Vornholt, S8-T15-R2E, 3.88 acres, Washington Township, located on the northwest corner of Raceway Road and County Road 100 South.

SECTION 2. 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 3. As inducement for this Zoning Map Amendment, the Petitioner made the following self-imposed limitation:

Prohibiting a liquor store, an establishment that serves liquor to customers, and/or an adult entertainment or adult bookstore.

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 July, 2000.

Board of Commissioners

John D. Clappitt
John D. Clappitt

Hursel C. Disney
Hursel C. Disney

John A. Daum
John A. Daum

Attest:

Debbie Simpson
Debbie Simpson, Auditor

ORDINANCE NO. 2000-17

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO R-2: MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT. COMMONLY KNOWN AS ZA-238/GU00-01: JLL, LLC, GUILFORD TOWNSHIP, PARCEL TOTALING 100.13 ACRES, LOCATED ON THE WEST SIDE OF COUNTY ROAD 600 EAST, 0.5 MILE NORTH OF COUNTY ROAD 750 SOUTH.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the R-2: Medium Density, Single Family Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-238/GU00-01: JLL, LLC, S9-T14N-R1E, 100.13 acres, Guilford Township, located on the west side of County Road 600 East, 0.5 mile north of County Road 750 South.

SECTION 2. 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 3. 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 21st day of August, 2000.

Board of Commissioners

John D. Clampitt
John D. Clampitt

Hursel C. Disney
Hursel C. Disney

John A. Daum
John A. Daum

Attest:

Debbie Simpson
Debbie Simpson

Debbie Simpson
Debbie Simpson
Deputy Auditor

ORDINANCE NO. 2000- 18

AN ORDINANCE AMENDING THE PLANNING AND BUILDING
DEPARTMENT'S UNIFORM FEE SCHEDULE

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana established a Planning and Building Department Uniform Fee Schedule, separate from the Hendricks County Zoning Ordinance, the Hendricks County Subdivision Ordinance, and the Contractors Listing Ordinance, on the 19th day of February, 1991 which included the setting and collecting of all planning, zoning, and building administrative fees; and

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Uniform Fee Schedule be amended by amending the County Map fee and Copies fee; and

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

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana has received and reviewed the Plan Commissions report, has considered the Plan Commissions 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 BY AUTHORITY OF SECTION 36-7-4-411 OF THE INDIANA CODE THAT THERE IS HEREBY ESTABLISHED AN AMENDMENT TO THE PLANNING AND BUILDING DEPARTMENT'S UNIFORM FEE SCHEDULE AS FOLLOWS:

Section 1. The Hendricks County Planning and Building Department's Uniform Fee Schedule is hereby amended to include the following addition:

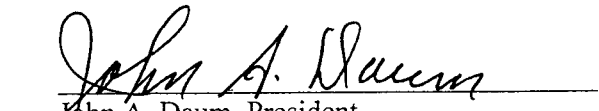
SECTION 4


MISCELLANEOUS FEES


- | | | |
|----|------------------------------|---------|
| G. | Hendricks County Highway Map | \$ 6.00 |
| L. | Copies | \$.10 |

Section 2. This Ordinance shall be in full force and effective from and after its passage and approval and publication according to law.

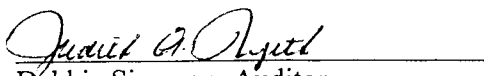
APPROVED, by the Board of County Commissioners of Hendricks County, Indiana, this 21st day of August, 2000.


John A. Daum, President


Hursel C. Disney, Vice-President


John D. Clampitt, Member

ATTEST:


Debbie Simpson, Auditor
JUDITH A. WYETH, Deputy Auditor

ORDINANCE NO. 2000-19

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FOR THE AREA BORDERED ON THE SOUTH BY COUNTY ROAD 100 NORTH AND ON THE NORTH BY COUNTY ROAD 200 NORTH, COMMONLY KNOWN AS ZA-241/HC00-01: HENDRICKS COUNTY COMMISSIONERS (NORTH/SOUTH CORRIDOR)

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include a zoning classification change along the proposed North/South Corridor bordered on the south by County Road 100 North and on the North by County Road 200 North, located in the County of Hendricks, Indiana, namely: ZA-241/HC00-01: Hendricks County Commissioners (North/South Corridor) as shown on the attached map, subject to Section 3.

SECTION 2. 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 3. This Ordinance is subject to the following changes: To include the property owned by Betty Young west of the proposed North/South Corridor in the PUD/Residential/Commercial classification and to remove the property owned by Maureen Alexander from the PUD/Residential/ Commercial classification, said properties located in the area bordered on the south by County Road 100 North and on the North by County Road 200 North.

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 11th day of September, 2000.

Board of Commissioners

John D. Clappitt
John D. Clappitt
Hursel C. Disney
Hursel C. Disney
John A. Daum
John A. Daum

Attest:

Debbie Reeder
Debbie Reeder, Auditor

ORDINANCE NO. 2000-19

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FOR THE PROPERTY OWNED BY HESSION ENTERPRISES, LTD; HESSION FARMS, INC.; DANIEL B. HESSION; AND ANDRE B. LACY, ET AL, COMMONLY KNOWN AS ZA-241/HC00-01: HENDRICKS COUNTY COMMISSIONERS (NORTH/SOUTH CORRIDOR)

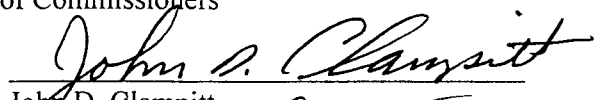
SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include a zoning classification change along the proposed North/South Corridor as shown on the attached map for the property owned by Hession Enterprises, Ltd. (key numbers 08-1-07-62E-100-002, 08-1-07-62E-200-001, 08-1-07-62E-400-001 and 08-1-07-62E-400-004) totaling 180.03 acres; Hession Farms, Inc. (key numbers 08-1-07-62E-200-003 and 08-1-07-62E-200-012) totaling 8.16 acres; Daniel B. Hession (key number 08-1-07-62E-200-002) totaling 1.28 acres; and Andre B. Lacy, et al (key numbers 08-1-07-62E-100-006, 08-1-07-62E-300-001, 08-2-18-62E-100-001, 08-2-18-62E-200-001 and 08-02-18-62E-400-001) totaling 559.07 acres.

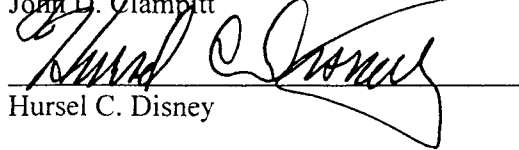
SECTION 2. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 3. 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 September, 2000.


Board of Commissioners


John D. Clappitt


Hursel C. Disney

John A. Daum

Attest:


Debbie Reeder, Auditor

ORDINANCE NO. 2000-20

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-2: MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO C-2: GENERAL COMMERCIAL DISTRICT. COMMONLY KNOWN AS ZA-242/UN00-01: R & R PRODUCTS, INC., UNION TOWNSHIP, PARCEL TOTALING 1.068 ACRES, LOCATED ON THE WEST SIDE OF STATE ROAD 39, APPROXIMATELY 0.50 MILE SOUTH OF COUNTY ROAD 800 NORTH (7502 NORTH STATE ROAD 39, LIZTON).

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-2: General Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-242/UN00-01: R & R Products, Inc., S32-T17N-R1W, 1.068 acres, Union Township, located on the west side of State Road 39, approximately 0.50 mile south of County Road 800 North (7502 North State Road 39, Lizton).

SECTION 2. 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.

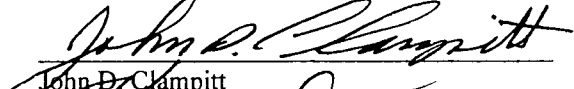

SECTION 3. As inducement for this Zoning Map Amendment, the Petitioners made the following self-imposed limitations of land usage:

- | | |
|-----------------------------|-------------------|
| 1. Floor Covering | 4. Tax Service |
| 2. Accounting & Bookkeeping | 5. Temporary Help |
| 3. Engineering & Surveying | |

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 September, 2000.

Board of Commissioners


John D. Clampitt

Hursel C. Disney

John A. Daum

Attest:


Debbie Reeder
Auditor

ORDINANCE NO. 2000-21

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM I-2: LIGHT INDUSTRIAL DISTRICT, TO I-3: HEAVY INDUSTRIAL DISTRICT. COMMONLY KNOWN AS ZA-243/UN00-02: MIDLAND CO-OP, INC., UNION TOWNSHIP, PARCEL TOTALING 1.56 ACRES, LOCATED ON THE NORTH SIDE OF CONRAIL RAILROAD, JUST WEST OF THE LIZTON TOWN BOUNDARY, 0.10 MILE WEST OF LEBANON STREET.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the I-3: Heavy Industrial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-243/UN00-02: Midland Co-op, Inc., S29-T17N-R1W, 1.56 acres, Union Township, located on the north side of Conrail Railroad, just west of the Lizton Town Boundary, 0.10 mile west of Lebanon Street.

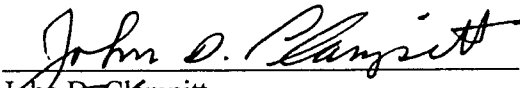

SECTION 2. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 3. As inducement for this Zoning Map Amendment, the Petitioners made the following self-imposed restriction to bottled gas usage only.

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 September, 2000.

Board of Commissioners


John D. Clappitt

Hursel C. Disney

John A. Daum

Attest:


Debbie Reeder
Auditor

ORDINANCE NO. 2000-52

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO PUD: PLANNED UNIT DEVELOPMENT DISTRICT. COMMONLY KNOWN AS ZA-234/LN00-02: DONALD M. STAFFORD, LINCOLN TOWNSHIP, PARCEL TOTALING 144.00 ACRES, LOCATED ON THE WEST SIDE OF RACEWAY ROAD AND ON THE NORTH SIDE OF U.S. HIGHWAY 136.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, 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-234/LN00-02: Donald M. Stafford, S17&20-T16N-R2E, 144.00 acres, Lincoln Township, located on the west side of Raceway Road and on the north side of U.S. Highway 136.

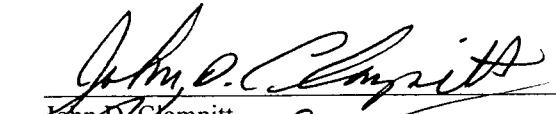
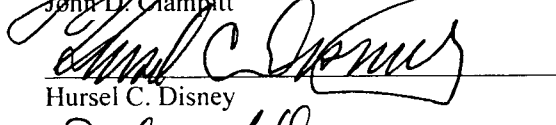
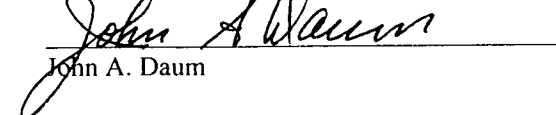
SECTION 2. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 3. All terms and conditions found in Exhibit A, attached hereto and made a part hereof, having been made and presented by Petitioner as a part of its presentation, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit A as a part of this Ordinance.

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 October, 2000.

Board of Commissioners


John D. Clappitt

Hursel C. Disney

John A. Daum

Attest:



Debbie Reeder, Auditor

EXHIBIT "A"

R2 vs. Clermont Lakes PUD

August 25, 2000

	<u>R2 Alternate Dev. Standards</u>	<u>Approved Clermont Lakes PUD</u>
Area	98 +/- acres	98 +/- acres
Maximum No. Lots	275	270
Maximum Density Per Lot	2.81 lots per acre	2.76 lots per acre
Maximum Density Per R2B Ordinance	2.95 lots per acre	
Percent Open Space (Residential)	0	9.3 +/- acres, 9.5% private open space 46.5 +/- acres, 47.4% common open space 55.8 +/- acres, 56.9% total open space
Minimum House Size	1 story – 1040 SF 2 story – 800 SF 1 st floor 1040 SF total	1 Story No more than 30% @ 1040SF–1199SF with at least 70% @ 1200SF or greater 2 Story 800SF first floor, 1250SF minimum total floor area
Minimum Lot Area	9500SF – 30% of lots 12,500SF – remainder of lots	6000SF
Minimum Lot Width	72 feet – 30% of lots 90 feet – remainder of lots	60 feet
Minimum Side Yard Setback	One side 8 feet Sum of side yards 20 feet	One side 6 feet sum of side yards 16 feet
Gable Overhangs	NONE	8" overhang on gable roof
Linear Foot of Street to be Maintained by County		
Landscape Requirements	NONE	Landscaped entry and boulevard Landscaped common areas Landscaped homesites
Community Amenities	NONE	Tot lot/playground area, swimming pool with bath house, and open space

See new attached Exhibit "A"

Revised Exhibit "A"

R2 vs. Clermont Lakes PUD

November 29, 2000

	<u>R2 Alternate Dev. Standards</u>	<u>Approved Clermont Lakes PUD</u>	<u>Amended PUD</u>	<u>Change</u>
Area	98 +/- acres	98 +/- acres	98.83	+0.83 Ac
Maximum No. Lots	275	270	270	-
Maximum Density Per Lot	2.81 lots per acre	2.76 lots per acre	2.73	-0.03
Maximum Density Per R2B Ordinance	2.95 lots per acre			
Percent Open Space (Residential)	0	9.3 +/- acres, 9.5% private open space 46.5 +/- acres, 47.4% common open space 55.8 +/- acres, 56.9% total open space	11.6 +/- Ac 42.8 +/- Ac 54.5 +/- Ac	+2.3 11.7% -3.7 43.3% -1.3 55.0%
Minimum House Size	1 story – 1040 SF	1 Story No more than 30% @ 1040SF–1199SF with at least 70% @ 1200SF or greater	1200 SFT	All 1200 SFT
	2 story –800 SF 1 st floor 1040 SF total	2 Story 800SF first floor, 1250SF minimum total floor area	1500SFT	+250
Minimum Lot Area	9500SF – 30% of lots 12,500SF – remainder of lots	6000SF	6600	+600
Minimum Lot Width	72 feet – 30% of lots 90 feet – remainder of lots	60 feet	-	-
Minimum Side Yard Setback	One side 8 feet Sum of side yards 20 feet	One side 6 feet sum of side yards 16 feet	-	-
Gable Overhangs	NONE	8" overhang on gable roof	eliminate this requirement	eliminate this requirement
Linear Foot of Street to be Maintained by County				
Landscape Requirements	NONE	Landscaped entry and boulevard Landscaped common areas Landscaped homesites	-	-
Community Amenities	NONE	Tot lot/playground area, swimming pool with bath house, and open space	-	-
Landscape Buffer Zone with residential	NONE	Minimum 25 foot landscape buffer along the perimeter and minimum 150 feet from any proposed structure to Clermont Heights property line.	-	-
Landscape Buffer Zone with commercial	NONE	50 foot minimum	-	-

ORDINANCE NO. 2000-23

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO R-2: MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT. COMMONLY KNOWN AS ZA-238/GU00-01: JLL, LLC, GUILFORD TOWNSHIP, PARCEL TOTALING 100.13 ACRES, LOCATED ON THE WEST SIDE OF COUNTY ROAD 600 EAST, 0.5 MILE NORTH OF COUNTY ROAD 750 SOUTH.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the R-2: Medium Density, Single Family Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-238/GU00-01: JLL, LLC, S9-T14N-R1E, 100.13 acres, Guilford Township, located on the west side of County Road 600 East, 0.5 mile north of County Road 750 South.

SECTION 2. 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 3. All terms and conditions found in Exhibit A and B, attached hereto and made a part hereof, as well as the following condition, having been made and presented by Petitioner as a part of its presentation, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit A and B as a part of this Ordinance as well as the following self-imposed condition:

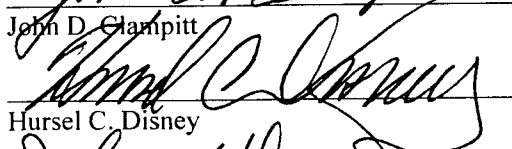
1. Minimum lot size of 15,000 square feet.

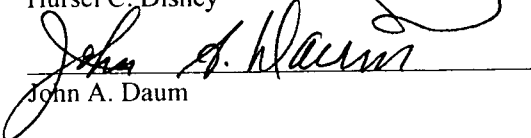
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 2nd day of October, 2000.

Board of Commissioners


John D. Clappitt


Hursel C. Disney


John A. Daum

Attest:

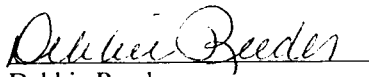

Debbie Reeder,
Auditor

EXHIBIT "A"

LETTER OF INTENT

JLL, LLC is the purchaser of one hundred (100) acres southwest of Plainfield known as the Seipel farm. Located immediately to the east, and extending for over a mile, is R-2 zoned property. Petitioner finds the Seipel property to be a natural extension for the R-2 classification, and is asking for the same to be rezoned accordingly.

Respectfully submitted,

JLL, LLC

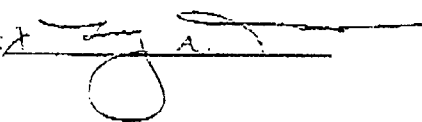
By:  A.

EXHIBIT "B"

SUPPLEMENTAL LETTER OF INTENT
FOR JLL, LLC REZONING PETITION

The proposed development will accommodate the upscale housing located in the immediate area. Homes and Restrictive Covenants will be in substantial conformity to those used in Timber Bend. Homes will be a minimum of 2,000 square feet. No vinyl siding will be allowed. It is anticipated that lot sales will begin at \$42,000.

This site will be served with Plainfield municipal sewer and water utilities.

Respectfully,



Ben Comer,
Attorney for Petitioner

ORDINANCE NO. 2000-24

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO I-4: INDUSTRIAL PARK DISTRICT. COMMONLY KNOWN AS ZA-244/CE00-02: TAMMIE DAVENPORT, CENTER TOWNSHIP, PARCEL TOTALING 7.0 ACRES, LOCATED ON THE EAST SIDE OF COUNTY ROAD 150 EAST, 0.50 MILE NORTH OF COUNTY ROAD 200 SOUTH.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the I-4: Industrial Park District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-244/CE00-02: Tammie Davenport, S14-T15-R1W, 7.0 acres, Center Township, located on the east side of County Road 150 East, 0.50 mile north of County Road 200 South.

SECTION 2. 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 3. As inducement for this Zoning Map Amendment, the Petitioner made the following self-imposed stipulations:

1. Use limited to commercial kennel only;
2. Limiting commercial kennel operation to 20 dogs or less; and
3. Animal pens will not be expanded.

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 16th day of October, 2000.

Board of Commissioners

John D. Clamitt
John D. Clamitt
Hursel C. Disney
Hursel C. Disney
John A. Daum
John A. Daum

Attest:

Debbie Reeder
Debbie Reeder
Auditor

ORDINANCE NO. 2000-25

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-2: MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO C-2: GENERAL COMMERCIAL DISTRICT AND I-2: LIGHT INDUSTRIAL DISTRICT. COMMONLY KNOWN AS ZA-247/GU00-03: CAL-CAIT, LLC, GUILFORD TOWNSHIP, PARCEL TOTALING 5.401 ACRES, LOCATED ON THE SOUTH SIDE OF STATE ROAD 267, 0.06 MILE WEST OF COUNTY ROAD 825 EAST.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-2: General Commercial District and I-2: Light Industrial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-247/GU00-03: CAL-CAIT, LLC, S13-T14N-R1E, 5.401 acres, Guilford Township, located on the south side of State Road 267, 0.06 mile west of County Road 825 East.

SECTION 2. 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 3. As inducement for this Zoning Map Amendment, the Petitioners made the following self-imposed stipulation that only the "Professional Services" uses listed in the Hendricks County Zoning Ordinance Schedule of Uses will be permitted.

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 16th day of October, 2000.

Board of Commissioners

John B. Clappitt
John B. Clappitt
Charles A. Disney
Hursel C. Disney
John A. Daum
John A. Daum

Attest:

Debbie Reeder
Debbie Reeder
Auditor

CHAPTER 32
FLOODPLAIN MANAGEMENT

32.1 STATEMENT OF PURPOSE

The purpose of this chapter is to guide development within the flood hazard areas in order to reduce the potential for loss of life, and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to the Board of Commissioners of Hendricks County (Board) to control land use within their jurisdiction (which includes taking into account the effects of flooding) the Board hereby adopts the following floodplain management regulations in order to accomplish the following:

1. to prevent unwise developments from increasing flood or drainage hazards to others;
2. to protect new buildings and major improvements to buildings from flood damage;
3. to protect human life and health from the hazards of flooding;
4. to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operation;
5. to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
6. to make federally subsidized flood insurance available for structures and their contents in Hendricks County by fulfilling the requirements of the National Flood Insurance Program.

32.2 DEFINITIONS

For the purpose of this chapter, the following definitions are adopted:

1. BUILDING: see "structure."
2. DEVELOPMENT: any man-made change to improved or unimproved real estate including but not limited to:

- a. construction, reconstruction, or placement of a building **or** any addition to a building. *(deleted phrase "valued at more than one thousand (\$1,000) dollars")*
- b. installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than one hundred eighty (180) days;
- c. installing utilities, erection of walls, construction of roads, or similar projects;
- d. construction of flood control structures such as levees, dikes, dams, or channel improvements;
- e. mining, dredging, filling, grading, excavation, or drilling operations;
- f. construction or reconstruction of bridges or culverts;
- g. storage of materials; or
- h. any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

- 3. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of these regulations.
- 4. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- 5. FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): the Flood Boundary and floodway Maps prepared by The Federal Emergency Management Agency for Hendricks County with an effective date of March 16, 1981 as amended.

6. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
7. FLOOD: a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
8. FLOOD HAZARD BOUNDARY MAP (FHB)
9. FLOOD INSURANCE RATE MAP (FIRM): the Flood Insurance Rate Maps prepared by the FEMA for Hendricks County with an effective date of March 16, 1981, as amended.
10. FLOOD INSURANCE STUDY: the Flood Insurance Study prepared by the Federal Emergency Management Agency for Hendricks County with an effective date of September 16, 1980.
11. FLOODPLAIN: the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.
12. FLOOD PROTECTION GRADE (FPG): the elevation of the regulatory flood plus two (2) feet at any given location in the Special Flood Hazard Area (SFHA).
13. FLOODWAY: the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
14. FLOODWAY FRINGE: those portions of the floodplain lying outside the floodway.
15. LETTER OF MAP AMENDMENT (LOMA): an amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.
16. LETTER OF MAP REVISION (LOMR): an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
17. LOWEST FLOOR: the lowest of the following:
 - a. the top of the basement floor;

- b. the top of the garage floor, if the garage is the lowest level of the building;
 - c. the top of the first floor or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
 - d. the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - (1) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 - (2) such enclosed space shall be usable for the parking of vehicles and building access.
18. MANUFACTURED HOME: structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”
19. NEW MANUFACTURED HOME PARK OR SUBDIVISION: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.
20. RECREATIONAL VEHICLE: a vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

21. REGULATORY FLOOD: the flood having a one percent (1%) probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 32.4 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood." *(Correction from Section 4 to Section 32.4)*
22. SPECIAL FLOOD HAZARD AREA (SFHA): those lands within the jurisdiction of Hendricks County that are subject to inundation by the regulatory flood. They are generally identified as such on the Flood Insurance Rate Map.
23. STRUCTURE: "means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days."
STRUCTURE: PREVIOUSLY READ: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, and billboards. The term also includes recreational vehicles to be installed on a site for more than one hundred eighty (180) days.
24. SUBSTANTIAL DAMAGE: damage that equals or exceeds fifty (50%) percent of the market value of the structure before damage occurred.
25. SUBSTANTIAL IMPROVEMENT:¹ any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

32.3 DUTIES OF THE ADMINISTRATOR

The Director of the Planning and Building Department, or other such person as he or she may designate, shall be empowered to implement this chapter and hereafter be referred to as the Administrator. The Administrator is appointed to review all development and subdivision proposals to insure compliance with this chapter, including but not limited to the following duties:

1. Ensure that all development activities within the SFHAs of Hendricks County shall meet the requirements of this Ordinance.

2. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
3. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 32.6 of this chapter and maintain a record of such authorization.
4. Maintain a record of the “as-built” elevation of the top of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA. Inspect before, during, and after construction.
5. Maintain a record of the engineer’s certificate and the “as built” floodproofed elevation of all buildings subject to Section 32.7 of this chapter.
6. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this Ordinance. Submit reports as required for the National Flood Insurance Program.
7. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and “as built” elevation and floodproofing data for all buildings constructed subject to this Ordinance.
8. Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse performed by Hendricks County forces. *(This item was added)*

32.4 REGULATORY FLOOD ELEVATION

The flood protection standard shall be the regulatory flood as defined by this chapter and the Indiana Department of Natural Resources. The best available regulatory flood data is defined in the FBFM/FIS as amended. Whenever a party disagrees with the best available data, the party must submit a detailed engineering study to the Indiana Department of Natural Resources for review and approval. Indiana Department of Natural Resources (IDNR) approval must be obtained before data will be considered valid.

1. The regulatory flood elevation for each SFHA delineated as an “AH Zone” or “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map.

2. The regulatory Flood Elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map shall be according to the best data available as provided by the Indiana Department of Natural Resources.

32.5 IMPROVEMENT LOCATION PERMIT

No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining an Improvement Location Permit from the Administrator. The administrator shall not issue an Improvement Location Permit if the proposed development does not meet the requirements of this Ordinance.

1. In addition to the requirements of the Zoning Ordinance of Hendricks County, the application for an Improvement Location Permit shall include the following:
 - a. Location of the proposed development sufficient to accurately locate property and structures in relation to existing roads and streams.
 - b. A site development plan showing existing and proposed development locations and existing and proposed land grades.
 - c. Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation shall be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD).
2. Upon receipt of an application for an Improvement Location Permit, the Administrator shall determine if the site is located within an identified floodway, floodway fringe, or within the floodplain where the limits of the floodway have not yet been determined.
 - a. If the site is in an identified floodway, the Administrator shall require the applicant to forward the application (along with all pertinent plans and specifications) to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway.

No action shall be taken by the Administrator until a permit has been issued by the Indiana Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Administrator may issue the local Improvement Location Permit, provided the provisions contained in Sections 32.6 and 32.7 of this

Ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

- b. If the site is located in an identified floodway fringe, then the Administrator may issue the local Improvement Location Permit provided the provisions contained in Sections 32.6 and 32.7 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).
- c. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one (1) square mile, the Administrator shall require the applicant to forward the application (along with all pertinent plans and specifications) to the Department of Natural Resources for review and comment.

No action shall be taken by the Administrator until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Administrator has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from Indiana Natural Resources Commission and the provisions contained in Section 32.6 and 32.7 of this ordinance have been met.

- d. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Zoning Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year elevation for the site.*(this item was added)*

Upon receipt, the Zoning Administrator may issue the local Improvement Location Permit, provided the provisions contained in Section 32.6 and 32.7 of this ordinance have been met.

32.6 PREVENTING INCREASED DAMAGES

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

1. Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:
 - a. No development shall be allowed which acting alone or in combination with existing or future development will cause any increase in the elevation of the regulatory flood; and
 - b. For all projects involving channel modifications or fill (including levees) the Developer, in cooperation with Hendricks County, shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.
2. Within all SFHAs identified as A zones (no 100-year flood elevation and floodway/floodway fringe delineation has been provided) the following standard shall apply:
 - a. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one (1) foot and will not increase flood damages or potential flood damages.
3. Public Health Standards in SFHAs
 - a. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of Section 32.7 of this chapter.
 - b. New and replacement sanitary sewer lines may be permitted providing all manholes or other above ground openings are located above the FPG or those which are located below the FPG are watertight.
 - c. New on-site waste disposal systems are prohibited within floodplains in accordance with the Hendricks County Health Department regulations.

32.7 PROTECTING BUILDINGS

In addition to the damage prevention requirements of Section 32.6, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

1. This building protection requirement applies to the following situations:
 - a. construction or placement of any new building having a floor area greater than four hundred (400) square feet;*(deleted phrase: valued at more than one thousand \$1,000 dollars.)*
 - b. structural alterations made to an existing (previously unaltered) building, the cost of which equals or exceeds 50% of the value of the pre-altered building (excluding the value of the land);*(previously read; structural alterations made to an existing building that increase the market value of the building by more than fifty percent (50%) (excluding the value of the land);*
 - c. any structural alterations made to any previously altered building.*(previously read; any subsequent alterations)*
 - d. Reconstruction or repairs made to a damaged building that are valued at or more than fifty percent (50%) of the market value of the building (excluding the value of the land) before damage occurred;
 - e. Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
 - f. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
2. This building protection requirement may be met by one of the following methods: The Administrator shall maintain a record of compliance with these building protection standards as required in Section 3 of this ordinance.
 - a. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
The fill shall be placed in layers and compacted to ninety five percent (95%) of the maximum density obtainable with the Standard Proctor Test method.

1. The fill shall be placed in layers and compacted to ninety five percent (95%) of the maximum density obtainable with the Standard Proctor Test method.
 2. The fill should extend at least ten (10) feet beyond the foundation of the building before sloping below the FPG.
 3. The fill shall be protected against erosion and scour during flooding by vegetative cover, rip-rap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical (3:1).
 4. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 5. The top of the lowest floor including basements (see definition of lowest floor in Section 32.2) shall be at or above the FPG. The applicant shall furnish as built documentation of this elevation certified by a professional engineer or registered land surveyor.
- b. A residential or nonresidential building may be elevated in accordance with the following:
1. The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:
 - a. Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters through providing a minimum of two (2) openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above grade.
 - b. Any enclosure below the elevated floor is used for storage of vehicles and building access.
 2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known

hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.

3. All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG. An as-built certification by a professional engineer or registered land surveyor shall be provided to document that the top of the lowest floor is at or above the FPG.
3. Manufactured home and recreational vehicles to be installed or substantially improved on a site for more than one hundred eighty (180) days must meet one of the following anchoring requirements.
 - a. The Manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site:
 1. outside a manufactured home park or subdivision;
 2. in a new manufactured home park or subdivision;
 3. in an expansion to an existing manufactured home park or subdivision; or
 4. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood. An as-built certification by a professional engineer or registered land surveyor shall be provided to document that the top of the lowest floor is at or above the FPG.
 - b. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

4. Recreational vehicles placed on a site shall either:
 - a. be on the site for less than one hundred eighty (180) consecutive days;
 - b. be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - c. meet the requirements for “manufactured homes” in paragraph (3) of this section.
5. A non residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:
 - a. a Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
 - b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

32.8 OTHER DEVELOPMENT REQUIREMENTS

- A. The Administrator shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined by this ordinance. If the Administrator finds the subdivision to be so located, the Administrator shall require the developer to forward plans and materials to the Indiana Department of Natural Resources for review and modifications in order to assure that:
 1. it is consistent with the need to minimize flood damages;

2. all public utilities and facilities (such as sewer, gas, electrical, and water systems) are located and constructed to minimize or eliminate flood damage;
 3. adequate drainage is provided so as to reduce exposure to flood hazards.
- B. Developers shall record the 100 year flood elevation on all subdivision plats containing lands within a flood hazard area prior to submitting the plats for approval by the Hendricks County Plan Commission.
- C. All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with Hendricks County Plan Commission and have it filed with and approved by the appropriate community emergency management authorities.

32.9 VARIANCES

- A. The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this chapter provided the applicant demonstrates that:
1. There exists a good and sufficient cause for the requested variance.
 2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant.
 3. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- B. The Board of Zoning Appeals may issue a variance to the terms and provisions of this ordinance subject to the following:
1. No variance for a residential use within a floodway subject to Section 32.6 (a) or (b) of this ordinance may be granted.
 2. A variance granted in a floodway subject to Section 32.6 (a) or (b) of this ordinance will require a permit from Indiana Department of Natural Resources.
 3. Variances to the Building Protection Standards of Section 32.7 may be granted only when a new structure is to be located on a lot contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

4. A variance may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.
5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
6. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums.

32.10 DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of Hendricks County, The Indiana Department of Natural Resources, or the State of Indiana for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

32.11 VIOLATION

Failure to obtain an Improvement Location permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be an ordinance violation and be treated as such in accordance with the provisions of this chapter and Chapter 3 of the Zoning Ordinance.

1. A separate offense shall be deemed to occur for each day the violation continues to exist.
2. The Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
3. Nothing herein shall prevent the Administrator or Hendricks County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

32.12 ABROGATION AND GREATER RESTRICTIONS

This chapter repeals and replaces other ordinances adopted by the Board of Commissioners to fulfill the requirements of the National Flood Insurance Program. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more strident restriction shall take precedence. In addition, the Administrator shall assure that National Flood Insurance Program regulations and laws (**310 IAC 6-1-1, IC 14-28-1 and IC 14-28-3**) are met. *(previously read; IAC 6-1-1, IC 13-2-22 and 13-2-22.5)*

32.13 SEPARABILITY

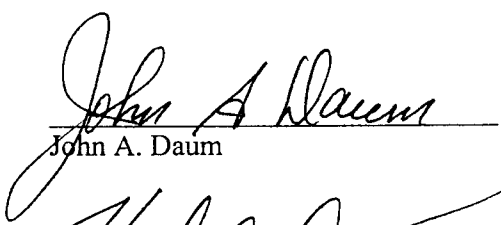
The provisions and sections of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

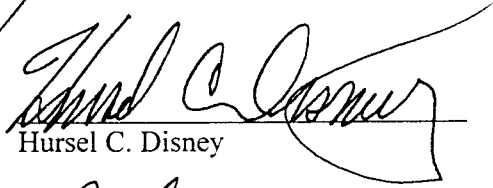
32.14 EFFECTIVE DATE

This ordinance shall take effect upon its passage by the Board of Commissioners of Hendricks County.


Passed and enacted on the 16th day of October, 2000

Board of Commissioners of
Hendricks County, Indiana


John A. Daum


Hursel C. Disney


John D. Clampitt

ATTEST: 
Debbie Reeder
Hendricks County Auditor

ORDINANCE NO. 2000-27

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-2: MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO C-2: GENERAL COMMERCIAL DISTRICT. COMMONLY KNOWN AS ZA-246/GU00-02: JAMES & JAMIE HIGNITE, GUILFORD TOWNSHIP, PARCEL TOTALING 0.31 ACRES, LOCATED ON THE WEST SIDE OF COUNTY ROAD 825 EAST, 0.33 MILE NORTH OF HENDRICKS COUNTY ROAD.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-2: General Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-246/GU00-02: James & Jamie Hignite, S24-T14N-R1E, 0.31 acres, Guilford Township, located on the west side of County Road 825 East, 0.33 mile north of Hendricks County Road.

SECTION 2. 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 3. As inducement for this Zoning Map Amendment, the Petitioner made the following self-imposed stipulations:

1. Use limited to auto repair facility only;
2. Upon sale of property to anyone outside of the Hignite family, the property would be rezoned to R-2: Medium Density, Single Family residential.

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 20th day of November, 2000.

Board of Commissioners

John D. Clappitt
John D. Clappitt

Hurzel C. Disney
Hurzel C. Disney

John A. Daum
John A. Daum

Attest:

Debbie Reeder
Debbie Reeder, Auditor

ORDINANCE NO. 2000-28

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-1: LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT, TO PUD: PLANNED UNIT DEVELOPMENT DISTRICT. COMMONLY KNOWN AS ZA-248/WA00-05: MADELINE CARTER, WASHINGTON TOWNSHIP, PARCEL TOTALING 28.551 ACRES, LOCATED ON THE NORTHWEST CORNER OF COUNTY ROAD 1050 EAST AND COUNTY ROAD 100 SOUTH.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, 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-248/WA00-05: Madeline Carter, S8-T15N-R2E, 28.551 acres, Washington Township, located on the northwest corner of County Road 1050 East and County Road 100 South.

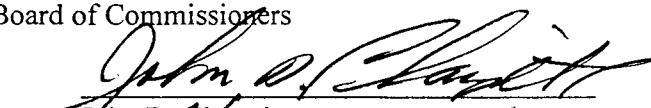
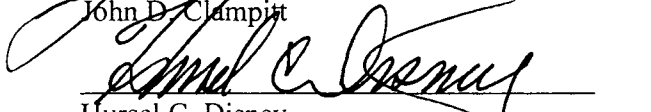
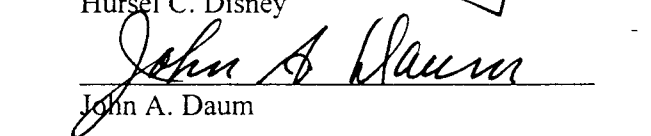
SECTION 2. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 3. All terms and conditions found in Exhibit A, attached hereto and made a part hereof, having been made and presented by Petitioner as a part of its presentation, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit A as a part of this Ordinance.

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 29th day of November, 2000.

Board of Commissioners


John D. Clampitt

Hursel C. Disney

John A. Daum

Attest:



Debbie Reeder, Auditor

EXHIBIT A**HENDRICKS COUNTY COMMISSIONERS
ZONING EXHIBIT FOR MADELINE CARTER****Development Standards**

A. Average Lot Area (67 lots)	5,925 Square Feet
B. Minimum Lot Width (At the Building Line)	42 Feet
C. Minimum Ground Floor Area	
1 Single	950 square feet per unit
2 Multi-story building	700 square feet gross area first floor 1,300 square feet total floor area
D. Maximum Building Height	
1 Principle Building	40 feet
2 Accessory Building	18 feet
E. Front yard setback	20 feet
F. Side yard setback	6 feet minimum / 12 feet aggregate provided specifications are developed to the satisfaction of the Avon Fire Department
G. Rear yard setback	10 feet minimum
H. Building materials	20% of the homes will have 30% brick or masonry on the front

Open Space

Common area (Excludes Future Corridor)	10.47 acres
Private Open Space	3.82 Acres (front and rear setback areas)
Total Open Space	14.29 acres or 50% (28.551 ac.) / 63% (22.551 ac.) open space provided

EXHIBIT A

HENDRICKS COUNTY COMMISSIONERS ZONING EXHIBIT FOR MADELINE CARTER

ORIGINAL APPLICATIONS

AMENDED APPLICATION

76 Lots

67 Lots

*R-2 allows 67 lots **after** corridor ground taken out (84 on the entire acreage)

40 Foot wide lots

42 Foot wide Lots minimum
30% will be 52 foot minimum

*Adjoining Sun Chase lots are 50 wide

5 foot side yard setback

6 foot minimum side yard setback

*Adjoining Sun Chase setbacks are 5 foot

NOTES:

- Situated between Sun Chase PUD and North/South Corridor
- Only access is through Sun Chase PUD
- Extension of Sun Chase PUD is only viable option for Landowner due to Corridor
- North/South Corridor right of way shall be dedicated with approved plat
- 2.97 units per acre fits within comprehensive Plan (I-4 units)

ORDINANCE NO. 2000-29

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM **I-1: RESEARCH/OFFICE INDUSTRIAL DISTRICT**, TO **C-2: GENERAL COMMERCIAL DISTRICT**. COMMONLY KNOWN AS **ZA-251/CE00-03: LARRY MILLER & GARY HOUSER, JR., CENTER TOWNSHIP**, PARCEL TOTALING 1.73 ACRES, LOCATED ON THE SOUTHEAST CORNER OF EAST MAIN STREET (OLD U.S. HIGHWAY 36) AND COUNTY ROAD 300 EAST.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (1991-17) adopted on the 18th day of November on the year 1991, be amended so as to include in the C-2: General Commercial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-251/CE00-03: Larry Miller & Gary Houser, Jr., S7-T15N-R1E, 1.73 acres, Center Township, located on the southeast corner of East Main Street (Old U. S. Highway 36) and County Road 300 East.

SECTION 2. 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 3. As inducement for this Zoning Map Amendment, the Petitioners made the following self-imposed condition of limiting the C-2 uses to office or those associated with an auto dealership.

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 December, 2000.

Board of Commissioners

John D. Clappitt
John D. Clappitt
Hursel C. Disney
Hursel C. Disney
John A. Daum
John A. Daum

Attest:

Debbie Reeder
Debbie Reeder, Auditor

Hendricks County Animal Control/Shelter

Ordinance Manual 2000-30

Title 2: Hendricks County Animal Control/Shelter Ordinance:

An ordinance regulating the keeping, impoundment, providing for, and taking up of dogs and other animals. To provide for rabies control quarantining and strict observation, and the destruction of dogs and other animals in certain cases. Any person violating any provision of this ordinance shall be deemed guilty of an ordinance violation. If such violation continues, each day's violation shall be a separate offense establishing Animal Control Official to enforce provisions of this ordinance.

WHERE-AS, the Board of Commissioners of Hendricks County, Indiana, has received numerous complaints of dogs and other animals running at large within the County. After having conferred with the Hendricks County Highway Department and the Hendricks County Sheriff's Department, has found that in order to protect the health and welfare of the citizens of Hendricks County from the nuisance and the unsanitary conditions of dogs and other animals running at large, and to promote the health and welfare of the public, it is Ordained as follows:

(A) It is the objective of the Hendricks County Animal Control/Shelter to provide for the safety and health of the citizens of Hendricks County by removal of the unwanted animal population from the public properties and neighborhoods, to control the problem of domestic animals running at large and to prevent the spread of rabies. There is no intent to remove or separate pets from owners. Every attempt to locate owners with their pets is made when animals with tags or a microchip are impounded. In addition to its statutory duties, the Hendricks County Animal Control/Shelter will provide limited services for the citizens of Hendricks County including animal adoption and the assistance to individuals who have lost or found animals.

(B) The following rules of the Hendricks County Animal Control/Shelter Ordinance were written with the above objectives in mind.

RULE 1
(General Definitions)

Chapter 2.1 Definitions:

Sec. 2.1.1 ANIMAL: Animal does not include a human (defined by Indiana State law).

Sec. 2.1.2 DOMESTIC ANIMALS: Shall mean, as defined by the Indiana State Statute, cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry or other birds.

(A) Any animals of the bovine, equine, caprine, porcine, canine, feline, or avian species.

(B) An aquatic animal that may be the subject of aquaculture (as define in IC 4-4-3.8-1).

Sec.2.1.3 OWNER: Shall mean any person, group of persons, or corporation owning, keeping or harboring a dog or dogs or animals; to allow an animal to remain on property for one week or longer.

Sec.2.1.4 KENNEL: Shall mean any person, group of persons, or corporation owning, keeping or harboring four or more dogs or cats, and is zoned by the Hendricks County zoning ordinance.

Sec.2.1.5 AT LARGE: Shall mean any animal shall be deemed to be at large, when the animal is off the property of his owner and not under control of a competent person.

Sec 2.1.6 RESTRAINT: Shall mean an animal is under restraint within the meaning of this Ordinance if it is controlled by a leash, rope, ect. at "heel" beside a competent person and/or obedient to that person's commands.

Sec. 2.1.7 STRAY: Shall mean a domestic animal which is lost or whose ownership is otherwise unknown.

Sec. 2.1.8 SPAYED FEMALE: Shall mean any female, which has been surgically rendered incapable of reproduction.

(A) Spayed female shall also mean, "Neutered animal".

(B) "Neutered animal" shall mean any animal, male or female, which has been surgically rendered incapable of reproduction.

Sec.2.1.9 HENDRICKS COUNTY ANIMAL CONTROL/SHELTER: Shall mean any entity designated by action of the County Commissioners for the purpose of impounding and caring for all animals found running at large, in violation of this ordinance, Indiana State Law and/or the taking in of unwanted animals.

Sec.2.1.10 RUNNING AT LARGE: Shall mean any animal off the owner's property and/or caretaker's property, that is not under restraint or control.

Sec.2.1.11 CURRENTLY VACCINATED: Shall mean that the owner shows proof that the animal has been vaccinated for rabies (within the past twelve months). A rabies certificate or a call to a veterinarian is proof that the vaccination is current.

Sec.2.1.12 EXPOSED TO RABIES: Shall mean an animal has been exposed to rabies within the meaning of this ordinance, if it has been bitten or scratched by a wild, carnivorous mammal (or bat) not available for testing, or exposed to any animal known to have been infected with rabies.

Sec.2.1.13 STRICT CONFINED OBSERVATIONS: Shall mean to keep an animal confined in a building or home, and not to allow the animal to come in contact with anything other than the owner, for a period of time designated by the Hendricks County Animal Control/Shelter. If the animal needs to go outside to relieve its self, it is to be physically restrained by the owner who is at least 18 years of age, and to remain in the owner's yard at all times, with the owner. Said owner is required to report any unusual behavior or sickness to the Hendricks County Animal Control/Shelter. All observations, quarantines are to be in Hendricks County and owners are required to follow the rules of the Hendricks County Animal Control/Shelter for rabies suspects, or as define by Indiana State Board Of Animal Health and/or the State Veterinarian. There can be no transfer of ownership and or care during strict confined observations.

Sec. 2.1.14 CHIEF ANIMAL CONTROL OFFICER: Shall mean the person employed by The Hendricks County Commissioners as its Chief Enforcement Officer.

Sec.2.1.15 ANIMAL CONTROL OFFICER: Shall mean any person employed for the purpose of enforcement and, other duties, as directed in the job description.

(A) Job description shall mean a composite of duties as defined by the Chief Animal Control Officer.

Sec.2.1.16 AUTHORIZED AFTER HOUR CALLS: Shall mean outside regular shelter hours, The Animal Control officer will be authorized to answer call, initiated by the Chief Animal Control Officer, Hendricks County Sheriff department or local police departments for the following:

(A) Stray domestic animals in distress.

(B) Stray injured domestic animals. (This does not mean an animal that is just limping, Or an animal that has been there for a day or so.)

(C) Bite of a human by any animal. Some cases of animal vs. animal.

(D) Stray vicious animal threatening bodily harm.

(E) Animals left at the scene (i.e. car accident, owner arrested, owner deceased).

(F) All after hours calls are judged on a case-by-case basis, all information is considered in the decision.

(G) Any other incident deemed an emergency by the Chief Animal Control, Officer, Hendricks County Sheriff or local Chief of Police.

Sec.2.1.17 UNDER CONTROL: Shall mean to completely regulate the animal's actions by either verbal command or by restraint.

c.2.1.18 QUARANTINE: Shall mean strict confined observation, for a period of 6 months, of an animal bitten by another animal that has been diagnosed as rabid, or an animal showing signs of rabies that has bitten a human. The owner is responsible for all costs. Quarantine shall be at the Hendricks County Animal Control/Shelter or a facility approved by the Chief Animal Control Officer. The owner is required to follow the rules of the Hendricks County Animal Control/Shelter for rabies suspects, as defined by the Indiana State Board Of Animal Health and or the State Veterinarian. All quarantines will be in Hendricks County.

Sec.2.1.19 NOTIFICATION OF OWNERS: Shall mean that any information on the animal (i.e. collar, tags, microchip), or information obtained at the pick-up location, will be investigated in order to locate the owner. Notification of owners will be by telephone and/or door card. Attempts to contact owner will continue for a reasonable length of time. Other means deemed necessary to locate the owners may be implemented.

(A) REASONABLE LENGTH OF TIME : Shall mean not less than 3 days over a 7 day period.

Sec.2.1.20 PENALTY FOR VIOLATING THE RUNNING AT LARGE ORDINANCE: Shall mean the Animal Control Officer will impound UNTAGGED DOGS WHOSE OWNERSHIP IS NOT KNOWN if the dog is running at large on public property. If found on private property, permission to have the dog removed from said property will be obtained from property owner or the property owner's designee.

- (A) TAGGED DOGS** whose ownership is known may be impounded for Running at Large and may be cited for this offense.
- (B) Any domestic animal** off an owner's land.

Sec.2.1.21 ENTITLED TO RESUME POSSESSION: Shall mean the owner of the animal is required to provide payment of the animals impoundment fees, show proof of current vaccination, or a receipt for prepayment of vaccination for rabies, proof of payment of Indiana state dog tax, and other fees established by the Hendricks County Animal Control/Shelter or applicable court order. Proof of rabies vaccination for dogs and cats 3 months or older, and Indiana State dog tax for dogs six months or older, as required by state law.

Sec.2.1.22 REPEAT OFFENDERS: Shall mean any person who has previously had an animal in the shelter, or a person who has received a ticket from animal control.

Sec.2.1.23 HUMANELY DESTROYED: Shall mean euthanasia by the injection of drugs approved by the Pharmaceutical Board of the State of Indiana, and recognized by the Humane Society of the United States, and / or the American Veterinarian Medical Association.

Sec.2.1.24 HUMANE REASONS: Shall mean that under certain circumstances, an animal should be euthanized, without first having to wait the usual 3 day waiting period. The following cases of injury and diseases indicate those circumstances:

(A) Injuries that warrant immediate euthanasia:

- (1) Any injury to the brain or spinal cord such that the animal is non-responsive to deep pain unless the owner can be located within thirty minutes from time of call.
- (2) Any injury that has caused the abdomen to be torn open and the bowels to be exposed, unless the owner can be located within thirty minutes from time of call.
- (3) Any injury that causes the animal labored breathing, and/or shows signs of cyanosis. i.e. grayish or bluish tinge to the mucus membranes of the lips and tongue.
- (4) Any injury that caused the chest cavity to be torn open and the lungs and/or heart to be exposed.

Sec.2.1.25 SECURE ENCLOSURE: Shall mean a pen with an attached top, bottom, and sides that provides the animal with adequate shelter inside the enclosure and is securely locked by a padlock, of sufficient size capable of securely confining the animal. Pen must be self-standing with only one gate.

Sec.2.1.26 DANGEROUS ANIMAL Shall mean :

- (A) Any animal which, according to the records of the appropriate authority, has inflicted severe injury on a human (without provocation) on public or private property.
- (B) Any animal which, according to the records of the appropriate authority, has killed or severely injured a domestic animal (without provocation) while off the animal owner's property.
- (C) Any animal owned or harbored primarily, or in part, for the purpose of animal fighting or any animal trained for animal fighting.
- (D) Any animal which has inflicted fatal injury, or injuries resulting in broken bones or disfiguring lacerations, in a provoked attack.
- (E) Any animal which has been involved in more than one attack of any kind.
- (F) All animals are judged by a case-by-case basis, all information is considered in the decision.

Sec.2.1.27 POTENTIALLY DANGEROUS ANIMAL Shall mean :

(A) Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalk or any public or private property in a menacing fashion or apparent attitude of attack.

(B) Any animal with a known propensity or disposition for an unprovoked attack and probability to cause injury, or to otherwise threatens the safety of humans or domestic animals.

(C) Any animal, according to the records of the appropriate authority, which has caused a minor injury to a domestic animal or human.

(D) Is judged by a case-by-case basis, all information is considered in the decision.

Sec.2.1.28 PROPERTY OF HENDRICKS COUNTY ANIMAL CONTROL/SHELTER: Shall mean the animal can be adopted and or humanely destroyed, as seen fit by Hendricks County Animal Control/Shelter employees. All information is considered with both the animal's and Hendricks County Animal Control/Shelter best interest in mind.

Sec.2.1.29 WILD ANIMAL: Shall mean as defined by Hendricks County Zoning ordinance.

Sec .2.1.30 STRICT ISOLATION: Shall mean as defined by Indiana State Board Of Animal Health and the State Veterinarian.

Sec .2.1.31 MICROCHIP: shall mean a device that can be scanned that is implanted under the surface of the skin. This allows an animal that has lost its collar to have a number that can be traced back to its owner.

RULE 2
(Enforcement of the Animal Control Ordinance)

*And by Hendricks County
Sheriff Dept.*

Chapter 2.2 Enforcement:

Sec. 2.2.1 The provisions of this ordinance and Indiana State Statutes pertaining to animal control shall be enforced by the Hendricks County Animal Control/Shelter. The Hendricks County Animal Control/Shelter remains, as the entity designated by the Hendricks County Board of Health, in the investigation and quarantine and/or strict confined observation procedures concerning rabies and animal bites. The Hendricks County Animal Control/Shelter will work with the Indiana State Board Of Animal Health and or the State Veterinarian concerning rabies testing of animals that have bitten humans or other animals.

Rule 3
(Restraints)

Chapter 2.3 Restraints:

Sec. 2.3.1 The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large off the premises or property of the owner. (As per Indiana State Statutes I.C. 15-5-9-13)

Sec. 2.3.2 Any owner that allows a non-neutered dog or cat to run at large can be issued a summons into court for that county ordinance violation.

- (A) If the animal is neutered or spayed within ten (10) days of the violation, and verification is obtained from a licensed veterinarian, the summons can be dismissed. This burden of proof is the owner's responsibility and must be verified by Animal Control.
- (B) An animal maybe exempt from this ordinance when the surgical procedures may be detrimental to the animal health. With a licensed Veterinarian confirming this in writhing, and is given to the Hendricks County Animal Control/Shelter within the ten days.

Rule 4
(Impoundment)

Chapter 2.4 Impoundment:

Sec.2.4.1 Domestic animals found running at large shall be taken up by the agents of the Hendricks County Animal Control/Shelter and impounded in the shelter designated as the Hendricks County Animal Control/Shelter or alternate site approved by Hendricks County Animal Control/Shelter. Said animal shall be confined in a humane manner, for a period of not less than three days. If not claimed by the owners thereafter shall become the property of the Hendricks County Animal Control/Shelter, and be disposed of in a humane manner or adopted at the discretion of the said authority, except as hereinafter provided in certain cases.

(A) This section refers to any animal(s) picked up by the Animal Control Officers or brought to the Hendricks County Animal Control/Shelter by citizens.

(B) Persons surrendering animal(s) will be given a Surrender Form concerning minimum holding periods, adoptions, and euthanasia, which must be signed before the animal is accepted by the Hendricks County Animal Control/Shelter employees.

(C) Immediately upon **impoundment of any animal**, the agents of the Hendricks County Animal Control/Shelter shall make reasonable effort to notify the owner **(if an owner is known)** of the conditions whereby they may regain custody of such animal(s).

(D) Animals picked up or brought to the Hendricks County Animal Control/Shelter, **WHOSE OWNERSHIP IS UNKNOWN**, shall be held in the Hendricks County Animal Control/Shelter for a minimum of three working days (72 hours), **unless sick, (showing signs of parvo, distemper, blood in stool, listlessness, etc.), or injured.**

(E) Animals picked up or brought to the Hendricks County Animal Control/Shelter, **WHOSE OWNERSHIP IS KNOWN**, must be held in the Hendricks County Animal Control/Shelter until;

(1) IN THE CASE OF SURRENDERED ANIMALS :

(a) The owner signs a release form requesting that the animal be euthanized in the best interest of the animal and/or to protect the other animals in the Hendricks County Animal Control/Shelter from disease. (Hendricks County Animal Control/Shelter employees have the right to refuse to euthanize the animal if they determine the animal is adoptable).

(b) The animal is adopted or it has been held for at least (24 hours).

(c) An owner who has surrendered his/her animal but has not signed the statement for the animal to be euthanized may change his/her mind, but the animal must be redeemed only by the adoption process.

(d) Owner-surrendered animals can be placed on hold for an adoption upon time of surrender.

- (e) The owner bringing in an animal that cannot be adopted, will be advised that the animal will be euthanized as soon as possible. (i.e. biter, sick, wild, livestock killer, ect are not adoptable.)

(2) IN THE CASE OF ANIMALS PICKED UP RUNNING AT LARGE :

- (a) The owner redeems the animal , in accordance to Section.2.5.
- (b) The court orders disposition of the animal.
- (c) Upon expiration of at least three working days (72 hours) after the owner of an animal that is **NOT PROPERLY TAGGED OR MICRO-CHIPPED** has been notified and the owner refuses to reclaim the animal. The animal becomes property of the Hendricks County Animal Control/Shelter.
- (d) **PROPERLY TAGGED, AND/OR MICRO-CHIPPED**
Animals impounded will be held until the owner properly reclaims or surrenders the animal, or until disposal is ordered by the court. If an owner refuses to reclaim the animal within five days after notification has been made, unless there is pending legal action, the animal becomes property of the Hendricks County Animal Control/Shelter.
- (e) If the Hendricks County Animal Control/Shelter has made a reasonable effort to notify the owner of a tagged and micro-chipped animal, however have been unsuccessful. The animal becomes the property of Hendricks County Animal Control/Shelter after 7 days.

Sec.2.4.2 When dogs are found Running at Large, and their ownership is known to the agents of the Hendricks County Animal Control/Shelter, such dogs need not be impounded, however the agent may at his discretion, cite the owner of the dogs to appear in court to answer to charges of violation of this Ordinance.

Sec.2.4.3 **There is no cat leash law.** Cats will not be picked up for running at large. However, the Hendricks County Animal Control/Shelter can pick up cats that are reported to be stray, if contained. In the case of owned cats running at large, the complainant has a legal right to utilize a humane trap for the purpose of containing the animal to bring to the Hendricks County Animal Control/Shelter.

Sec. 2.4.4 The owner shall be entitled to resume possession of any animal impounded, except as hereinafter provided, upon payment of impoundment fees set forth herein in Rule 5, Sec.2.5.

Sec. 2.4.5 Any stray animal impounded under the provisions of this Ordinance, and not reclaimed by its owner within three days, becomes the property of the Hendricks County Animal Control/Shelter.

RULE 5
(Impoundment Fees)

Chapter 2.5 Impoundment Fees:

Sec. 2.5.1 Any impounded animal may be reclaimed, as herein provided, upon payment of impoundment fees by the owner to the Hendricks County Animal Control/Shelter. The amount of the impoundment fees set forth herein shall be collected by the Hendricks County Animal Control/Shelter and periodically turned over to the Hendricks County Auditor for deposit to the Hendricks County General Fund.

- (A) An impoundment fee of **\$ 30.00** shall be charged for a dog, cat, small animals, such as rabbits, poultry, small birds, small exotics.
- (1) Additional impoundment fees of **\$ 10.00** shall be charged for each day the animal is kept after two days.
- (2) The initial impoundment fees will double for repeat offenders, and will continue to double for each offense. (**\$ 60.00 , \$ 120.00 , \$240.00** ect.). The Hendricks County Animal Control/Shelter, through its agents, can seek prosecution of repeat offenders. After a time span of one year from the last offense and there has been no impoundment of animals in the former offender's care, the impoundment fees will go back to the starting fees of **\$30.00** and will go up accordingly.
- (3) Before an animal's release from the Hendricks County Animal Control/Shelter, the owner must provide proof of current vaccination for rabies or prepaid receipt from a licensed veterinarian for vaccination to be done. **At this time the owner can request that the animal be micro chipped by the Hendricks County Animal Control/Shelter. The cost of the Microchip and registration will be at the owner expense.**
- (B) An impoundment fee of **\$50.00** shall be charged for any impounded livestock equine, wild animal or large exotic animal upon owner claim. Owner will also pay for any and all hauling fees and maintenance fees. If the animal is not claimed within three days, this animal can be put up for adoption or disposed of in accordance with the law.
- (1) Maintenance fees are **\$20.00** per day.
- (2) A hauling fee of **\$30.00** will be charged, if the stock trailer is used to move the animal.
- (C) A donation of **\$10.00** will be requested for the disposal of any owned, deceased animals brought to the Hendricks County Animal Control/Shelter. Animals dead over 24 hours may be refused if the body is in bad condition or if animal is too large. (over 200 lb.)
- (D) During the required confinement at the Hendricks County Animal Control/Shelter, a fee of **\$10.00** will be charged per day for any animals quarantined, placed under strict confined observation and or strict isolation. If any animal is left at the Hendricks County Animal Control/Shelter at the expiration of the confinement, the fee will increase to **\$20.00** per day. In some cases fees will need to be prepaid for within three days from time of confinement.
- (E) A donation of **\$20.00** will be requested for the euthanasia of an animal.

RULE 6
(Adoption Fees, Euthanasia, Injured Animals)

Chapter 2.6 Adoption Fees:

Sec. 2.6.1 Adoption fees:

(A) Dogs or cats or mice, rats, guinea pig, hamsters, rabbits, small birds, etc. is **\$10.00.**

(B) Small exotics animals, farm animals (goats, pig). **\$40.00.**

(C) Large farm animals. **\$100.00** (equine not included).

(D) Equine fees will be placed on the individual animal and to follow the rules in Sec. E.

(E) For animals not listed above, a fee will be placed on a case-by-case basis. Fees will be set by the Chief Animal Control Officer and someone from the State of Indiana, Division of Companion Animal / Equine Office. Fees will be set by using the cost of boarding, veterinarian care, etc.

(F) A fee of **\$5.00** per day can be charged to a new owner if an adopted animal remains in the Hendricks County Animal Control/Shelter after the adoption has been completed, if there is room at the Hendricks County Animal Control/Shelter to house the animal.

Sec. 2.6.2 All animals adopted that can be surgically rendered incapable of reproduction will be (ex. dogs, cats, horse-male). The cost will be at the new owner's expense. Failure to have this done will result in an ordinance violation. See penalty Rule 16. Some cases will be evaluated on a case-by-case basis. **All adopted animals that can be, will be micro chipped. (EX. Dogs, cats, equine.) Some animals will be judge on a case-by-case basis. The cost of the microchip and registration to be at the owner's expense.**

(A) Adopted animals that are age 12 weeks or older, for which there is an approved vaccine, will have to have a current rabies vaccination or proof of prepaid vaccination to be given within 4 days after adoption.

(B) Animals that are adopted will have to have a current distemper vaccination or proof of prepaid vaccination to be given within 4 days after adoption.

Sec.2.6.3 A person who signs the adoption paper work adopting an animal cannot give the animal to a different owner before the animal is spayed/neutered and vaccinated in accordance with the adoption contract. If the animal is given away before that time it will be a violation of county ordinances. The original adopters are the ones that are responsible for the animals.

Sec. 2.6.4 No animal shall be euthanized until after its required holding time has expired unless, in the judgment of the Hendricks County Animal Control/Shelter or its agents, an animal should be destroyed for humane reasons, or for sickness.

(A) At no time will the lives of healthy, adoptable animals be jeopardized, solely to comply with the three day waiting period by housing animals exhibiting signs of any infectious diseases,

RULE 7
(Confinement of certain animals
public nuisance animals)

Chapter 2.7 Confinement of certain animals :

Sec. 2.7.1 The owner shall confine, within a building or secure enclosure, every fierce, dangerous, or vicious animal and not take such animal out of such building or secure enclosure, unless such animal, is securely muzzled and a leash is secured to a choker chain around the animals neck, and the owner is in complete control of the leash. The animal shall not be removed from the enclosure by anyone but the owner, who must be 18 years of age, or older. **A warning sign and a padlock of sufficient size to be capable of securely confining the animal must be on all gates that enter the area of confinement.** If the animal is inside the home, the door to the confined area must be secure and must be locked while the animal is in the home. This animal must be micro-chipped by a licensed veterinarian or the Hendricks County Animal Control/Shelter, and the number kept on file at the Hendricks County Animal Control/Shelter. For as long as this animal is in Hendricks County, Animal Control officers will make periodic inspections to verify that compliance with the conditions for which the animal is to be kept are met. This animal is not to be given away or taken away with out Hendricks County Animal Control/Shelter knowing where the animal is to be housed. The cost of the microchip and registration to be at the owner's expense.

Sec. 2.7.2 The owner shall confine every potentially dangerous animal within a six foot high fenced - in yard or secure enclosure pen that is constructed so that the animal cannot get out. The owner shall not take the animal out unless said animal is under control on a leash, with a choke collar attached, at all times. The animal is not to be allowed to run free, and must be with the owner, who must be 18 years of age, or older. **A warning sign and a padlock of sufficient size to be capable of securely confining the animal must be on all gates that enter the area of confinement.** If the animal is inside the home, the door to the confined area must be secure and must be locked while the animal is in the home. This animal must be micro-chipped by a licensed veterinarian or the Hendricks County Animal Control/Shelter, and the number kept on file at the Hendricks County Animal Control/Shelter. For as long as this animal is in Hendricks County, Animal Control officers will make periodic inspections to verify that compliance with the conditions for which the animal is to be kept are met. This animal is not to be given away or taken away without Hendricks County Animal Control/Shelter knowing where the animal is to be housed. The cost of the microchip and registration to be at the owner's expense.

(A) The Animal Control Officers shall make a determination as to whether an animal fits the dangerous or potentially dangerous category, based on complaints or other information. The Animal Control Officers shall investigate these complaints or the information to determine if, in fact, the animal is dangerous and /or potentially dangerous. This shall be done on a case-by-case basis.

(B) It is the owner's responsibility to conspicuously place a sign on every dangerous, or potentially dangerous animal's enclosure warning people that a dangerous or potentially dangerous, animal is kept there.

(C) If the owner or keeper of an animal that has been deemed dangerous or potentially dangerous, is unwilling or unable to comply with the above regulations for keeping such animal, then the owner or keeper must have the animal humanely euthanized by an Veterinarian or the Hendricks County Animal Control/Shelter, after any required holding period. Any animal that has been designated dangerous, or potentially dangerous, may not be offered for adoption.

(D) Any dangerous animal shall be immediately confiscated by an Animal Control Officer if the:

(1) Animal is not maintained in a proper enclosure.

(2) Animal is outside of the proper enclosure and not under proper restraint. In addition, the owner may be cited for an ordinance violation.

(E) Once an animal has been deemed a dangerous, or potentially dangerous animal and attacks or bites a person or domestic animal, the owner may be cited. In addition, the dangerous animal shall be quarantined at the Hendricks County Animal Control/Shelter.

(F) When an animal running at large appears to be an immediate physical threat to the public or other animals, and it cannot be safely or humanely captured by the Animal Control Officers, an officer of the law may be called and requested to destroy the animal as a last resort.

Sec. 2.7.3 Every female dog, in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that said female dog cannot come into contact with another animal, except for breeding purposes, as the owner shall desire.

Sec. 2.7.4 No wild animal may be kept within the county limits, except under such conditions as shall be fixed by the Hendricks County Planning and Zoning, and the State of Indiana.

Sec. 2.7.5 Any at large animal described in the foregoing subsections of Rule 7 of this ordinance shall be impounded by the Hendricks County Animal Control/Shelter and may not be redeemed by its owner unless such redemption is authorized by a court having jurisdiction. This provision shall also apply to animals found to be in violation of Rule 8 of this ordinance. Any animal impounded for being a dangerous, or potentially dangerous animal may not be redeemed unless such redemption is authorized by a court having jurisdiction. The owner will be responsible for all fines and fees and proof of all vaccinations before the release of the animal.

RULE 8
(Rabies Control)

Chapter 2.8 Rabies Control:

Sec. 2.8.1 Any animal which bites a human being shall be promptly reported to the Hendricks County Animal Control/Shelter, and shall there upon be placed under strict confined observation, at the direction of the Hendricks County Animal Control/Shelter, for a period time designated by the Hendricks County Animal Control/Shelter, and shall not be released from strict confined observation, except by permission of the Hendricks County Animal Control/Shelter. **If the animal's rabies vaccination are current**, such strict confined observation may be on the premises of the owner, at the Hendricks County Animal Control/Shelter, (at the owner's option and expense), or in a Hendricks County veterinary hospital or boarding kennel of the owners choice, who is willing to and is equipped to provide the proper strict confined observation. In the case of stray animals, or in the case of animals whose ownership is unknown, **or if the owned animal is unvaccinated**, such strict confined observation shall at the owner's option and expense be at the Hendricks County Animal Control/Shelter or in a Hendricks County veterinary hospital or boarding kennel of the owner's choice. Animals that scratch will be place under strict confined observation. Such strict confined observation may be on the premises of the owner. The length of time will be ten days from time of bite, in a normal situation. During this time the animal cannot have any vaccinations in accordance with Indiana State Law. All dogs and cats at 3 months of age must have a current rabies vaccination; failure to do so will be an ordinance violation.

(A) Any animal that has bitten a human being, be it domestic or wild is considered a rabies suspect until proven otherwise.

(B) Any un-owned animal exhibiting signs of rabies shall be euthanized immediately, and the brain sent to the state laboratory. The most classic signs of rabies are; hydrophobia, extreme aggression, disorientation, foaming at the mouth, high fever, ataxia, or staggering. (No animal will show all the signs and some animals that have rabies will not show any of the signs.)

(1) Currently vaccinated animals can be placed under strict confined observation at the owners home if the owner has the facilities to handle a rabies suspect that complies with the rules of the Hendricks County Animal Control/Shelter. This decision shall be at the discretion of the Hendricks County Animal Control/Shelter as to if the owners home is sufficient. **If the owner has indicates by action, words, or deed signs of not willing to cooperate fully, the animal will be taken to the animal shelter for the remainder of the strict confined observation at the owner's expense.**

(C) Unvaccinated animals or animals otherwise suspected of having rabies are to be place under strict confined observation at the owner's expense, at the Hendricks County Animal Control/Shelter, in a veterinary clinic or a boarding kennel. These facilities must be willing to accept the responsibility of the suspect animal and be properly equipped for strict confined observation, providing it is within Hendricks County. The owner's home is not sufficient confinement for these rabies suspects. Some cases are judge case-by-case with all information taken into consideration. (i.e. impute from a veterinarian, age, sick, injured).

(1) At the owner's discretion, the animal may be euthanized and have the brain sent to the state laboratory for a quick diagnosis.

(D) Wild animals that have bitten shall be euthanized immediately. The head will be sent to the state laboratory.

(E) DOMESTIC ANIMAL VS DOMESTIC ANIMAL:

(1) (VACCINATED BITER) The biter will be placed under strict confined observation at owner's home for a period of time as shall be fixed by the Hendricks County Animal Control/Shelter. (Ten days from time of bite).

(2) (UNVACCINATED BITER) the biter will be placed under strict confined observation at the Hendricks County Animal Control/Shelter for a period of time (ten days from time of bite). Before release will be granted, proof of appointment and a prepaid rabies vaccination with a licensed veterinarian must be provided. Revaccination must be within 24 hours after release from shelter.

(3) (VACCINATED BITE VICTIM). When biter cannot be found, victim must be revaccinated immediately and placed under observation at owners home for 45 days from time of bite.

(4) (UNVACCINATED BITE VICTIM) When biter can not be found, the owner should have the animal euthanized immediately. If the owner is unwilling to have this done, the victim is placed under strict isolation for six months, and is to be vaccinated one month before release. Owner's home is sufficient if the owner has the proper facilities for the strict isolation. If not, the animal will be placed under strict isolation at the Hendricks County Animal Control/Shelter. The cost is to be the owner's responsibility, and is to be prepaid up front. For failure to prepay within three days from the start of strict isolation at the shelter, the animal can be euthanized.

(F) Some cases of animal Vs. animal will be evaluated on a case-by-case basis. This decision shall be made in conjunction with the Indiana State Board of Animal Health and the State Veterinarian.

(G) All animals placed under strict confined observation, strict isolation and/or quarantine must remain within Hendricks County for the duration of this period. The cost is the owner's responsibility. Some cases will be evaluated on a case-by-case basis and all information considered.

Sec. 2.8.2 The owner or keeper shall surrender, upon demand of the Hendricks County Animal Control/Shelter, any animal which has bitten a human, or is suspected of having been exposed to rabies, for supervised strict confined observation, strict isolation and or quarantine, with the expenses being borne by the owner.

(A) The animal may be reclaimed by the owner:

(1) At the completion of the observation period from time of bite.

(2) If the animal is determined to be free of rabies at time of the bite.

(3) Upon payment of fees to the Hendricks County Animal Control/Shelter.

(4) After proof is given to Animal Control of prepayment of a rabies vaccination and proof of appointment to have animal vaccinated by a licensed veterinarian within 24 hours after release from the shelter.

(B) Animals not reclaimed after the observation:

(1) If there is no contact from the animal's owner after release from observation, within three days, the animal becomes property of the Hendricks County Animal Control/Shelter and it will be euthanized.

(2) If the owner makes contact with the Hendricks County Animal Control/Shelter and does not know if they want the animal back, and leaves the animal, then a time of three days will be given if the owner does not come back to get the animal it becomes property of the Hendricks County Animal Control/Shelter. It will be euthanized.

Sec. 2.8.3 When an animal under observation and/or quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, or dies while under observation, the Hendricks County Animal Control/Shelter shall immediately send the head of such animal to the State Health Department for pathological examination. Hendricks County Animal Control/Shelter shall then notify the proper public health officer of reports of human contacts and the diagnosis of the suspected animal.

Sec. 2.8.4 When reports give a positive diagnosis of rabies, the Hendricks County Animal Control/Shelter shall recommend a countywide quarantine for a period of 45 days. Upon the invoking of such quarantine, no animal shall be taken into the streets, or permitted to be in the streets, during such quarantine period unless animal is under control on a leash, with a choke collar, and must be with the owner, who must be 18 years of age or older. During such quarantine, no animal shall be taken or shipped from the county, without written Permission of the Hendricks County Animal Control/Shelter. Such decision shall be made in conjunction with the Indiana State Board of Animal Health and the State Veterinarian.

Sec. 2.8.5 Any stray animal that has been bitten by an animal adjudged to be rabid, shall be destroyed immediately and tested by the State Rabies Lab.

(A) If an animal is found in violation of the strict confined observation, strict isolation and or quarantine guidelines, then the remainder of the strict observation, strict isolation and or quarantine will take place at the Hendricks County Animal Control/Shelter, at the owner's expense. Some cases will have to be prepaid within three days.

(B) Some cases of expired vaccinations will be evaluated on an case-by-case basis in conjunction with the Indiana State Board of Animal Health and the State Veterinarian .

Sec. 2.8.6 In the event of additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended for an additional six (6) months or such other period as the Hendricks County Animal Control/Shelter may deem necessary. Such decision shall be made in conjunction with the Indiana State Board of Animal Health and the State Veterinarian.

Sec. 2.8.7 The carcass of a dead animal exposed to rabies shall, upon demand, be surrendered to the Hendricks County Animal Control/Shelter.

Sec.2.8.8 The Hendricks County Animal Control/Shelter shall direct the disposition of any animal found to be infected with rabies, in conjunction with the Indiana State Board of Animal Health and the State Veterinarian.

Sec.2.8.9 Any person refusing to surrender to the Hendricks County Animal Control/Shelter any animal suspected of being rabid, or exposed to rabies, for strict confined observation, strict isolation, quarantine or destruction, may be deemed guilty of an ordinance violation.

RULE 9
(AUTHORITY)

Chapter 2.9 Authority reference bite cases:

Sec.2.9.1 The Hendricks County Animal Control/Shelter has been named the designee in the investigation and strict confined observation, strict isolation and quarantine procedures concerning rabies and animal bites in Hendricks County, for the Hendricks County Health Department.

RULE 10
(Reports of Bite Cases)

Chapter 2.10 Reports of Bite Cases:

Sec. 2.10.1 It shall be the duty of every physician, or other practitioner, to report to the Hendricks County Animal Control/Shelter as soon as possible, the names and addresses of persons treated for bites inflicted by animals that live in Hendricks County, together with such other information as will be helpful in rabies control. Hendricks County Animal Control/Shelter will respond to these bite cases at all times day or night. If the animal lives outside of Hendricks County, the report should go to the Indiana State Board of Animal Health, as soon as possible. Hendricks County Animal Control/Shelter is not responsible for these cases.

Rule 11
(Responsibilities of Veterinarians)

Chapter 2.11 Responsibilities of Veterinarians:

Sec. 2.11.1 It shall be the duty of every licensed veterinarian to report to the Hendricks County Animal Control/Shelter the diagnosis of any animal observed as a rabies suspect.

RULE 12
(Exemptions)

Chapter 2.12 Exemptions:

Sec. 2.12.1 Hospitals, clinics and other premises operated by a licensed veterinarian for the care and treatment of animals, are exempt from the provisions of this Ordinance, except where such duties are expressly stated.

RULE 13
(Neglected Animals)

Chapter 2.13 Investigation:

Sec. 2.13.1 For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, any agent of the Hendricks County Animal Control/Shelter is empowered to enter upon any property in which any animal is kept or harbored in a reportedly cruel or inhumane manner, and the officer may demand to examine such animal, and to take possession of such animal, when in the officer's opinion, it requires humane treatment.

Requirements for Humane Treatment.

- (A) Animals must be provided with adequate shelter, so animal is kept warm and dry and protected from the sun and all weather. Livestock does not always require shelter (see D).
- (B) Animals must be provided with adequate exercise space. The size of the animal will be taken into consideration.
- (C) Animals must be provided with clean water at all times, in a container that cannot be overturned by the animal. Animals must also be fed on a daily basis.
- (D) All investigations are judged on an individual basis, with all information taken into consideration.

RULE 14
(Interference)

Chapter 2.14 Interference:

Sec. 2.14.1 No person shall interfere with, hinder, or obstruct any agent of the Hendricks County Animal Control/Shelter, in the performance of any duty of such agent, or seek to release any animal in custody of the Hendricks County Animal Control/Shelter, or its agents, except as herein provided.

RULE 15
(Animal Shelter Records)

Chapter 2.15 Records:

Sec. 2.15.1 It shall be the duty of the Hendricks County Animal Control/Shelter to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals taken into its custody.

Sec. 2.15.2 It shall be the duty of the Hendricks County Animal Control/Shelter to keep, or cause to be kept, accurate and detailed records of all bite cases reported to it and its investigation of the same.

Sec. 2.15.3 It shall be the duty of the Hendricks County Animal Control/Shelter to keep, or cause to be kept, accurate and detailed records of all money belonging to Hendricks County, with said records open to inspection, at reasonable times, by such persons responsible for similar records of Hendricks County. The records shall be audited by the Indiana State Board of Accounts, annually, in the same manner as other records of the County are audited.

RULE 16
(Penalty)

Charter 2.16 Penalty :

Sec. 2. 16 .1 Any person violating any provision of this Ordinance shall be deemed guilty of an ordinance violation and punished by fine not exceeding Five Hundred Dollars (\$ 500.00), and if such violation continues, each day's violation shall be a separate offense.

This Ordinance adopted this 26th day of December 2000

John A. Daum
John A. Daum, President

Hursel C. Disney
Hursel C. Disney, Vice President

John D. Clampitt
John D. Clampitt, Member

ATTEST: Debbie Reeder
Debbie Reeder, Auditor

**ORDINANCE NUMBER 2000-3/
BOARD OF COMMISSIONERS OF HENDRICKS COUNTY
REGARDING NOISE**

WHEREAS, the making and creation of loud, unnecessary or unusual noises of various kinds and by various means within the boundaries of this county have so increased as to constitute a public nuisance;

WHEREAS, the making, creation or maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged in their time, place and use, affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the county;

WHEREAS, it is the desire and duty of the County Board of Commissioners to secure and promote the public health, comfort, convenience, safety, welfare and prosperity, and the peace and quiet of the inhabitants and visitors of this County;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, as follows:

**ARTICLE I
TITLE**

This Ordinance shall be titled "NOISE" and may be cited as such. Reference shall be Ordinance Number 2000-

**ARTICLE II
PURPOSE**

The purpose of this Ordinance is to prohibit unnecessary noises that are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of Hendricks County and to establish penalties for violations therefor.

**ARTICLE III
DEFINITIONS**

AS USED IN THIS ORDINANCE, UNLESS THE CONTEXT OTHERWISE REQUIRES.

- (01.) **Residential Zone:** Zones designated residential as established in the Zoning Ordinances of the County of Hendricks, State of Indiana.
- (02.) **Commercial Zone:** Zones designated as general business or commercial use as established in the Zoning Ordinances of the County of Hendricks, State of Indiana.
- (03.) **Industrial Zone:** Zones designated as industrial use as established in the Zoning Ordinances of the County of Hendricks, State of Indiana.
- (04.) **A-Weighted Sound Level:** The loudness of a sound measured through a filtering devise intended to simulate human

hearing. The level is designated dB(A) or dBA.

- (05.) **Decibel (dB):** A unit for measuring the sound pressure level of a sound.
- (06.) **Frequency:** An objective way to describe the pitch of a sound.
- (07.) **Hertz (Hz):** A unit for measuring the frequency of a sound (sometimes called "cycles per second").
- (08.) **Octave Bank:** A way to divide the entire frequency range of sound into sections for more accurate measurements.
- (09.) **Plainly Audible:** Any noise for which the information content is unambiguously communicated to the listener, including understandable spoken speech, comprehension of whether a voice is raised (agitated) or normal or comprehensible musical rhythms.
- (10.) **Light Motor Vehicle:** Any motorized vehicle with gross vehicular weight less than 8,000 pounds, including automobiles, vans, motorcycles, motor-driven cycles, motor scooters, dune buggies, snowmobiles, all-terrain vehicles, go-karts, minibikes, trail bikes and light trucks. (NOTE: Vehicles heavier than 8,000 pounds are currently regulated by the ICC. The regulations are pre-emptive. The regulations may be lifted in the near future. If they are, this ordinance will be amended to include an enforcement procedure for trucks that local governments can use.)
- (11.) **Modified Exhaust System:** Any exhaust system in which the original noise abatement devices have been removed, altered or replaced to produce more noise.
- (12.) **Sound Level Meter:** An instrument designed to measure sound pressure levels.
- (13.) **Sound Pressure Level:** An objective way to describe the loudness of a sound. Means 20 times the Logarithm (Base 10) of the ratio of the measured sound pressure to a reference pressure of 20 Micropascals of pressure level is expressed in Decibels (dB).

$$\text{SPL} = 20 \log_{10} \frac{\text{Sound Pressure A}}{\text{Sound Pressure B}}$$

Sound Pressure A - Measured Sound Pressure
Sound Pressure B - Measured Sound Pressure (20 Micropascals)

The octave-bank breakdowns in the dBA limits used in this Ordinance shall be:

A. For a Residential Zone: (55 dBA)

Octive-Band Center Frequency (Hz)	Maximun Boundary SPL (dB)
31.5	72
63	71
125	65
250	57
500	51
1000	45
2000	39
4000	34
8000	32

B. For a Commercial Zone: (64 dBA)

Octive-Band Center Frequency (Hz)	Maximum Boundary SPL (dB)
31.5	79
63	78
125	73
250	67
500	61
1000	55
2000	50
4000	46
8000	43

C. For a Industrial Zone: (66 dBA)

Octive-Band Center Frequency (Hz)	Maximum Boundary SPL (dB)
31.5	80
63	79
125	74
250	69
500	63
1000	57
2000	52
4000	48
8000	45

All terminology used in this Ordinance shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind.

Noise: Any unwanted sound.

NOW, THEREFORE, BE IT ENACTED BY THE COMMISSIONERS OF HENDRICKS COUNTY, STATE OF INDIANA, THAT THE FOLLOWING ACTS ARE TO BE DECLARED UNLAWFUL.

ARTICLE IV
UNNECESSARY NOISES VIOLATIONS

2000--: Except as otherwise provided in this section, it shall be a violation for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health and peace or safety of others within the County. Accordingly, the following acts, among others, are declared to be loud, disturbing and unnecessary noised and in violation of this section, but such enumeration shall not be deemed to be exclusive:

01.) **Horns and Signaling Devices:** The sounding of any horn or audible signaling device on any automobile, motorcycle or other vehicle with-in this the county, except as a danger warning: the creation by means of any such signaling device of any unreasonable loud or harsh sound: the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand, air or electrically; and the continued or repeated use of any such signaling device when traffic is for any reason held up, or in any parade, or in any group of vehicles.

02.) **Radios and Phonographs:** Playing, using or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, phonograph, calliope or other machine or device used for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto, except when a permit therefor for some special occasion is granted. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.

03.) **Yelling or Shouting:** Yelling, shouting, hooting, whistling, or singing, particularly between the hours of 10:00 p.m. & 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

04.) **Animal or Birds:** The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any person in the vicinity.

05.) **Exhausts:** The discharge into the open air of the exhaust of any steam engine, internal-combustion engine, or any other type of engine or power unit on a motorboat, motor vehicle, motorcycle or other vehicle or craft of any kind, except through a muffler or other device which will effectively reduce and prevent loud or explosive noises therefrom.

06.) **Defect in Vehicle or Load:** The use of any automobile, motorcycle or other kind of vehicles so out of repair, or so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.

07.) **Construction or Repairing of Buildings:** The erection, demolition, alteration or repairs of any buildings, streets or highways or the excavation therefor, other than between the hours of 5:00 a.m. and 11:00 p.m., except in the case of urgent necessity in the interest of public health and safety is prohibited. Exception; If the Counties Planning & Zoning should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, streets or highways or the excavation therefor, between the hours of 11:00 p.m. and 5:00 a.m., and that no loss or inconvenience would result to any party in interest, it may grant permission for such work to be done between the hours of 11:00 p.m. and 5:00 a.m., upon application being made at the time the permit for the work is issued or during the progress of the work.

08.) **Schools, Courts, Churches, Hospitals:** The creation of any excessive noise adjacent to any school, institution or learning, church or court while it is in use, or adjacent to any hospital which unreasonably interferes with the operation thereof or which disturbs or unduly annoys patients in the hospital; provided that the same has been declared and is a school, hospital or other such quiet zone.

09.) **Noisy or Riotous Persons:** Allowing noisy or riotous persons, or persons of disorderly character, to assemble in one's house causing unnecessary or unusual noise, or any noise which either annoys or disturbs the comfort, repose, health and peace or safety of others in the vicinity.

10.) **Discharge of Firearm:** Discharging of a firearm, (except on a legally recognized public firing range or firing range designed for law enforcement use or training), causing unnecessary noise which either annoys or disturbs the comfort, repose, health and peace or safety of others in the vicinity.

11.) **Hawkers and Peddlers:** The loud shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

ARTICLE V ENFORCEMENT

It shall be the duty of the HENDRICKS COUNTY SHERIFF'S DEPARTMENT to enforce this Ordinance. Any person violating any provision of this Ordinance shall be subject to fines and court costs as specified within this Ordinance.

Violators of this Ordinance shall be served a written notice of the violation (Complaint and Summons) either in person or by any other manner reasonably calculated to result in actual notice, including certified mail.

**ARTICLE VI
HEARINGS**

Any person receiving any such notice of violation as described herein may be granted a hearing on the matter before a court of competent jurisdiction, at which time a judgment in favor of the county or defendant will be determined.

**ARTICLE VII
PENALTIES AND SANCTIONS**

The doing of any prohibited act, or the omission of any required act governed by this Ordinance is declared to be a violation of the Ordinance. Any person found to have violated this Ordinance by a court of competent jurisdiction **shall be fined** in a monetary amount **no less than** ONE HUNDRED DOLLARS (\$100.00) and **no more than** ONE THOUSAND DOLLARS (\$1,000.00).

In addition to fines, the court **shall** assess court costs and **may** assess administrative cost expended by Hendricks County in taking enforcement action. The court **may** also award reasonable attorney fees from the violator for the necessity of prosecuting an action.

**ARTICLE VIII
SEVERABILITY**


Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any section, subsection, sentence, clause and phrase to be unconstitutional, void or ineffective for any cause shall not affect another section, subsection, sentence, clause or phrase.


**ARTICLE IX
APPLICATION AND EFFECTIVE DATE**

This Ordinance shall apply to the entirety of Hendricks County. This Ordinance shall be in full force and effect immediately upon and after its adoption and publication as required by law.

Passed and approved by the Board of County Commissioners of
Hendricks County, Indiana, this 29 day of Dec 2000.

BOARD OF COUNTY COMMISSIONERS
Hendricks County, Indiana


JOHN "BUD" DAUM (President)


HURSEL C. DISNEY (Vice-President)


JOHN D. CLAMPITT (Member)

ATTEST:

DEBBIE SIMPSON (Auditor)

ORDINANCE NO. 2000-006

AUTHORIZING THE TRANSFER OF REAL
PROPERTY TO THE TOWN OF DANVILLE

WHEREAS, Hendricks County ("County") owns 9.178 acres of real property described by the attached legal description ("Property") that is not needed by the County for its governmental purposes; and

WHEREAS, the Town of Danville ("Town") is in need of real property to serve as the site of a new fire station; and

WHEREAS, the Property is in a good location for building the Town's new fire station; and

WHEREAS, both the County and the Town have in the past contributed to projects of the other governmental entity; and

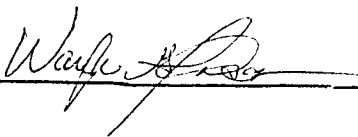
WHEREAS, the Town has agreed to cover the costs of transferring the Property to the Town, including expenses for a survey of the Property and for the preparation of documents needed for the transfer of ownership, and to pay the sewer and water utility connection fees for a new county facility that is expected to be constructed in the next two years.

NOW THEREFORE BE IT ORDAINED THAT the County Council of Hendricks County hereby authorizes and approves the transfer of the Property, described by the attached legal description, to the Town of Danville to serve as the site of a new fire station, subject to the following terms and conditions:

1. The Town will pay the costs of transferring the Property to the Town, including expenses for a survey of the Property and for the preparation of documents needed for the transfer of ownership; and
2. The Town will pay the sewer and water utility connection fees for a new county facility that is expected to be constructed in the next two years.

This Ordinance is passed and adopted on this 7th day of MARCH, 2000.

COUNTY COUNCIL OF HENDRICKS COUNTY



Paul H. Allen

James R. Hesson

H. Kent Palmer

Rich Ditz

Allen L. Ostermann

ATTEST:

Debbie Simpson
DEBBIE SIMPSON, HENDRICKS CO. AUDITOR

ParcelOneJob #851/01041035HendricksCounty

Kroger to Shady Lane 2 inchLineCenterTownship

GAS LINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That the Board of Commissioners of Hendricks County, Indiana, together hereinafter called the Grantor, of Hendricks County, Indiana, in consideration of the sum of One dollar (\$ 1.00) and other valuable considerations, receipt of which is hereby acknowledged, hereby grants and warrants to Indiana Gas Company, Inc., an Indiana corporation, its successors and assigns, together hereinafter called the Grantee, a perpetual easement and right, from time to time, to install, operate, maintain, replace, renew and remove a line or lines of pipe for the transportation and distribution of gas, together with all necessary and convenient valves, drips, service pipes, markers, lines and connections attached thereto, and to operate by means thereof a system for the distribution and transportation of gas in, upon, along and over the Grantor's land hereinafter described, and the right to remove, cut and trim trees, bushes, saplings and vegetation growing upon said land, and to otherwise maintain the easement area above and below ground free of obstruction, insofar as it may reasonably be necessary to do so in the construction, and safe and efficient operation of said gas transportation and distribution system, and also the right of access to and egress from the said land, which is situated in the:

Northeast Quarter of Section10....., Township15..... North, Range1..... West, County of Hendricks, State of Indiana, and consists of:

A strip of land over which an easement for ingress-egress and drainage purposes has been previously conveyed to Jerry W. Gates by a document recorded in Miscellaneous Record 129 at Pages 366 – 368, Hendricks County Recorder's Office, and described as follows:

Commencing at a stone in the center of the Rockville Free Gravel Road (now U.S.R. 36) as called for in a Warranty Deed recorded in the Office of the Recorder of Hendricks County in Deed Book 179, Page 456; thence South 59 ½ degrees East (deed) along the center of said Rockville Road 3.37 chains; thence South 00 degrees 31 minutes 03 seconds West to and along the West line of the property described in a Warranty Deed recorded in Deed Book 280, Page 429 in said Recorder's Office 404 feet (deed) to an iron pipe; thence South 89 degrees 28 minutes 57 seconds East perpendicular to the last course and along the South line of said property 150.26 feet to a pipe at the Southeast corner of said property; thence North 00 degrees 31 minutes 03 seconds East perpendicular to the last course and along the East line of said property 214.06 feet to a point on the right of way of U.S.R. 36 (Project No. F-076-2(1), fiscal year 1984); thence South 52 degrees 29 minutes 54 seconds East along said right of way 619.36 feet to a point located 150 feet right of Station 51+00 per plans for said Highway Project; thence South 58 degrees 31 minutes 20 seconds East along said right of way 57.46 feet to the Point of Beginning; thence continuing along said right of way, South 58 degrees 31 minutes 20 seconds East 142.54 feet to a point located 150 feet right of Station 53+00; thence along said right of way, South 01 degree 00 minutes 44 seconds West 98.62 feet to a point located 235 feet right of Station 53+50; thence along the prolongation of the last course, South 01 degree 00 minutes 44 seconds West 48 feet, more or less, to the water's edge of the west fork of White Lick Creek; thence Northwesterly along the meanderings of said water's edge 121 feet, more or less, to a point which bears South 02 degrees 00 minutes 00 seconds East from the beginning point; thence North 02 degrees 00 minutes 00 seconds West 180 feet, more or less, to the Point of Beginning.

The pipe and related facilities are to be placed in the said strip. Grantor covenants that Grantor will not materially change the grade of the easement area without prior authorization, in writing, from Grantee.

Said gas mains shall be installed at least30..... inches below the surface of the ground. Grantor may use the easement strip for purposes which are not inconsistent with the safe operation of Grantee's facilities (including Grantee's access thereto) and which will not interfere with the rights and privileges granted to Grantee by the Gas Line Easement.

Any damage to lawns, growing crops, fences or tile of the Grantor or of his tenants, heirs and assigns, caused by the Grantee in the original and future construction, maintenance, repair, renewal or removal of said pipe shall be promptly paid or otherwise restored by the Grantee, provided written notice thereof is given to the Grantee at its Indianapolis office located at 1630 North Meridian Street, Indianapolis, Indiana 46202-1496, or such place as the Grantee may designate, within thirty (30) days after the occurrence of such damage.

Grantee agrees to indemnify and hold harmless Grantor from and against any and all damages, claims, costs and expenses suffered, sustained or incurred solely during and as a result of Grantee's construction, installation and repair activity in the easement strip.

Grantor covenants and warrants that Grantor is the fee owner of the easement strip and has the right, title, and capacity to grant the Gas Line Easement herein conveyed.

In accordance with Indiana Code; Grantor(s) acquired said real property under **Warranty Deed** dated **October 3, 1882** and placed of record at Deed Record **58**, page **499** in the Office of the Recorder of **Hendricks County, Indiana**.

IN WITNESS WHEREOF, The Undersigned have set hereunto **their** hands and seal this

6th day of MARCH, A.D., 2000

The Board of Commissioners of Hendricks County, Indiana, by:

_____ (SEAL)	<u>John D. Clappitt</u> (SEAL)
(Printed)	<u>John D. CLAPPITT</u> (Printed)
(Title)	_____ (Title)
<u>Charles P. Orner</u> (SEAL)	_____ (SEAL)
<u>Hersel C. Disney</u> (Printed)	_____ (Printed)
(Title)	_____ (Title)

STATE OF INDIANA
COUNTY OF HENDRICKS

SS:

Personally appeared before me this day the Board of Commissioners of Hendricks County, Indiana,
by HURSEL C. DISNEY, JOHN D. CLAMPITT,
_____, and _____,
who acknowledged the execution of the above instrument to be their voluntary act and deed for and on behalf of
said Board.

Witness my hand and notarial seal, this 6TH day of MARCH, 2000.

Walter F. Reeder III
NOTARY PUBLIC

WALTER F. REEDER III
PRINTED NAME

My Commission expires 1/24/07 My County of Residence is HENDRICKS

This instrument prepared by the Grantee named herein by John W. Bauer.

CENTERLINE OF U. S. 36

EXISTING GAS
PIPELINE EASEMENT
M.R. 130. PG. 738
D.R. 320. PG. 610

SHOPPING CENTER PROPERTY

R/W

R/W

EXISTING INGRESS-EGRESS
AND DRAINAGE EASEMENT
M. R. 129. PG. 366
AND PROPOSED GAS
PIPELINE EASEMENT

HENDRICKS COUNTY
BOARD OF COMMISSIONERS
D.R. 58. PG. 499

R/W

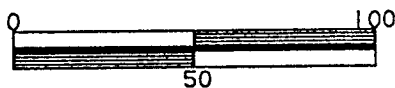
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R/W

SHADY LANE

R/W



PAGE NUMBER OF	SURVEY DESCRIPTION		VO NUMBER 851/01041035
	SKETCH OF PROPOSED NATURAL GAS PIPELINE EASEMENT		
	ON HENDRICKS COUNTY FARM PROPERTY LOCATED IN NE		
	1/4, SEC. 10 - T15N - R1W, DANVILLE, INDIANA		
	DATE: 2-16-00	DRAWN BY: JWB	CHECKED BY: JWB



INDIANA GAS COMPANY INC.
1630 N. MERIDIAN ST.
INDIANAPOLIS, IN 46202

REVISIONS	
DATE	
DATE	
DATE	
DATE	

TOWN OF DANVILLE

147 WEST MAIN STREET
DANVILLE, INDIANA 46122

TOWN COUNCIL

Richard Burrows
Dave Odle
Myron Anderson
Jeff Martin
Mike Neilson

March 1, 2000

Hendricks County Council
355 S. Washington St.
Danville, IN. 46122

CLERK-TREASURER

Pauletta Frye
745-4180

RE: Ordinance Authorizing the Transfer of Real Property to the Town of Danville

TOWN MANAGER

Gary Eakin
745-3001

Dear Council Members;

PLANNER

Laura Qualizza
745-3007

At the request of Hendricks County Commissioner Hursel Disney, the Town of Danville has drafted an ordinance for your consideration to transfer County owned property to the Town of Danville for the purpose of constructing a second fire station. This will provide the Town with (2) two stations to provide service to the citizens of Danville and Center Township.

PLAN COMMISSION

Loris Thompson
Richard Burrows
Elmer Cook
Glenn Ball
Gary Eakin
Myron Anderson
Mike Kunkler

The Town of Danville respectfully requests your approval of the proposed ordinance as the Fire Station is under construction at this time. The Town was unaware of the statutory provision requiring this ordinance.

BZA

Dick Lambert
Elmer Cook
Glenn Ball
Tom Swords
Kevin Tussey

Should you have any questions, I will be present at the public hearing.

Thank you for your kind consideration.

PARK BOARD

Neal Percy
Pam Eakin
Judy Martin
Jerry Weed
Allen Parsons

Respectfully,



Gary D. Eakin
Town Manager

SUPT'S.

Rp Roberts - PW
Brad Andrews - Park
James Russell - Water
Garry Edwards - Police
J.R. Roberts - Fire

GDE/ls

Cc: Town Council

**ORDINANCE FOR ESTABLISHING A
HENDRICKS COUNTY DEPARTMENT OF
PARKS AND RECREATION**

Ordinance No. 2000-00~~X~~7

**AN ORDINANCE CONCERNING PUBLIC PARKS AND RECREATION IN
HENDRICKS COUNTY, INDIANA, AS AUTHORIZED BY IND. CODE 36-10-3.**

SECTION I

Under the provisions of Ind. Code 36-10-3, there is hereby created a Hendricks County Department of Parks and Recreation.

SECTION II

A Hendricks County Park and Recreation Board (the "Board") shall be created composed of the following members:

1. Two (2) members appointed by the Judge of the Circuit Court.
2. One (1) member appointed by the County Commissioners
3. Two (2) members appointed by the County Council.
4. The County Extension Committee shall select one of the following Individuals to serve as an ex officio Board member: one of its Members, the County Extension Coordinator, or the County Extension Agent.
5. The Board of Supervisors of the Soil and Water Conservation District shall select an individual to serve as an ex officio Board member.

Board members appointed under subdivisions (1), (2), and (3) shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than one (1) of the two (2) members appointed under both subdivisions (1) and (3) shall be affiliated with the same political party.

Ex officio Board members appointed under subdivisions (4) and (5) shall have all the rights of regular Board members, appointed under subdivisions (1), (2), and (3), including the right to vote. A vacancy in an ex officio position shall be filled by the appointing authority.

No member of the County Council or County Commissioners may serve on the Board.

SECTION III

Upon the establishment of the Board, the terms of its members shall be as follows:

1. The appointments by the Circuit Court Judge shall be one (1) and three (3) year terms, respectively.
2. The appointment by the County Commissioners shall be for a two (2) year term.
3. The appointments by the County Council shall be for two (2) and four (4) year terms, respectively.

As a term expires, each new appointment shall be for a four (4) year term. All terms shall expire on the first Monday in January, but a member shall continue in office until his or her successor is appointed. The appointing authorities shall make initial appointments within ninety (90) days after the creation of the Board. If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term. If a vacancy on the Board occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.

SECTION IV

At its first regular meeting each year, the Board shall elect a President and Vice-President. The Vice President shall have the authority to act as the President of the Board during the absence or disability of the President. The Board shall select a Secretary from either within or without the membership of the Board.

SECTION V

The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers and duties listed in IC 36-10-3. Provided however, that the Board shall not issue bonds without prior approval of two-thirds of the Hendricks County Council for each bond issue.

SECTION VI

The Board shall prepare and submit an annual budget in the same manner as other executive departments of county government as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for park and recreation purposes.

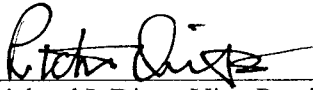
SECTION VII

All other ordinances, resolutions, or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed. The Hendricks County Council shall have the authority to amend this ordinance from time to time as the need may arise.

SECTION VIII


This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed by the County Council of
Hendricks County, Indiana,
This 7th day of March, 2000.

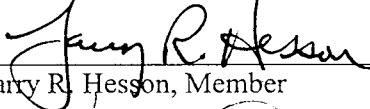


Richard I. Dietz, Vice-President

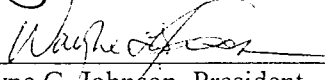
J. Kenneth Givan, Member



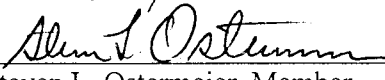
Paul T. Hardin, Member



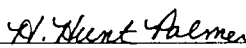
Larry R. Hesson, Member



Wayne G. Johnson, President

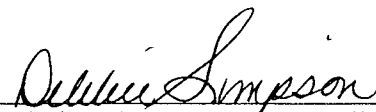


Steven L. Ostermeier, Member



H. Hunt Palmer, Member

Attest:



Cinda L. Foster, Deputy Auditor
Hendricks County

2000 Hendricks County Salary Ordinance

Whereas, the Hendricks County Council is the fiscal body that approves the salaries paid for positions held in Hendricks County; and

Whereas, enumerated below is the listed County appropriations and the approved salaries for 2000; and

Now therefore, be it ordained by the Hendricks County Council, Hendricks County, Indiana;

Section #1: That the Hendricks County Council hereby approves the listed appropriations based on 26 pays per year for the positions in Hendricks County, Indiana as shown on the attachments. In the event of a position being vacated, the line item is reduced to the starting wage for that position and any amount over that reverts to the general fund.

Section #2: In the event of overtime (hours worked in excess of 40 hours in a week) for non-exempt employees, the rate is calculated at time and one half of the employees' hourly wage. Overtime is in addition to the base wage and is paid from the overtime appropriation.

Section #3: Hendricks County employees, with a part time or temporary employment status (except those identified in section #4) will have a base wage of no less than the federal minimum wage per hour and no more than the base full time wage for their grade and position.

Section #4: Hendricks County employees with a part time or temporary status remitted through a township budget, will receive a base wage of no less than the federal minimum wage and no more than \$8.00 per hour.

Section #5: The 1999 base wage for the positions of elected officials, first deputies and department heads will be increased by 3% up to a maximum of \$1,177.

Section #6: Highway workers' base wage will be increased by 3% of the gross income as awarded discretionary increase based upon performance.

Section #7: Hendricks County employees' (other than those identified in sections #3, #4, #5 and #6) base wage will remain as appropriated unless awarded up to the maximum 6% discretionary increase based upon performance.

Section #8: All increases awarded through a departmental wage pool cannot exceed the allowance for each departmental wage pool appropriation.

The 2000 Hendricks County Salary Ordinance as approved on this 7 day of June, 2000 by:


Wayne G. Johnson, Council President


Richard I. Dietz, Council Vice President


John A. (Bud) Daum, Board of Commissioners President

Salary Ordinance
2000

Department	Employee	2000
Line Item	Name	Appropriation
Child Support		
01-084-112	Kenninger	\$ 34,243.00
01-084-113	Thompson	\$ 27,256.00
01-084-114	Archer	\$ 20,418.36
01-084-115	Gray	\$ 16,980.00
Clerk		
01-101-111	Dugan	\$ 40,427.00
01-101-112	Chilewski	\$ 30,109.00
01-101-113	Larmer	\$ 15,142.00
01-101-114	Kulka	\$ 17,035.00
01-101-115	Spence	\$ 23,187.00
01-101-116	Euliss	\$ 16,380.00
01-101-117	Mason	\$ 16,743.00
01-101-118	Miller	\$ 15,142.00
01-101-119	Lynch	\$ 16,202.00
01-101-120	Truran	\$ 16,514.00
01-101-121	Burge	\$ 17,035.00
01-101-122	Mundt	\$ 15,288.00
01-101-123	Hicks	\$ 18,655.00
01-101-124	Clark	\$ 17,035.00
01-101-125	Shields	\$ 16,525.00
01-101-127	Hoskins	\$ 15,861.00
01-101-128	Freeland	\$ 15,861.00
01-101-129	Link	\$ 19,595.00
01-101-130	Lamb	\$ 15,142.00
01-101-150	Part-time	\$ 5,000.00
Auditor		
01-102-111	Simpson	\$ 40,427.00
01-102-112	Foster	\$ 30,109.00
01-102-113	England	\$ 25,407.00
01-102-114	Miller	\$ 19,474.00
01-102-115	Hamilton	\$ 18,382.00
01-102-116	Cox	\$ 20,259.00
01-102-117	Black	\$ 18,382.00
01-102-118	Johnston	\$ 24,206.00
01-102-119	Snapp	\$ 20,333.00
01-102-120	Martin	\$ 15,434.00
01-102-121	Gillam	\$ 15,434.00
01-102-122	Tracy	\$ 15,434.00
01-102-150	Part-Time (1092hrs/yr)	\$ 9,000.00
Treasurer		
01-103-111	Nicely	\$ 40,427.00
01-103-112	Maccaroni	\$ 30,109.00

Salary Ordinance
2000

Department	Employee	2000
Line Item	Name	Appropriation
01-103-113	Duell	\$ 17,735.12
01-103-114	Cunningham	\$ 16,354.00
01-103-115	Short	\$ 20,215.52
01-103-116	Hopper	\$ 16,959.28
01-103-117	Roberts	\$ 19,722.56
01-103-150	Part-Time (2356hrs/yr)	\$ 18,848.16
Recorder		
01-104-111	Lynch	\$ 40,427.00
01-104-112	Hutte	\$ 30,109.00
01-104-113	Modglin	\$ 14,833.00
01-104-114	Boyd	\$ 17,654.40
01-104-115	Brewer	\$ 16,835.40
Sheriff		
01-105-111	Waddell	\$ 85,193.00
01-105-113	Coy	\$ 15,159.82
01-105-116	Gardener	\$ 21,205.36
01-105-117	Williams	\$ 21,205.36
01-105-118	Morefield	\$ 33,856.00
01-105-150	Part-time	\$ 5,083.52
01-105-153	Brown, Sharon	\$ 21,199.36
01-105-154	Stoddard	\$ 49,895.00
01-105-155	Neville	\$ 27,125.00
01-105-156	Yetter	\$ 32,395.00
01-105-157	Sadler	\$ 27,125.00
01-105-158	Hancock	\$ 44,895.00
01-105-159	Austin	\$ 43,395.00
01-105-160	Williams	\$ 43,395.00
01-105-161	Fine	\$ 44,895.00
01-105-162	Hovious	\$ 46,395.00
01-105-163	Parrot	\$ 39,395.00
01-105-164	Ellis	\$ 41,895.00
01-105-165	Dockery	\$ 41,895.00
01-105-166	Harris	\$ 39,395.00
01-105-167	Tom	\$ 41,895.00
01-105-168	Stoneking	\$ 41,895.00
01-105-169	Woodard	\$ 39,395.00
01-105-170	Powell	\$ 32,664.00
01-105-171	Burnell	\$ 39,395.00
01-105-172	Payue	\$ 32,894.00
01-105-173	Morgan	\$ 44,895.00
01-105-174	Miles	\$ 40,395.00
01-105-175	Wright	\$ 41,895.00
01-105-176	Call	\$ 46,825.00
01-105-177	Clark	\$ 40,395.00

Salary Ordinance
2000

Department	Employee	2000
Line Item	Name	Appropriation
01-105-178	Judy	\$ 39,395.00
01-105-179	McPeck	\$ 39,395.00
01-105-180	Parsons	\$ 40,395.00
01-105-181	Wagner	\$ 41,895.00
01-105-182	Woods	\$ 30,625.00
01-105-184	Burkert	\$ 19,599.74
01-105-185	Greene	\$ 15,596.82
01-105-186	Watson	\$ 17,243.00
01-105-187	Morphew	\$ 17,243.00
01-105-189	Fulwider	\$ 30,625.00
01-105-190	Gordon	\$ 30,395.00
01-105-191	King	\$ 36,125.00
01-105-192	Larsen	\$ 35,895.00
01-105-193	Hughes	\$ 30,395.00
Surveyor		
01-106-111	Gaston	\$ 43,000.00
01-106-112	Gaston (Drainage)	\$ 15,093.00
01-106-113	Wynn	\$ 34,230.00
01-106-114	Open (Surv Tech)	\$ 24,000.00
01-106-115	Scott	\$ 24,000.00
01-106-116	Rice	\$ 17,500.00
01-106-117	Barnett	\$ 25,750.00
01-106-118	Washburn	\$ 17,927.00
01-106-119	Hahn	\$ 24,000.00
Coroner		
01-107-111	Matthews	\$ 13,468.00
01-107-112	Drake	\$ 2,424.00
01-107-113	Open	\$ 1,147.00
01-107-115	Dpty Coroners	\$ 3,080.00
Prosecutor		
01-108-112	Johnson	\$ 45,000.00
01-108-113	Carroll	\$ 27,195.55
01-108-114	Sutfin	\$ 19,944.00
01-108-115	Chambers	\$ 20,114.00
01-108-116	Scott	\$ 39,151.00
01-108-117	Bryan	\$ 43,848.00
01-108-120	2 P/T Law Clerks	\$ 14,000.00
01-108-121	Boyle	\$ 18,570.00
01-108-122	Larson	\$ 8,150.00
01-108-124	Griffith	\$ 27,185.55
01-108-125	Northcott	\$ 7,000.00
Assessor		
01-109-111	Ford	\$ 40,428.00

Salary Ordinance
2000

Department	Employee	2000
Line Item	Name	Appropriation
01-109-112	Joy	\$ 30,109.00
01-109-113	Cassity	\$ 17,312.88
01-109-114	Kinstler	\$ 15,596.88
01-109-115	Jones	\$ 20,216.56
01-109-116	Smeaton	\$ 15,596.88
01-109-150	Part-Time (1092hrs/yr)	\$ 9,000.00
Townships		
01-110-111	Gulley	\$ 10,743.00
01-110-112	Owens	\$ 4,571.00
01-110-113	Parsons	\$ 5,571.00
01-111-111	Burke	\$ 13,827.00
01-111-112	Richardson	\$ 8,682.00
01-112-111	Parsons	\$ 13,060.00
01-112-112	Cooney	\$ 13,381.00
01-113-111	Hiser	\$ 12,734.00
01-113-112	Hiser	\$ 13,545.00
01-114-111	McClain	\$ 6,205.00
01-114-112	McClain	\$ 6,477.00
01-115-111	Stoutenhour	\$ 2,036.00
01-115-112	Deputy	\$ 1,276.00
01-116-111	Greene	\$ 2,036.00
01-116-112	Deputy	\$ 2,738.00
01-116-113	Deputy	\$ 1,393.00
01-117-111	Fruits	\$ 2,036.00
01-117-112	Deputy	\$ 2,640.00
01-118-111	Hall	\$ 3,728.00
01-118-112	Deputy	\$ 4,655.00
01-119-111	Cassity	\$ 5,395.00
01-119-112	Deputy	\$ 2,390.00
01-120-111	Marsh	\$ 3,753.00
01-120-112	Deputy	\$ 4,201.00
01-121-111	Rothenberger	\$ 2,021.00
01-121-112	Deputy	\$ 2,853.00
Extension		
01-130-115	Hardwick	\$ 23,497.76
01-130-116	Wilson	\$ 20,874.88
01-130-119	Part-Time (1560hrs/yr)	\$ 9,984.00
Planning & Bldg		
01-131-111	Reeder	\$ 58,193.01
01-131-112	Wilson	\$ 30,766.02
01-131-113	Alverson	\$ 27,849.08
01-131-114	Garcia	\$ 16,908.00
01-131-118	Barker	\$ 31,078.00
01-131-119	Smith	\$ 18,436.00

Salary Ordinance
2000

Department	Employee	2000
Line Item	Name	Appropriation
01-131-120	Riffey	\$ 24,294.66
01-131-121	Van Hook	\$ 20,000.00
01-131-122	Babbitt	\$ 18,091.00
01-131-124	Wagner	\$ 23,205.00
01-131-125	Richardson	\$ 24,497.20
01-131-126	Arnold	\$ 23,041.00
01-131-127	Campbell-Johnson	\$ 15,634.00
01-131-128	Rice	\$ 20,602.40
01-131-129	Open (Eng Insp)	\$ 19,019.00
01-131-130	Salsman	\$ 21,676.20
Drainage Board		
01-133-113	Clampitt	\$ 2,000.00
01-133-114	Disney	\$ 2,000.00
01-133-115	Daum	\$ 2,000.00
Veteran's Service		
01-134-111	Bane	\$ 12,659.00
Commissioners		
01-135-113	Wyeth	\$ 23,963.00
01-135-122	Clampitt	\$ 19,476.00
01-135-123	Disney	\$ 19,476.00
01-135-124	Daum	\$ 19,476.00
Custodial		
01-136-111	Cassity	\$ 30,106.00
01-136-112	McDaniel	\$ 15,209.72
01-136-113	Johnston	\$ 19,914.94
01-136-114	Sears	\$ 13,861.83
01-136-115	Faulkner	\$ 13,533.15
01-136-116	Rogers	\$ 13,910.31
01-136-150		\$ 7,500.00
Jail		
01-137-112	Burns	\$ 33,406.00
01-137-116	Pittman	\$ 15,783.84
01-137-117	Clevenger	\$ 24,661.48
01-137-118	Smith	\$ 15,596.82
01-137-121	Wagner	\$ 21,640.26
01-137-122	Judy	\$ 23,329.26
01-137-123	Brooks	\$ 14,285.38
01-137-125	Shaw	\$ 22,815.00
01-137-126	Kennedy	\$ 25,251.00
01-137-127	Marsh	\$ 25,251.00
01-137-154	Harrell	\$ 24,929.00
01-137-155	Newlin	\$ 23,767.00

Salary Ordinance
2000

Department	Employee	2000
Line Item	Name	Appropriation
01-137-156	Smith	\$ 23,847.00
01-137-157	Walker	\$ 30,977.00
01-137-158	McCaslin	\$ 30,977.00
01-137-159	Walbert	\$ 24,519.00
01-137-160	Wright	\$ 22,554.00
01-137-161	Payne	\$ 28,403.00
01-137-162	Brinker	\$ 38,407.00
01-137-163	Open (Jail Officer)	\$ 25,251.00
01-137-164	Wing	\$ 24,019.00
01-137-165	Endsley	\$ 25,251.00
01-137-166	Wanner	\$ 28,403.00
01-137-167	Mason	\$ 30,977.00
01-137-168	Burton	\$ 25,251.00
01-137-169	Deckard	\$ 28,403.00
01-137-170	Fischer	\$ 22,554.00
01-137-171	Grimes	\$ 25,251.00
01-137-172	Rooker	\$ 23,503.00
01-137-173	Martin	\$ 28,403.00
01-137-174	McKee	\$ 24,519.00
01-137-175	Lamb	\$ 24,847.00
01-137-176	Davis	\$ 18,886.18
01-137-178	Lewis	\$ 14,243.82
01-137-179	Litteral	\$ 15,389.76
01-137-180	Gaskill	\$ 27,221.75
01-137-181	Cline	\$ 25,621.40
01-137-182	Cope	\$ 21,640.26
01-137-183	Leonard	\$ 25,621.40
01-137-184	Leisch	\$ 27,221.75
01-137-185	Broyles	\$ 27,221.75
01-137-186	Adams	\$ 27,221.75
01-137-187	Anderson	\$ 21,640.26
01-137-188	Mason	\$ 22,634.00
01-137-189	Neville	\$ 28,403.00
01-137-190	Lukins	\$ 22,554.00
01-137-191	Johnson	\$ 25,251.00
01-137-192	Tyler	\$ 24,847.00
01-137-193	Price	\$ 22,554.00
County Home		
01-138-111	Nichols	\$ 32,653.00
01-138-116	Lester	\$ 16,733.12
01-138-117	Polster	\$ 15,096.90
01-138-119	Part-Time (910hrs/yr)	\$ 13,195.00
01-138-122	Birge	\$ 16,070.62
01-138-123	Manning	\$ 13,698.08
01-138-124	Guernsey	\$ 16,278.12
01-138-125	Berry	\$ 13,698.08
01-138-126	Miller	\$ 16,434.64

Salary Ordinance
2000

Department	Employee	2000
Line Item	Name	Appropriation
01-138-127	Busenbark	\$ 18,232.88
01-138-128	Open (Nurs Asst)	\$ 14,888.00
01-138-129	Rodriguez	\$ 17,811.36
01-138-150		\$ 5,500.00
Circuit Court		
01-139-113	Noyes	\$ 21,369.24
01-139-116	Swift	\$ 24,663.88
01-139-117	Woodall (P/T)	\$ 14,499.00
01-139-118	Myers	\$ 24,663.88
Superior Ct 1		
01-140-112	Bullard	\$ 25,359.00
01-140-113	Schneider	\$ 25,619.00
01-140-114	Gregory	\$ 21,475.00
01-140-115	Daugherty	\$ 18,326.00
Superior Ct 2		
01-141-112	Barrows	\$ 20,440.16
01-141-113	Cope	\$ 21,996.16
01-141-114	Hardin	\$ 21,996.16
01-141-115	Reynolds	\$ 20,439.16
01-141-116	Richardson	\$ 24,843.16
01-141-117	Worden	\$ 23,683.16
Emergency Management		
01-142-111	Drake	\$ 9,826.00
01-142-150	Part-time	\$ 1,000.00
Engineering		
01-143-111	Tarantino	\$ 58,178.00
01-143-112	Shambaugh	\$ 34,813.00
01-143-113	Belcher	\$ 27,579.00
01-143-114	Alverson	\$ 27,480.00
01-143-116	Vittetow	\$ 23,952.00
01-143-117	Stoutenour	\$ 32,761.00
01-143-118	Carroll	\$ 36,444.00
01-143-119	Weddle	\$ 26,125.00
01-143-120	Graves	\$ 20,933.00
01-143-121	Open (DPW Asst)	\$ 16,598.00
01-143-122	Servies	\$ 21,149.00
01-143-124	Coop	\$ 42,910.00
01-143-126	Haltom	\$ 27,119.00
01-143-150	Part-time	\$ 7,280.00
01-143-154	Hammersley	\$ 16,781.00
Animal Control		

Salary Ordinance
2000

Department	Employee	2000
Line Item	Name	Appropriation
01-144-111	Lewis	\$ 33,615.00
01-144-112	Daniels	\$ 17,362.60
01-144-113	Flaherty	\$ 20,583.80
01-144-114	D. Wagner	\$ 20,583.80
01-144-115	Tyler	\$ 18,382.40
01-144-116	Hendry	\$ 16,598.00
Weights & Measures		
01-145-111	Colbert	\$ 12,436.00
01-145-150	Secor	\$ 8,216.00
Voter Registration		
01-146-112	Fleece (p/t)	\$ 22,604.00
01-146-116	Herzog	\$ 17,927.00
01-146-122	Layman	\$ 16,090.00
01-146-123	Part-time	\$ 10,000.00
Computer Ctr		
01-147-110	Parsons	\$ 44,386.00
01-147-111	Banister	\$ 27,558.82
01-147-112	Potter	\$ 24,682.18
Human Resources		
01-148-111	McClain	\$ 36,050.00
01-148-112	Bolton	\$ 17,855.00
Council		
01-149-113	Dietz	\$ 5,959.00
01-149-114	Givan	\$ 5,959.00
01-149-115	Hesson	\$ 5,959.00
01-149-116	Hardin	\$ 5,959.00
01-149-117	Palmer	\$ 5,959.00
01-149-118	Ostermeier	\$ 5,959.00
01-149-119	Johnson	\$ 5,959.00
Circuit Ct Probation		
01-150-112	Schmalz	\$ 41,483.00
01-150-113	Stader	\$ 33,313.28
01-150-114	Sears	\$ 29,395.78
01-150-115	Green	\$ 31,289.75
01-150-120	Ward	\$ 23,640.78
01-150-150	Part-time	\$ 10,000.00
Superior Ct Probation		
01-151-111	McCormack	\$ 31,202.00
01-151-112	Boyer	\$ 25,541.00
01-151-113	Ivie	\$ 25,575.00

Salary Ordinance
2000

Department	Employee	2000
Line Item	Name	Appropriation
01-151-114	Miller	\$ 25,704.00
01-151-115	Lenahan	\$ 25,754.00
01-151-116	McCormack, C.	\$ 25,672.00
01-151-117	Puryear	\$ 25,732.00
01-151-118	Thomas	\$ 19,704.00
01-151-120	Stevenson	\$ 32,592.00
01-151-121	Nelson	\$ 32,592.00
Superior Ct Probation		
16-317-111	McCormack	\$ 20,670.00
16-317-112	Boyer	\$ 12,120.00
16-317-113	Ivie	\$ 11,320.00
16-317-114	Miller	\$ 10,720.00
16-317-115	Lenahan	\$ 6,920.00
16-317-116	McCormack, C.	\$ 9,920.00
16-317-117	Puryear	\$ 10,120.00
16-317-119	Pedigo	\$ 15,597.00
16-317-120	Stevenson	\$ 2,600.00
16-317-121	Nelson	\$ 3,200.00
16-317-150	Part-time	\$ 800.00
Home Detention		
16-322-111	Roberts	\$ 37,527.00
16-322-112	Deckard	\$ 15,597.00
Microfilm		
01-152-112	Thomas	\$ 21,161.00
01-152-113	Open (Clerk)	\$ 15,447.00
01-152-114	Mynatt	\$ 16,204.00
Superior Ct III		
01-153-112	Fleece	\$ 22,410.96
01-153-113	Holsclaw	\$ 24,359.92
01-153-114	Pugh	\$ 25,079.60
01-153-115	Simison	\$ 20,101.12
01-153-116	Dean	\$ 21,351.20
01-153-118	Part-time	\$ 5,400.00
Soil & Water		
01-155-111	Raisor	\$ 24,318.00
01-155-112	Mapes	\$ 10,000.00
Highway		
02-201-111	Lawson	\$ 40,167.00
02-201-112	Sparks	\$ 35,228.00
02-201-113	Fonderhide	\$ 26,773.00
02-201-115	Chasteen	\$ 5,896.00

Salary Ordinance
2000

Department	Employee	2000
Line Item	Name	Appropriation
02-201-119	Part-time	\$ 6,200.00
02-201-121	Appleby	\$ 27,061.00
02-201-122	Ellison	\$ 26,416.00
02-201-123	Messick	\$ 24,875.00
02-201-124	Open (Hwy Wkr)	\$ 27,061.00
02-201-125	Open (Hwy Wkr)	\$ 21,611.00
02-201-126	Riddle	\$ 27,061.00
02-201-127	Price	\$ 26,436.00
02-201-128	Garland	\$ 27,664.00
02-201-129	Havens	\$ 27,664.00
02-201-130	Guernsy	\$ 26,124.00
02-201-131	Leathers	\$ 27,061.00
02-201-132	Lewis	\$ 27,061.00
02-201-133	Open (Hwy Wkr)	\$ 27,061.00
02-201-134	Cassity	\$ 25,188.00
02-201-135	Mason	\$ 27,061.00
02-201-136	Morgan	\$ 27,664.00
02-201-137	Money	\$ 24,564.00
02-201-138	Whittinghill	\$ 25,500.00
02-201-139	Layman	\$ 24,876.00
02-201-140	Garland	\$ 26,416.00
02-201-141	Rhoden	\$ 27,061.00
02-201-142	Shannon	\$ 25,500.00
02-201-143	Part-time	\$ 6,200.00
02-201-144	Part-time	\$ 6,200.00
02-201-145	Tinnell	\$ 27,061.00
02-201-146	Part-time	\$ 6,200.00
02-201-147	Summer help	\$ 6,200.00
02-201-148	Wright	\$ 27,061.00
02-201-149	Open (Hwy Wkr)	\$ 25,168.00
02-201-150	Open (Hwy Wkr)	\$ 25,792.00
02-201-151	Pickett	\$ 25,500.00
02-201-154	Pearcy	\$ 25,188.00
02-201-155	Part-time	\$ 6,200.00
02-201-156	Part-time	\$ 6,200.00
02-201-157	Swanson	\$ 27,061.00
02-201-158	Part-time	\$ 6,200.00
02-201-159	Part-time	\$ 6,200.00
Bridge		
25-203-112	Donaldson	\$ 27,061.00
25-203-113	Johnson	\$ 27,061.00
25-203-115	Open	\$ 27,061.00
25-203-116	Ross	\$ 25,812.00
25-203-117	Maxwell	\$ 36,959.52

Salary Ordinance
2000

Department	Employee	2000
Line Item	Name	Appropriation
Health Department		
05-213-110	Hadley	\$ 26,068.00
05-213-113	Selch	\$ 21,505.12
05-213-114	Kluesener	\$ 29,993.60
05-213-115	Hibner	\$ 46,493.00
05-213-116	Grindstaff	\$ 45,431.00
05-213-117	Morphew	\$ 21,505.12
05-213-118	Arnold	\$ 17,494.88
05-213-119	Fancher	\$ 15,596.88
05-213-121	Haan	\$ 26,906.62
05-213-122	Open (Env Hlth)	\$ 28,056.08
05-213-123	Wolfe	\$ 25,118.00
05-213-124	Smith	\$ 30,650.88
05-213-125	Click	\$ 28,192.32
05-213-127	Jamison	\$ 30,650.88
05-213-128	Cheek	\$ 25,871.04
05-213-150	Part-time	\$ 4,620.00
Health Department		
06-504-111	Loane	\$ 25,871.00
Healthy Families		
06-513-111	King	\$ 25,116.00
06-513-112	Open (FSW)	\$ 21,320.00
06-513-113	Foster	\$ 21,320.00
06-513-114	Hubbard	\$ 21,320.00
06-513-150	Part-time	\$ 3,200.00
Urban Resources		
06-653-111	Gibbs	\$ 15,000.00
Reassessment		
09-505-111	Watkins	\$ 37,159.20
09-505-112	Nesbitt	\$ 16,981.12
09-505-113	Owens	\$ 18,133.44
09-505-114	Brown	\$ 16,851.12
09-505-150	Allen	\$ 16,981.12
*09-505-117	Smalz	\$ 15,142.40
*09-505-117	Mayhew	\$ 15,142.40
* This line item is shared.		
Victims Assistance		
14-514-111	Larrison	\$ 17,650.00
14-514-112	Tyler	\$ 19,740.00
Victims Assistance		
14-521-111	Tyler	\$ 19,199.00

Salary Ordinance
2000

Department	Employee	2000
Line Item	Name	Appropriation
14-521-112		\$ 20,925.00
Victims Assistance		
14-522-111	Northcott	\$ 45,000.00
Circuit Court Probation		
16-319-111	Schmalz	\$ 2,990.00
16-319-150	Lees	\$ 10,000.00
E911		
17-516-111	Camden	\$ 22,095.00
17-516-112	Bell	\$ 23,202.60
17-516-113	Thompson	\$ 20,587.00

ORDINANCE NO. 2000-16

AN ORDINANCE OF THE HENDRICKS COUNTY COUNCIL
AUTHORIZING THE COUNTY TO ACCEPT A LOAN FROM THE
ENVIRONMENTAL REMEDIATION REVOLVING LOAN FUND
ADMINISTERED BY THE INDIANA DEVELOPMENT FINANCE
AUTHORITY AND TO LOAN THE PROCEEDS THEREFORE TO
BDG, LLC, FOR THE PURPOSE OF REMEDIATING THE LANDFILLS
AT THE FORMER HUFFORD PROPERTY WHICH BDG INTENDS TO
DEVELOP AS A TND (smart growth community)

WHEREAS, the State of Indiana has established an Environmental
Loan Program ("ERLP") through I.C. 13-19-5 as amended (the "Authority
Act"), for the purpose of providing funding for the assessment and
remediation of "brownfields sites" in Indiana communities which sites
contain environmental contamination; and

WHEREAS, the ERLP contemplates "pass through" loans from the
State of Indiana to private entities through local government entities such as
Hendricks County; and

WHEREAS, Hendricks County Commissioners adopted a Resolution
authorizing the County to apply for a loan from the Environmental
Remediation Revolving Loan Fund administered by the Indiana
Development Finance Authority and to loan the proceeds thereof to BDG,
LLC for the purpose of remediating the environmental contamination at the
former Hufford Property; and

WHEREAS, BDG, LLC has acquired a "brownfields site" in
Hendricks County commonly known as Former Hufford Property, consisting
of 240 acres at the corner of SR 267 and CR 350, which site is in part a
former Landfill and which site is in need of environmental assessment and
remediation; and

WHEREAS, BDG, LLC has requested the County to obtain a loan not
to exceed Seven Hundred and Sixty Seven Thousand Dollars (\$767,000)
from the Indiana Development Finance Authority ("IDFA") pursuant to the
ERLP for the purpose of re-lending those funds to BDG, LLC (the
"Authority Loan"); and

ORDINANCE NO. 2000-10?

CF - please
ASSIGN
WHEN
GREG ROMAN
BRINGS IN CORRECTED
COPY!
10-00

AN ORDINANCE OF THE HENDRICKS COUNTY COUNCIL
AUTHORIZING THE COUNTY TO ACCEPT A LOAN FROM THE
ENVIRONMENTAL REMEDIATION REVOLVING LOAN FUND
ADMINISTERED BY THE INDIANA DEVELOPMENT FINANCE
AUTHORITY AND TO LOAN THE PROCEEDS THEREFORE TO
BDG, LLC, FOR THE PURPOSE OF REMEDIATING THE LANDFILLS
AT THE FORMER HUFFORD PROPERTY WHICH BDG INTENDS TO
DEVELOP AS A TND (smart growth community)

WHEREAS, the State of Indiana has established an Environmental
Loan Program ("ERLP") through I.C. 13-19-5 as amended (the "Authority
Act"), for the purpose of providing funding for the assessment and
remediation of "brownfields sites" in Indiana communities which sites
contain environmental contamination; and

LARRY
Found
another
"Typo" but
chose not
to share
it with
me!!

WHEREAS, the ERLP contemplates "pass through" loans from the
State of Indiana to private entities through local government entities such as
Hendricks County; and

WHEREAS, Hendricks County Commissioners adopted a Resolution
authorizing the County to apply for a loan from the Environmental
Remediation Revolving Loan Fund administered by the Indiana
Development Finance Authority and to loan the proceeds thereof to BDG,
LLC for the purpose of remediating the environmental contamination at the
former Hufford Property; and

WHEREAS, BDG, LLC has acquired a "brownfields site" in
Hendricks County commonly know as Former Hufford Property, consisting
of 240 acres at the corner of SR 267 and CR 350, which site is in part a
former Landfill and which site is in need of environmental assessment and
remediation; and

WHEREAS, BDG, LLC has requested the County to obtain a loan not
to exceed Seven Hundred and Sixty Seven Thousand Dollars (\$767,000)
from the Indiana Development Finance Authority ("IDFA") pursuant to the
ERLP for the purpose of re-lending those funds to BDG, LLC (the
"Authority Loan"); and

WHEREAS, the funds will be used by BDG, LLC for the purpose of funding the remediation of the Property; and

WHEREAS, the Authority Loan may consist of a nonforgivable loan (the "Authority Nonforgivable Loan") in an amount not less than eighty percent (80%) of the principal amount of the Authority Loan and a forgivable loan (the "Authority Forgivable Loan") in an amount not more than twenty percent (20%) of the principal amount of the Authority Loan; and

WHEREAS, the Authority Forgivable Loan will be forgiven if the County achieves certain economic development goals in accordance with those goals set forth at *EXHIBIT A*; and

WHEREAS, it will be beneficial to the health, safety and general welfare of the County and its citizens if the environmental contamination of the Property is remediated; and

WHEREAS, the ERLP and the IDFA require that the governmental entity to adopt an ordinance confirming the ultimate source of repayment of the ERLP loan by the County to IDFA; and

WHEREAS, BDG, LLC has agreed to secure a letter of credit on the loan in the full amount of the ERLP loan which will run in favor of Hendricks County; and

WHEREAS, the IDFA further requires assurance of the obligations of the governmental entity to repay the ERLP loan from the entity's own funds in the unlikely event that the primary source of repayment (being backed by the letter of credit) should fail.

NOW, THEREFORE, BE IT ORDAINED BY HENDRICKS COUNTY, that the following ordinance be adopted:

1. The County hereby finds and determines that BDG, LLC is the owner of the former Hufford Property located at the corner of SR 267 and CR 350 in Hendricks County, Indiana (the "Project") and that the Property is in need of environmental assessment and remediation.
2. The County has requested the State of Indiana, through the Environmental Remediation Loan Program administered by the IDFA, to lend the County, the sum not to exceed Seven Hundred and Sixty Seven Thousand Dollars (\$767,000), and the County hereby ratifies and approves the Authority Loan. The Loan will be a partially forgivable loan and up to twenty percent (20%) of the Seven Hundred and Sixty Seven Thousand Dollars (\$767,000) may be forgiven subject to the Borrower attaining the economic development goals in *Exhibit A*.
3. The County hereby authorizes and approves the loan of the proceeds of the Authority Loan to BDG, LLC on the condition that the money be used for the environmental remediation of the Property and on the further condition that BDG, LLC provide the County with a full letter of credit in the amount of Seven Hundred and Sixty Seven Thousand Dollars (\$767,000.) and the principles of BDG, LLC agree to personally guarantee the Letter of Credit as further security for the Loan in the event that BDG, LLC does not repay the Loan.
4. In the unlikely event that the primary source of repayment (being the promise of BDG, LLC, backed by the Letter of Credit and the personal guarantees) are unable to repay the loan, the County hereby authorizes and approves the repayment of the loan to the IDFA with funds from the County general funds and or EDIT funds as may be necessary or appropriate.

5. The County hereby authorizes the President of the Council or his designee to execute such documents as may be necessary to carry out the purpose of this Ordinance, including without limitation, a Loan, Servicing and Disbursement Agreement between the County and IDFA, a Promissory Note in favor of IDFA and/or such other documents as shall constitute the financial assistance agreement under IC 13-19-5-9, and a Loan Agreement and related documents between the County and BDG, LLC.
6. This Ordinance shall become immediately effective upon its adoption by the Council, and enrollment in the Book of Ordinances. Any ordinance in conflict with this Ordinance is hereby repealed.

The foregoing Ordinance was passed and adopted by Hendricks County at a regular meeting held on AUGUST 10, 2000.

COUNCIL:

W. H. H. H.
Richard H. H.
Steven L. O. H.
James R. H.
Paul H.
Phyllis D. Palmer

ATTEST:

Debbie Simpson
AUDITOR

EXHIBIT A
PROJECT ECONOMIC DEVELOPMENT GOAL
AND SCHEDULE
Former Hufford Property
Hendricks County, Indiana

Pursuant to requirement in IC 13-19-5-15 and in the Brownfields Low Interest Loan Guidelines, as administered by the Indiana Development Finance Authority, an "economic goal and schedule" must be created for part of a brownfield loan to be forgiven. The Hendricks County Council identifies the following activities as appropriate and attainable goals, whereby following their achievement, up to 20% of the loan will be forgiven. The project goals contemplate full or partial participation by Hendricks County and BDG, LLC as appropriate.

Hendrick's County Council identifies the economic development goals to be achieved over the next three (3) years from the date of closing on the Loan:

- Completion of landfill closure activities at the Former Warrick Landfill, pursuant to the IDEM permit issued August 10, 2000. Evidence of this completion is the issuance and IDEM approval of the "closure certification" under that permit.
- Facilitation of the extension of Northfield Drive by doing the following things:
 - work with IDEM, the County and the Town of Brownsburg and INDOT to create the final plan for the extension of Northfield Drive through the property taking into consideration the final environmental remedy at the Site; and
 - conduct the legal survey to create the right of way to extend the road through the property in accordance with that plan.
 - include as part of that plan the creation of a major intersection that fosters commercial and retail development at the junction of the extended Northfield Drive and SR 267.
- Construct or have executed enforceable Construction commitments for \$ 500,000. of construction costs for commercial and/or retail space on the site.

The County generally considers the extension of Northfield Drive, and development of commercial/retail space a desirable economic objective for the following reasons:

- The extension of Northfield Drive will provide an alternate route for industrial traffic in the Brownsburg area. Northfield Drive will provide access from SR 267 (south of Brownsburg) to I-74 (north of Brownsburg) without traveling through downtown Brownsburg. Not only will this improve the flow of industrial traffic, it will also increase safety.
- The extension of Northfield Drive will also provide a right-of-way for water and sewer service in the area. Water and sewer service are vital for new industrial/commercial development.

Irwin Union Bank
10080 East U.S. Hwy. 36
Shiloh Office Park, Suite C
Avon, IN 46123
317.273.1680
317.273.1689 Fax
www.irwinunion.com

August 10, 2000

Mr. Greg Steurewald
106 North Washington Street
Danville, IN 46122



RE: BDG, LLC

Dear Greg:

Mr. David Valinetz, from BDG, LLC, requested that we contact you regarding their efforts in obtaining a Brownfield Revolving Low-Interest Loan.

As previously stated in our letter dated June 9, 2000, I have worked with BDG, LLC and personally know the owners/members of this entity. The members bring to the table a wide variety of business experience and a successful track record in real estate investing.

In addition to their experience, they provide a good deal of financial strength and liquidity.

Mr. Valinetz and I have had discussions about Irwin Union Bank issuing a letter of credit as part of the application process for the Brownfield Revolving Low Interest Loan. Provided they meet our requirements, we would approve their request for the Letter of Credit.

If you have any questions, please call me at 317-273-1680.

Very Truly Yours,

Irwin Union Bank

Mark C. Kugar
Market President
Hendricks County

CC: David Valinetz

HENDRICKS COUNTY AUDITOR

• HENDRICKS COUNTY GOVERNMENT CENTER •

355 South Washington Street #202

Danville, Indiana 46122

317/745-9300 • FAX 317/745-9389

Debbie Simpson, Auditor

Cinda Foster, Deputy

FACSIMILE COVER SHEET

DATE: 8/17/00

FROM: Cinda

TO: Calvin Kelly

COMPANY: IDFA

PHONE #: 233-4332 FAX # 232-6786

WE ARE TRANSMITTING 8 PAGES, INCLUDING THIS COVER SHEET.

REMARKS: _____

